

Policy:	Bill of Rights	Policy #	350-650
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Revision #		Depts. Affected:	PACE KC

Member Rights

When you join a PACE program, you have certain rights and protections. PACE KC, as your PACE program, must fully explain and provide your rights to you or someone acting on your behalf in a way you can understand at the time you enroll.

To be eligible, you must

- Be age 55 or older.
- Live in the service area of PACE KC.
- Be certified as eligible for nursing home care by the State Administering Agency.
- Be able to live safely in the community at the time of enrollment with PACE services.

The goals of PACE are:

- To maximize the independence, dignity, and respect of PACE KC members.
- To help make PACE KC members more independent and improve their quality of life.
- To provide coordinated quality health care to PACE KC members.
- To keep PACE KC members living safely in their homes and communities as long as possible.
- To help support and keep PACE KC members together with their family.

At PACE KC, we are dedicated to providing you with quality health care services so that you may remain as independent as possible. This includes providing all Medicare and Medicaid covered items and services. As well as other services determined to be necessary by the interdisciplinary team across all care settings, 24 hours a day, 7 days a week. Our staff and contractors seek to affirm the dignity and worth of each member by assuring the following rights:

A. Respect

As a Member of PACE KC you have the right to be treated with respect at all times. PACE KC employees affirm the dignity of our members by assuring that all members have the right to:

- Receive comprehensive healthcare in a safe, clean, and accessible environment.

- Be free from harm including excessive medication, physical or mental abuse, neglect, physical punishment, being placed by yourself against your will, and any physical or chemical restraint that is used on you for discipline or convenience of staff that you do not need to treat your medical symptoms.
- Be encouraged and helped to use your rights in the PACE KC program.
- Get help, if you need it, to use the Medicare and Medicaid complaint and appeal processes, and your civil and other legal rights.
- Be encouraged and helped in talking to PACE KC team members about changes in policy and services you think should be made.
- Use a telephone while at The PACE KC Adult Wellness Center.
- Not have to complete work or services on behalf of PACE KC.

B. Non discrimination

Discrimination is against the law. Every company or agency that works with Medicare and Medicaid must obey the law. PACE KC cannot discriminate against you because of your:

- Race
- Ethnicity
- National Origin
- Religion
- Age
- Sex
- Mental or physical disability
- Sexual Orientation
- Source of payment for your health care (for example, Medicare or Medicaid)

If you think you have been discriminated against for any of these reasons, contact a PACE KC team member to help you resolve your problem.

If you have any questions, you can call the Office for Civil Rights at 1-800-368-1019. TTY users should call 1-800-537-7697.

C. Information and Assistance

Every PACE KC Member has the right to receive accurate and easy-to-understand information and assistance when making healthcare decisions. PACE KC affirms this right by assuring members have access to:

- Have someone help you if you have a language or communication barrier so you can understand all information given to you.
- Have PACE KC interpret the information into your preferred language in a culturally competent manner, if your first language is not English and you can't speak English well enough to understand the information being given to you.
- Get marketing materials and PACE KC participant rights in English and in any other frequently used language in your community. You can also get these materials in Braille, if necessary.

- Have the PACEK KC enrollment agreement fully explained to you in a manner understood by you.
- Get a written copy of your rights from PACE KC. The program must also post these rights in a public place in the PACE KC Adult Wellness Center where it is easy to see them.
- Be fully informed, in writing, of the services offered by PACEK KC. This includes telling you which services are provided by contractors instead of PACE KC team members. You must be given this information before you enroll, at the of enrollment, and when you need to make a choice about what services to receive.
- Be provided with a copy of individuals who provide care-related services not provided directly by PACE KC upon request.
- Review or receive assistance reviewing the results of the most recent review of your PACE program. Federal and State agencies review all PACE programs. You also have a right to review how the PACE KC plans to correct any problems that are found via inspection.

D. Choice of providers

Each member has the right to choose a health care provider, including their primary care provider and specialists, from within PACE KC's network and to get quality health care. Specifically, each member has the right to the following:

- Women have the right to get services from a qualified women's health care specialist for routine or preventive women's health care services.
- You have the right to have reasonable and timely access to specialists as indicated by your health condition.
- You also have the right to receive care across all care settings, up to and including placement in a long-term care facility when PACE KC can no longer maintain your safety in the community.

E. Access to Emergency Services

You have the right to get emergency services when and where you need them without PACE KC's approval. A medical emergency is when you think your health is in serious danger— when every second counts. You may have a bad injury, sudden illness or an illness quickly getting much worse. You can get emergency care anywhere in the United States and you do not need to get permission from PACE KC prior to seeking emergency services. For less emergent needs contact your IDT for evaluation and treatment as soon as possible.

F. Participation in Treatment Decisions

You have the right to fully participate in all decisions related to your health care. If you cannot fully participate in your treatment decisions or you want to have someone you trust help you, you have the right to choose that person to act on your behalf. You have the right to:

- Have all treatment options explained to you in a language you understand, to be fully informed of your health status and how well you are doing, and to make

health care decisions. This includes the right not to get treatment or take medications. If you choose not to get treatment, you must be told how this will affect your health.

- Have PACE KC help you create an advance directive, if you choose. An advance directive is a written document that says how you want medical decisions to be made in case you cannot speak for yourself. You should give it to the person who will carry out your instructions and make health care decisions for you.
- Participate in making and carrying out your Plan of Care. You can ask for your plan of care to be reviewed at any time.
- Be given advance notice, in writing, of any plan to move you to another treatment setting and the reason you are being moved.

G. Confidentiality of Health Information

You have the right to speak with your health care providers in private to maintain the confidentiality of all protected healthcare information, including health data that is collected and kept electronically, as protected under State and Federal laws. Specifically, you have the right to:

- Look at and receive copies of your medical records and request amendments.
- Be assured that your 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 and the persons to whom information may be given.

There is a patient privacy rule that gives you more access to your own medical records and more control over how your personal health information is used. If you have any questions about this privacy rule, call the Office for Civil Rights at 1-800-368-1019. TTY users should call 1-800- 537-7697.

H. Right to File a Grievance

You have a right to complain about the services you receive or that you need and don't receive, the quality of your care, or any other concerns or problems you have with PACE KC. You have the right to a fair and timely process for resolving concerns with PACE KC. You have the right to:

- A full explanation of the complaint process.
- Be encouraged and helped to freely explain your complaints to PACE KC team members and outside representatives of your choice. You must not be harmed in any way for telling someone your concerns. This includes being punished, threatened, or discriminated against.
- request services from PACE KC that you believe are necessary.
- A comprehensive and timely process for determining whether those services should be provided.
- Appeal any denial of a service or treatment decision by PACE KC, team members, or contractors.

- **Contact 1-800-Medicare for information and assistance, including making a complaint related to the quality of care or the delivery of a service.**

I. Right to Leave the Program

If, for any reason, you feel that PACE KC is not what you want, you have the right to leave the program at any time and have such disenrollment be effective the first day of the month following the date PACE KC receives the participant's notice of voluntary disenrollment.

J. Additional Help

If you have complaints about PACE KC, believe your rights have been violated, or want to talk with someone outside PACE KC about your concerns, call 1-800-MEDICARE or 1-800-633-4227 to get the name and phone number of someone in your State Administering Agency.