

# Notice of Patient Rights Policy and Procedure

42 C.F.R. §484.50

Agency name: \_\_\_\_\_ Effective date: \_\_\_\_\_

Policy version number: \_\_\_\_\_ Date of last review/update: \_\_\_\_\_

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## POLICY:

Patients of [*Agency name*] (“Agency”) have a number of important rights. Agency recognizes these rights and respects them at all times. Agency staff is expected to observe and honor these rights as well. A patient and/or the patient’s representative(s) cannot exercise these rights if the patient is unaware of their rights. Patients are entitled to notice of their rights at the initial evaluation visit. This policy and procedure governs how Agency provides notice to the patient as well as the patient’s legal representative and/or patient-selected representative.

### 1. Patient rights

**1.1. The patients’ rights are to be respected and honored at all times by our staff.** As an agency, we will respect and promote our patients’ rights as well our patients’ exercise of those rights. We will not discriminate or retaliate against a patient or a patient’s representative for exercising their rights, including but not limited to, making a complaint. Any employee who engages in discriminatory or retaliatory conduct against a patient or patient representative for exercising their rights or making a complaint will be disciplined. Our procedures for upholding the patient’s rights are outlined in our Patient Rights Policy and Procedures [*Policy number*]:

**1.2. Patients are notified of the following rights afforded to them under the Conditions of Participation (42 C.F.R. § 484.50(c)) as outlined in this policy and procedure:**

- The right to have his or her property and person treated with respect;
- The right to be free from verbal, mental, sexual and physical abuse including injuries of unknown source, neglect and misappropriation of property;
- The right to make complaints to the HHA’s administrator regarding treatment or care that is (or fails to be) furnished and the lack of respect for property and/or person by anyone who is furnishing services on behalf of the HHA. Patients will be provided with the administrator’s business address, business telephone number and business email for purposes of submitting complaints to the administrator. When a complaint is received, the administrator will follow the Agency’s Policies and Procedures on Receipt and Investigation of Complaints;
- The right to participate in, be informed about, and consent or refuse care in advance of and during treatment, where appropriate, with respect to:
  - Completion of all assessments;
  - The care to be furnished, based on the comprehensive assessment;
  - Establishing and revising the plan of care;
  - The disciplines that will furnish the care;

- The frequency of visits;
  - Expected outcomes of care including patient-identified goals and anticipated risks and benefits;
  - Any factors that could impact treatment effectiveness; and
  - Any changes in the care to be furnished.
- The right to receive all services outlined in the plan of care.
  - The right to be informed, in advance, of our Transfer and Discharge Policies and Procedures, a copy of which will be provided to the patient and any patient representatives as outlined in Section 2 of this policy and procedure.
  - The right to have a confidential clinical record. Access to or release of patient information and clinical records is permitted in accordance with 45 CFR parts 160 and 164.
  - The right to be advised of:
    - The extent to which payment for Agency services may be expected from Medicare, Medicaid, or any other federally-funded or federal aid program known to the Agency,
    - The charges for services that may not be covered by Medicare, Medicaid or any other federally-funded or federal aid program known to the Agency,
    - The charges the individual may have to pay before care is initiated; and
    - Any changes in the information provided in accordance with paragraph (c)(7) of this section when they occur. The Agency must advise the patient and representative (if any), of these changes as soon as possible, in advance of the next home health visit. The HHA must comply with the patient notice requirements at 42 CFR 411.408(d)(2) and 42 CFR 411.408(f).
  - The right to receive proper written notice in advance of a specific service being furnished if the HHA believes that the service may be non-covered care or in advance of the HHA reducing or terminating ongoing care. The HHA must also comply with the requirements of 42 CFR 405.1200 through 405.1204.
  - The right to be advised of the state toll-free home health telephone hotline, its contact information, its hours of operation and that its purpose is to receive complaints or questions about local HHAs.
  - The right to be advised of the names, addresses and telephone numbers of the following federally-funded and state-funded entities that serve the area where the patient resides:
    - Agency on Aging
    - Center for Independent Living
    - Protection and Advocacy Agency,
    - Aging and Disability Resource Center; and
    - Quality Improvement Organization.
  - The right to be free from any discrimination or reprisal for exercising his or her rights or for voicing grievances to the HHA or an outside entity.