

74743 Patient Rights

The patient has the right to be informed of his or her rights. The home health agency must protect and promote the exercise of these rights.

(a)

Notice of rights. (1) The home health agency must provide the patient with a written notice of the patient's rights in advance of furnishing care to the patient or during the initial evaluation visit before the initiation of treatment. (2) The home health agency must maintain documentation showing that it has complied with the requirements of this section.

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(2)

The home health agency must maintain documentation showing that it has complied with the requirements of this section.

(b)

Exercise of rights and respect for property and person:(1) The patient has the right to exercise his or her rights as a patient of the home health agency. (2) If the patient lacks the ability to understand these rights and the nature and consequences of proposed treatment, the patient's representative shall have the

rights specified in this section to the extent the right may devolve to another, unless the representative's authority is otherwise limited. The patient's incapacity shall be determined by the court in accordance with state law or by the patient's physician unless the physician's determination is disputed by the patient or patient's representative. (3) The patient has a right to have his or her property treated with respect. (4) The patient has the right to voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the home health agency and must not be subjected to discrimination or reprisal for doing so. (5) The patient has the right to be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status. (6) The home health agency shall investigate complaints made by a patient or the patient's family or guardian regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for the patient's property by anyone furnishing services on behalf of the home health agency, and must document both the existence of the complaint and the resolution of the complaint.

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unless the physician's determination is disputed by the patient or patient's representative.

(3)

The patient has a right to have his or her property treated with respect.

(4)

The patient has the right to voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the home health agency and must not be subjected to discrimination or reprisal for doing so.

(5)

The patient has the right to be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status.

(6)

The home health agency shall investigate complaints made by a patient or the patient's family or guardian regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for the patient's property by anyone furnishing services on behalf of the home health agency, and must document both the existence of the complaint and the resolution of the complaint.

(c)

Right to be informed and to participate in planning care and treatment.(1) The patient has the right to be informed, in advance about the care to be furnished, and of any changes in the care to be furnished. (A) The home health agency shall advise the patient in advance of the disciplines that will furnish care, and the frequency of visits proposed to be furnished. (B) The home health agency shall advise the patient in advance of any change in the plan of treatment or plan of

care, or plan for personal care services, before the change is made. (2) The patient has the right to participate in the planning of the care. (A) The home health agency must advise the patient in advance of the right to participate in planning the care or treatment and in planning changes in the care or treatment. (B) The home health agency shall maintain written policies and procedures regarding advance directives. The home health agency must distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable state law.

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The patient has the right to participate in the planning of the care. (A) The home health agency must advise the patient in advance of the right to participate in planning the care or treatment and in planning changes in the care or treatment. (B) The home health agency shall maintain written policies and procedures regarding advance directives.

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(B)

The home health agency shall maintain written policies and procedures regarding advance directives. The home health agency must distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable state law.

(d)

Confidentiality of medical records. (1) The patient has the right to confidentiality of the clinical records maintained by the home health agency. (2) The home health agency must advise the patient of the agency's policies and procedures regarding disclosure of clinical records.

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(e)

Patient liability for payment. (1) The patient has a right to be advised, before care is being initiated, of the extent to which payment for the home health agency services may be expected from Medicare or other sources, and the extent to which

payment may be required from the patient. (2) Before the care is initiated, the home health agency must inform the patient, orally and in writing, of: (A) the extent to which payment may be expected from Medicare, Medicaid, or any other federally funded or aided program known to the home health agency; (B) The charges for services that will not be covered by Medicare; and (C) The charges that the individual may have to pay.

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(B)

The charges for services that will not be covered by Medicare; and

(C)

The charges that the individual may have to pay.

(f)

The patient has the right to be advised orally and in writing of any changes in the information provided in accordance with paragraph (e)(1) of this section when

they occur. The home health agency must advise the patient of these changes orally and in writing as soon as possible, but no later than 30 calendar days from the date that the home health agency becomes aware of the change.

(g)

Home health hotline: The patient has the right to be advised of the availability of the applicable toll-free home health agency hotline in the state. When the agency accepts the patient for treatment or care, the home health agency must advise the patient in writing of the telephone number of the home health hotline established by the state licensing and certification district office, the hours of its operation, and that the purpose of the hotline is to receive complaints or questions about local home health agencies.