

Combined Federal and State Home Care Bill of Rights for Assisted Living Clients

PER MINNESOTA STATUTES, SECTIONS 144A.44 AND 144A.441
THESE RIGHTS PERTAIN TO CONSUMERS RECEIVING HOME CARE SERVICES
FROM 1) MEDICARE CERTIFIED AGENCIES, AND 2) LICENSED HOME CARE
PROVIDERS WHO PROVIDE CARE FOR ASSISTED LIVING CLIENTS AS DEFINED BY
144G .

The language in bold print represents additional consumer rights, under federal law, for clients of Medicare certified agencies only.

144A.44 Home Care Bill of Rights.

Subdivision 1. Statement of rights. A person who receives home care services has these rights:

1. The right to receive written information about rights in advance of receiving care or during the initial evaluation visit before the initiation of treatment, including what to do if rights are violated.
2. The right to receive care and services according to a suitable and up-to-date plan, and subject to accepted medical or nursing standards, to take an active part in creating and changing the plan and evaluating care and services. **The provider must advise the recipient in advance of the right to participate in planning the care or treatment.**
3. The right to be told in advance of receiving care about the services that will be provided, the disciplines that will furnish care, the frequency of visits proposed to be furnished, other choices that are available, and the consequences of these choices, including the consequences of refusing these services.
4. The right to be told in advance, of any changes in the plan of care and to take an active part in any changes; **and the planning before any change is made.**
5. The right to refuse services or treatment.
6. The right to know, in advance, any limits to the services available from a provider, and the provider's grounds for a termination of services.
7. The right to know, **and to be advised, both orally and in writing**, in advance of receiving care whether the services are covered by health insurance, medical assistance, or other health programs, the charges for services that will not be covered by Medicare, and the charges that the individual may have to pay. **The provider must advise the recipient of home care services, both orally and in writing, of any changes in such coverage and the recipient's liability for charges as soon as possible, but no later than 30 calendar days after the provider becomes aware of the change.**
8. The right to know what the charges are for services, no matter who will be paying the bill.

9. The right to know that there may be other services available in the community, including other home care services and providers, and to know where to go for information about these services.
10. The right to choose freely among available providers and to change providers after services have begun, within limits of health insurance, medical assistance, or other health programs.
11. The right to have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information.
12. The right to be allowed access to records and written information from records in accordance with section 144.335.
13. The right to be served by people who are properly trained and competent to perform their duties.
14. The right to be treated with courtesy and respect, and to have the patient's property treated with respect.
15. The right to be free from physical and verbal abuse.
16. the right to reasonable, advance notice of changes in services or charges, including at least 30 day's advance notice of the termination of a service by a provider, except in cases where:
 - (i) the recipient of services engages in conduct that alters the conditions of employment as specified in the employment contract between the home care provider and the individual providing home care services, or creates an abusive or unsafe work environment for the individual providing home care services; or
 - (ii) an emergency for the informal caregiver or a significant change in the recipient's condition has resulted in service needs that exceed the current service provider agreement and that cannot be safely met by the home care provider; or
 - (iii) the provider has not received payment for services, for which at least ten days' advance notice of the termination of a service shall be provided.
17. The right to a coordinated transfer when there will be a change in the provider of services.
18. The right to voice grievances regarding treatment or care that is, or fails to be, furnished, or regarding the lack of courtesy or respect to the patient or the patient's property.
19. The right to know how to contact an individual associated with the provider who is responsible for handling problems and to have the provider investigate and attempt to resolve the grievance or complaint. **The provider shall document in writing all complaints, as well as document, in writing, any resolution of the complaint against anyone furnishing services on behalf of the provider.**
20. The right to know the name and address of the state or county agency to contact for additional information or assistance.
21. The right to assert these rights personally, or have them asserted by the patient's family or guardian when the patient has been judged incompetent, without retaliation.

A home care provider may not require a person to surrender these rights as a condition of receiving services. A guardian or conservator or, when there is not a guardian or conservator, a designated person may seek to enforce these rights. **A provider must protect and promote these rights.**

IF YOU HAVE A COMPLAINT ABOUT THE AGENCY OR PERSON PROVIDING YOU HOME CARE SERVICES, YOU MAY CALL, WRITE, OR VISIT THE OFFICE OF HEALTH FACILITY COMPLAINTS, MINNESOTA DEPARTMENT OF HEALTH. YOU MAY ALSO CONTACT THE OMBUDSMAN FOR LONG-TERM CARE.

Office of Health Facility Complaints

(651) 201-4201
1-800- 369-7994
Fax: (651) 281-9796

Mailing Address

Minnesota Department of Health
Office of Health Facility Complaints
85 East Seventh Place, Suite 300
P.O. Box 64970
St. Paul, Minnesota 55164-0970

Ombudsman for Long-Term Care

(651) 431-2555
1-800-657-3591
Fax: (651) 431-7452

Mailing Address

Home Care Ombudsman
Ombudsman for Long-Term Care
PO Box 64971
St. Paul, MN 55164-0971

Licensee Name:

Telephone Number:

Address:

Name/Title of Person to Whom Problems or Complaints May be Directed:

For informational purposes only and is not required in the Home Care Bill of Rights text:

MN Statutes, section 144A.44 Subd. 2. **Interpretation and enforcement of rights.**

These rights are established for the benefit of persons who receive home care services. "Home care services" means home care services as defined in section [144A.43](#), subdivision 3. A home care provider may not require a person to surrender these rights as a condition of receiving services. A guardian or conservator or, when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist relative to persons receiving home care services, persons providing home care services, or providers licensed under Laws 1987, chapter 378. A copy of these rights must be provided to an individual at the time home care services are initiated. The copy shall also contain the address and phone number of the Office of Health Facility Complaints and the Office of the Ombudsman for Long Term Care and a brief statement describing how to file a complaint with these offices. Information about how to contact the Office of the Ombudsman for Long-Term Care shall be included in notices of change in client fees and in notices where home care providers initiate transfer or discontinuation of services.

MN Statutes, section 144A.442 **Termination of home care services for assisted living clients.**

If an arranged home care provider, as defined in section 144D.01, subdivision 2a, who is not also Medicare certified terminates a service agreement or service plan with an assisted living client, as defined in section 144G.01, subdivision 3, the home care provider shall provide the assisted living client and the legal or designated representatives of the client, if any, with a written notice of termination which includes the following information:

- (1) the effective date of termination;
- (2) the reason for termination;
- (3) without extending the termination notice period, an affirmative offer to meet with the assisted living client or client representatives within no more than five business days of the date of the termination notice to discuss the termination;
- (4) contact information for a reasonable number of other home care providers in the geographic area of the assisted living client, as required by Minnesota Rules, part 4668.0050;
- (5) a statement that the provider will participate in a coordinated transfer of the care of the client to another provider or caregiver, as required by section 144A.44, subdivision 1, clause (17);
- (6) the name and contact information of a representative of the home care provider with whom the client may discuss the notice of termination;
- (7) a copy of the home care bill of rights; and
- (8) a statement that the notice of termination of home care services by the home care provider does not constitute notice of termination of the housing with services contract with a housing with services establishment.