



# PACE Southeast Michigan Participants Bill of Rights

## **POLICY:**

Participants who enroll in PACE Southeast Michigan (SEMI) program will be informed of their "Rights and Responsibilities", orally and in writing, at the time of enrollment and at least annually thereafter at time of review and encouraged to exercise their rights while participants of the PACE SEMI program. PACE SEMI must provide annual training to its employees and contracted staff regarding the Participant Bill of Rights. All materials provided to participants should be printed in 14 font type size for readability.

## **PROCESS:**

During the enrollment process, and at least annually thereafter, a PACE SEMI staff member will explain to the participant and/or caregiver the following information:

## **PARTICIPANT RIGHTS**

### *Respect and Non-discrimination:*

- ◆ Each Participant has the right to considerate, respectful care from everyone at PACE SEMI, at all times, and under all circumstances.
- ◆ Each Participant has the right not to be discriminated against in the delivery of services, based upon race, ethnicity, national origin, religion, sex, age, mental or physical disability, or source of payment.
- ◆ Each Participant has the right to:
  - Receive comprehensive health care
  - Receive care in a safe and clean environment
  - Receive care in an accessible manner
  - Be treated with dignity and respect
  - Be given privacy and confidentiality in all aspects of care
  - Be given humane care
  - Not be required to perform services for PACE SEMI
  - Have reasonable access to a telephone at PACE SEMI if needed
  - Recommend changes in policies and services to PACE SEMI staff
  - Be free from harm, including physical or mental abuse, neglect, corporal punishment, involuntary seclusion, excessive medication, physical or chemical restraint for discipline or convenience, not required for medical treatment of symptoms
  - Have help and encouragement to exercise Participant rights including Medicare and Medicaid appeals processes
  - Civil and other legal rights
  - Recommend changes in policies and services to PACE SEMI staff
  - Contact 1-800-MEDICARE for information or to make a complaint
  - To have reasonable and timely access to specialists as indicated by the participant's health condition and consistent with current clinical practice guidelines
  - To receive necessary care across all care settings, up to and including placement in long term care facility when PACE can no longer maintain the participant safely in the community through the support of PACE services

### *Information Disclosure:*

- ◆ Each Participant has the right to receive accurate, easily understood information.
- ◆ Each Participant has the right to receive assistance in making informed health care decisions.
- ◆ Each Participant has the right to:
  - Be fully informed in writing of all services provided or contracted by PACE SEMI:
    - before enrollment
    - at enrollment
    - when there is a change in services
  - Have the enrollment agreement fully explained in a manner understood by the Participant.
  - Examine (with help if needed) the most recent review of PACE SEMI conducted by the Centers for Medicare and Medicaid Services (CMS) formerly known as HCFA, or the State of Michigan and any correction plan in effect

### *Choice of Providers:*

- ◆ Each Participant has the right to a choice of health care providers within the PACE SEMI program.
- ◆ Each Participant has the right to:
  - Choose his/her primary care physician and specialists from within the PACE SEMI network.
  - Have women's health specialist provide routine or preventative women's health services.
  - Disenroll from the program at any time

### *Access to Emergency Care:*

- ◆ Each Participant has the right to have emergency health care services when and where the need arises, without prior authorization by the PACE SEMI multidisciplinary team

### *Participation in Treatment Decisions:*

- ◆ Each Participant has the right to participate fully in all decisions related to his/her treatment.

- ◆ A Participant who is unable to participate fully in treatment decisions has the right to designate a representative.
- ◆ Each Participant has the right to:
  - Have all treatments explained in a way that they can understand.
  - Make their own health care decisions.
  - Refuse treatment and be informed of the consequences of the decisions.
  - Have an explanation of advanced directives.
  - Have advanced directives established as desired.
  - Be fully informed of his/her health and functional status.
  - Participate in planning and carrying out the care plan with the PACE SEMI team.
  - Ask for a new assessment by the PACE SEMI team.
  - Be given reasonable advance notice, in writing, of transfer to another health setting, and the reason(s) for the transfer.
  - Have the documentation in his/her medical record of the reason(s) for transfer to another health setting.

### *Confidentiality of Health Information:*

- ◆ Each Participant has the right to communicate with health care providers in confidence.
- ◆ Each Participant has the right to have the confidentiality of his/her individually identifiable health care information protected.
- ◆ Each Participant has the right to review and copy his/her medical records and request amendments to those records.
- ◆ Each Participant has the right to:
  - Be assured of confidential treatment of all information contained in the health record, including information contained in an automated data bank.
  - Be assured that his/her written consent will be obtained for the release of information to persons not otherwise authorized under law to receive it.
  - Provide written consent that limits the degree of information.
  - Provide written consent that limits the persons to whom information may be given

### *Complaints and Appeals:*

- ◆ Each Participant has the right to a fair and efficient process for resolving differences with PACE SEMI, including a rigorous system for internal review by the organization, and an independent system of external review.
- ◆ Each Participant has the right to:
  - Be encouraged and assisted to voice complaints to PACE SEMI staff and outside representatives of his/her choice.
  - Be free of any restraint, interference, coercion, discrimination, or reprisal by PACE SEMI staff for voicing complaints.
  - Appeal any treatment decision of PACE SEMI, its employees, or contractors through the PACE SEMI appeals process

## **PARTICIPANT RESPONSIBILITIES**

- ◆ To be involved with the planning of your care
- ◆ To cooperate with the care plan developed especially for you
- ◆ To take your medication as the PACE SEMI physician orders.
- ◆ If you have an emergency, to follow the specific PACE SEMI emergency Plan.
- ◆ If you are away from home and an emergency arises, we request that you notify PACE SEMI as soon as reasonably possible.
- ◆ If you wish to dis-enroll from PACE SEMI, to provide a written notice before you wish to leave the program.
- ◆ You must pay any monthly fees on time.
- ◆ To use approved affiliated hospitals.

## **VIOLATION OF PARTICIPANT RIGHTS**

Each participant has the right to a fair and efficient process for resolving the violation of Participant rights and differences with PACE SEMI, including a rigorous system for internal review by the organization and an independent system of external review. Specifically:

- A. If the participants believe that their rights have been violated, they can speak directly with staff to report the violation. Staff will assist them to file a complaint/grievance form.
- B. The staff member receiving the information will inform the Participant that any violations reported may be provided to PACE SEMI directly or may they use an external reporting process as described in the Enrollment Agreement. All Participants will be free of any reprisal or coercion by PACE SEMI staff.
- C. The Staff receiving the participant information will report this to their supervisor and the Quality Director immediately.
- D. The Quality Director will contact the Participants and or designated representative and conduct a violations interview.
- E. The violation review will include a thorough internal investigation, with interviews and may include an external consultation to enhance resolution of the concern. All interviews and information obtained will be documented.
- F. Any corrective actions resulting from the violation will be implemented and be monitored through the Quality Improvement Program as needed.