

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

PER MINNESOTA STATUTES, SECTION 144A.44, EXCEPT LANGUAGE IN BOLD PRINT WHICH REPRESENTS ADDITIONAL CONSUMER RIGHTS UNDER FEDERAL LAW

PER MINNESOTA STATUTES, SECTIONS 144A.44 AND 144A.441

THESE RIGHTS PERTAIN TO CONSUMERS RECEIVING HOME CARE SERVICES FROM MEDICARE CERTIFIED AGENCIES THAT ARE ALSO LICENSED HOME CARE PROVIDERS WHO DELIVER CARE FOR ASSISTED LIVING CLIENTS AS DEFINED BY 144G

TO BE USED BY MEDICARE CERTIFIED PROVIDERS

Statement of Rights

A person who receives home care services has these rights and the provider must provide for the following rights:

*Provider means Medicare Certified Home Health Agency or HHA

*Client means Patient

1. **The provider must provide written information about rights during the initial visit, and in advance of the provider furnishing care to the client. The written notice must be understandable to persons who have limited English proficiency and accessible to individuals with disabilities, including what to do if rights are violated.**
2. **The provider must provide contact information of the provider's administrator, including the administrator's name, business address, and business phone number in order to receive complaints.**
3. **The provider must provide verbal notice of the client's rights and responsibilities in the individual's primary or preferred language and in a manner the individual understands, free of charge, with the use of a competent interpreter if necessary.**
4. 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.
5. The right to be told before receiving services and the right to **participate in, be informed about, and consent or refuse care in advance of and during treatment, with respect to:**
 - a. Other choices that are available for addressing home care needs and the potential consequences of refusing these services.

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- b. **Completion of all assessments.**
- c. **The care to be furnished, based on the comprehensive assessment.**
- d. **Establishing and revising the care plan.**
- e. **The disciplines that will furnish care.**
- f. **The frequency of visits.**
- g. **Expected outcomes of care, including client-identified goals, and anticipated risks and benefits.**
- h. **Any factors that could impact treatment effectiveness.**
- i. Any changes in the care to be furnished.
6. 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 decisions about changes to service plan.
7. **The right to receive all services outlined in the plan of care.**
8. The right to refuse service or treatment.
9. The right to know, before receiving services or during the initial visit, any limits to the services available from a home care provider.
10. The right to be told, 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-including **Medicare and Medicaid, or any other Federally-funded or Federal aid program known by the provider**, if known; what charges the client may be responsible for paying, and **any changes to payment information as soon as possible, in advance of the next provider visit.**
11. 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.
12. 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.
13. 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, **including an Outcome and Assessment Information Set (OASIS) privacy notice for all clients for whom the OASIS data is collected.**
14. The right to access the client's own records and written information from those records in accordance with sections 144.291 to 144.298.
15. The right to be served by people who are properly trained and competent to perform their duties.

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16. The right to be treated with courtesy and respect, and to have the client's property treated with respect.
17. The right to be free from verbal, **mental, sexual** and physical abuse, **including injuries of unknown source**, neglect, financial exploitation/**misappropriation of property**, and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.
18. The right to reasonable, advance notice of changes in services or charges, **in advance of a specific service being furnished, if the provider believes that the service may be non-covered care, or in advance of the provider reducing or terminating on-going care.**
19. The right to know the provider's reason for termination of services.
20. **The right to be informed of the provider's policies and procedures for transfer and discharge, in a language that the client can understand, and is accessible to individuals with disabilities, within 4 business days of the initial evaluation visit. The provider may only transfer or discharge the client if:**
 - a. **The transfer or discharge is necessary for the client's welfare because the provider and the physician who is responsible for the plan of care agree that the provider can no longer meet the client's needs, based on the client's acuity. The provider must arrange a safe and appropriate transfer to other care entities when the needs of the client exceed the providers' capabilities;**
 - b. **The client or payer will no longer pay for the services provided;**
 - c. **The transfer or discharge is appropriate because the physician who is responsible for the plan of care and the provider agree that the measurable outcomes and goals set forth in the plan of care have been achieved, and the provider and the physician who is responsible for the plan of care agree that the client no longer needs the services;**
 - d. **The client refuses services, or elects to be transferred or discharged;**
 - e. **The provider determines, under a policy set by the provider for the purpose of addressing discharge for cause that meets the requirements of this section, that the client (or other persons in the client's home) behavior is disruptive, abusive, or uncooperative to the extent that delivery of care to the client or the ability of the provider to operate effectively is seriously impaired.**

The provider must do the following before it discharges a client for cause:

1. **Advise the client, representative (if any), the physician(s) issuing orders for the plan of care, and the client's primary care practitioner or other health care professional who will be responsible for providing care and services to the client after discharge from the provider (if any) that a discharge for cause is being considered;**

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2. **Make efforts to resolve the problem(s) presented by the client's behavior, the behavior of other persons in the client's home, or situation;**
 3. **Provide the client and representative (if any), with contact information for other agencies or providers who may be able to provide care; and**
 4. **Document the problem(s) and efforts made to resolve the problem(s), and enter this documentation into its clinical records;**
- f. **The client dies; or**
 - g. **The Provider agency ceases to operate.**
21. 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:
 - a. 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;
 - b. 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
 - c. 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.
 22. The right to a coordinated transfer when there will be a change in the provider of services.
 23. The right to complain about services, **treatment or care** provided, or fail to be provided, and the lack of courtesy or respect to the client or the client's property. **The right to be advised of the MN Adult Abuse Reporting Center (MAARC), that its purpose is to receive complaints and the state toll free home health telephone hot line, its contact information, hours of operation for questions about local providers.**
 24. 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.
 25. The right to know the name and address and telephone numbers of the state or county agency to contact for additional information or assistance **and, if applicable, federally funded entities that serve the area where the client resides.**
 26. 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, **and be free from any discrimination or reprisal for exercising his or her rights for voicing grievances to the provider or other outside entity.**
 27. **The right to be informed of the right to access auxiliary aids and language services and how to access these services.**

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Resources

MN ADULT ABUSE REPORTING CENTER (MAARC)

(For Complaints)

Phone: 1-844-880-1574

STATE TOLL-FREE MEDICARE CERTIFIED HOME HEALTH AGENCY TELEPHONE HOTLINE

(For Questions)

(Business hours: M-F, 8:00 a.m. - 4:30 p.m., message can be left 24/7)

Minnesota Department of Health

Office of Health Facility Complaints

85 East Seventh Place, Suite 220

P.O. Box 64970

St. Paul, Minnesota 55164-0970

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

Fax: 651-281-9796

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

health.ohfccomplaints@state.mn.us

MID-MINNESOTA LEGAL AID/MINNESOTA DISABILITY LAW CENTER

(Protection and Advocacy Systems)

430 First Avenue North, Suite 300

Minneapolis, MN 55401-1780

1-800-292-4150 intake number

mndlc@mylegalaid.org

MINNESOTA DEPARTMENT OF HUMAN SERVICES

(Medicaid Fraud and Abuse-payment issues)

Surveillance and Integrity Review Services

PO Box 64982

St Paul, MN 55164-0982

1-800-657-3750 or 651-431-2650 (metro)

DHS.SIRS@state.mn.us

SENIOR LINKAGE LINE

(Aging and Disability Resource Center/Agency on Aging)

Minnesota Board on Aging

PO Box 64976

St. Paul, MN 55155

1-800-333-2433

senior.linkage@state.mn.us

Centers for Independent Living

<https://mn.gov/deed/job-seekers/disabilities/partners/cils/>

See website for names, addresses and telephone numbers.

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KEPRO

(Medicare Beneficiary and Family Centered Care Quality Improvement Organization)

5201 West Kennedy Boulevard, Suite 900

Tampa, Florida 33609

Attention: Medicare Beneficiary Complaints

855-408-8557

beneficiary.complaints@hcqis.org

OFFICE OF OMBUDSMAN FOR LONG-TERM CARE

PO Box 64971

St. Paul, MN 55164-0971

1-800-657-3591 or 651-431-2555 (metro)

MBA.OOLTC@state.mn.us

OFFICE OF OMBUDSMAN FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

121 7th Place East

Metro Square Building

St. Paul, MN 55101-2117

1-800-657-3506 or 651-757-1800 (metro)

Ombudsman.mhdd@state.mn.us

STRATIS HEALTH

(Quality Improvement Organization)

2901 Metro Drive, Suite 400

Bloomington, MN 55425-1525

Telephone: 952-854-3306

Toll-free: 1-877-STRATIS (787-2847)

Fax: 952-853-8503

info@stratishealth.org

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

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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.

Minnesota Department of Health
Health Regulation Division
85 E. 7th Place
PO Box 64970
St. Paul, MN 55164-0970
651-201-4101
www.health.state.mn.us

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To obtain this information in a different format, call: 651-201-4101.