

19. know how to contact an individual associated with the provider who is responsible for handling problems and to have the 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;**

20. know the name and address of the state or county agency to contact for additional information or assistance;

21. assert these rights personally, or have them asserted by the patient's family or guardian when the patient has been judged incompetent, without retaliation. A guardian or conservator or, when there is not a guardian or conservator, a designated person may seek to enforce these rights. **A provider must protect and promote these rights.**

MN Statutes, section 144A.751 Subd. 2. **Interpretation and enforcement of rights.** The rights under this section are established for the benefit of individuals who receive hospice care. A hospice provider may not require a person to surrender these rights as a condition of receiving hospice care. A guardian or conservator or, when there is no guardian or conservator, a designated person, may seek to enforce these rights. This statement of rights does not replace or diminish other rights and liberties that may exist relative to persons receiving hospice care, persons providing hospice care, or hospice providers licensed under section 144A.753. Subd. 3. Disclosure. A copy of these rights must be provided to an individual at the time hospice care is initiated. The copy shall contain the address and telephone number of the Office of Health Facility Complaints and the Office of Ombudsman for Long-Term Care and a brief statement describing how to file a complaint with these offices. Information about how to contact the Office of Ombudsman for Long-Term Care shall be included in notices of change in client fees and in notices where hospice providers initiate transfer or discontinuation of services.

If you have a complaint about the agency 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.

Office of Health Facility Complaints

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

Fax: (651) 281-9796

Mailing Address:

Minnesota Department of Health
Office of Health Facility Complaints
85 East Seventh Place, Suite 300
P.O. Box 64970
St. Paul, MN 55164-0970

**Office of Ombudsman for
Long-Term Care**

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

Fax: (651) 431-7452

Mailing Address:

Office of Ombudsman for
Long-Term Care
P.O. Box 64971
St. Paul, MN 55164-0971

The Joint Commission

1-800-994-6610

Fax: (630) 792-5005

complaint@jointcommission.org

Home Care Bill of Rights

Minnesota Statute 144A.44

Staff at Children's Home Care and Hospice department can help answer your questions about the Minnesota Home Care Bill of Rights.

Licensee information:

Children's Hospitals and Clinics
of Minnesota
(612) 813-6246
2525 Chicago Avenue South
Minneapolis, MN 55404

**Problems or complaints
may be directed to:**

- Home Care Patient Care Manager,
Children's of Minnesota
(612) 813-6246
- Home Care Pharmacy Manager,
Children's of Minnesota
(612) 813-7206

Per Minnesota Statutes, section 144A.44, except language in bold print which represents additional consumer rights under federal law. To be used by Medicare certified agencies.

144A.44 Home Care Bill of Rights

Subdivision 1. Statement of Rights.

A person who receives home care services has the right to:

1. receive written information about rights in advance of receiving care or during the initial evaluation visit before the initiation of treatment, including what to do if rights are violated;

2. receive care and services according to a suitable and up-to-date plan, and subject to accepted medical or nursing standards, to take an active part in creating and changing the plan and evaluating care and services. **The provider must advise the recipient in advance of the right to participate in planning the care or treatment;**

3. be told in advance of receiving care about the services that will be provided, the disciplines that will furnish care, the frequency of visits proposed to be furnished, other choices that are available, and the consequences of these choices, including the consequences of refusing these services;

4. be told in advance, of any changes in the plan of care and to take an active part in any changes; **and the planning before any change is made;**

5. refuse services or treatment;

6. know, in advance, any limits to the services available from a provider, and the provider's grounds for a termination of services;

7. know, **and to be advised, both orally and in writing**, in advance of receiving care whether the services are covered by health insurance, medical assistance, or other health programs, the charges for services that will not be covered by Medicare, and the charges that the individual may have to pay. **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. know what the charges are for services, no matter who will be paying the bill;

9. know that there may be other services available in the community, including other home care services and providers, and to know where to go for information about these services;

10. choose freely among available providers and to change providers after services have begun, within limits of health insurance, medical assistance, or other health programs;

11. have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;

12. be allowed access to records and written information from records in accordance with section 144.335;

13. be served by people who are properly trained and competent to perform their duties;

14. be treated with courtesy and respect, and to have the patient's property treated with respect;

15. be free from physical and verbal abuse;

16. reasonable, advance notice of changes in services or charges, including at least 10 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; or

(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;

17. a coordinated transfer when there will be a change in the provider of services;

18. voice grievances regarding treatment or care that is, or fails to be, furnished, or regarding the lack of courtesy or respect to the patient or the patient's property;

(continued)