

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.

Statement of Rights

A person who receives home care services has these rights:

1. The right to receive written information about rights before receiving services, 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 health care, medical or nursing standards, to take an active part in developing, modifying, and evaluating the plan 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 before receiving services the type and disciplines of staff who will be providing the services, the frequency of visits proposed to be furnished, other choices that

are available for addressing home care needs, and the potential consequences of refusing these services.

4. The right to be told in advance of any recommended changes by the provider in the service plan and to take an active part in any decisions about changes to the service plan; **and the planning before any change is made.**

5. The right to refuse services or treatment.

6. The right to know, before receiving services or during the initial visit, any limits to the services available from a home care provider.

7. The right to be told, **and to be advised, both orally and in writing**, before services are initiated what the provider charges for the services; to what extent payment may be expected from health insurance, public programs, or other sources, if known; and what charges the client may be responsible for paying. **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 that there may be other services available in the community, including other home care services and providers, and to know where to find information about these services.

9. The right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, long-term care insurance, medical assistance, or other health programs.

10. 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.
11. The right to access the client's own records and written information from those records in accordance with sections 144.291 to 144.298.
12. The right to be served by people who are properly trained and competent to perform their duties.
13. The right to be treated with courtesy and respect, and to have the client's property treated with respect.
14. The right to be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.
15. The right to reasonable, advance notice of changes in services or charges.
16. The right to know the provider's reason for termination of services.
17. The right to reasonable, advance notice of changes in services or charges, including at least 30 days' 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;

(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.

18. The right to a coordinated transfer when there will be a change in the provider of services;

19. The right to complain about services that are provided, or fail to be provided, and the lack of courtesy or respect to the client or the client's property.

20. The right to know how to contact an individual associated with the home care provider who is responsible for handling problems and to have the home care 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.**

21. The right to know the name and address of the state or county agency to contact for additional information or assistance.

22. The right to assert these rights personally, or have them asserted by the client's representative or by anyone on behalf of the client, without retaliation. **A provider must protect and promote these rights.**

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

Office of Health Facility Complaints

Phone: (651) 201-4201 or 1-800- 369-7994

Fax: (651) 281-9796

Website:

<http://www.health.state.mn.us/divs/fpc/ohfcinfo/contohfc.htm>

Email: health.ohfc-complaints@state.mn.us

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

Phone: (651) 431-2555 or 1-800-657-3591

Fax: (651) 431-7452

Website: <http://tinyurl.com/Ombudsman-LTC>

Email: mba.ooltc@state.mn.us

Mailing Address:

Home Care Ombudsman
Ombudsman for Long-Term Care



PO Box 64971
St. Paul, MN 55164-0971

**Ombudsman for Mental Health and Developmental
Disabilities**

Phone: 651-757-1800 or 1-800-657-3506

Fax: 651-797-1950 or 651-296-1021

Website: <http://mn.gov/omhdd/>

Email: ombudsman.mhdd@state.mn.us

Mailing Address:

121 7th Place East
Suite 420 Metro Square Building
St. Paul, Minnesota 55101-2117

Licensee Name: _____

Phone: _____

Email: _____

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 clients who receive home care services. **All home care providers, including those exempted under section 144A.471, must comply with this section.** The commissioner shall enforce this section and the home care bill of rights requirement against home care providers exempt from licensure in the same manner as for licensees. A home care provider may not request or require a client to surrender any of these rights as a condition of receiving services. This statement of rights does not replace or diminish other rights and liberties that may exist relative to clients receiving home care services, persons providing home care services, or providers licensed under sections 144A.43 to 144A.482.

144A.442 ASSISTED LIVING CLIENTS; SERVICE TERMINATION.

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.