

XII. Participant's Bill of Rights and Responsibilities

These are your PACE Participant Bill of Rights and State Ambulatory Care Regulations/Federal PACE Regulations

At INSPIRA LIFE, we are dedicated to providing you with quality health care services so that you may remain as independent as possible. Our staff seeks to affirm the dignity and worth of each participant by assuring the following rights:

(1.) You have the right to be treated with dignity and respect at all times, be afforded privacy and confidentiality in all aspects of care and be provided humane care. To have all of your care kept private, and to get compassionate, considerate care. You have the right:

- To get all of your health care in a safe, clean environment.
- To be free from harm. This includes 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 and that you do not need to treat your medical symptoms or to prevent injury.
- To be encouraged to use your rights in the Inspira LIFE program.
- To get help, if you need it, to use the Medicare and Medicaid complaint and appeal processes, and your civil and other legal rights.
- To be encouraged and helped in talking to Inspira LIFE staff about changes in policy and services you think should be made.
- To use a telephone while at the Inspira LIFE Center.
- To not have to do work or provide services for the Inspira LIFE program.

(2.) You have a right to protection against discrimination.

You have the right not to be discriminated against in the delivery of required PACE services. Discrimination is against the law. Every company or agency that works with Medicare and Medicaid must obey the law. They cannot discriminate against you based on:

- Race
- Ethnicity
- National origin
- Religion
- Age
- Sex
- Sexual orientation
- Mental or physical disability
- 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 the Director of Quality and Patient Safety at the Inspira LIFE program 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.

(3.) You have a right to information and assistance.

You have the right to get accurate, easy-to-understand information and to have someone help you make informed health care decisions. You have the right:

- To have someone help you if you have a language or communication barrier so you can understand all information given to you.

- To have the Inspira LIFE program 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.
- To get marketing materials and Inspira LIFE rights in English and in any other frequently used language in your community. You can also get these materials in Braille, if necessary.
- To get a written copy of your rights from the Inspira LIFE program.
- The Inspira LIFE program must also post these rights in a public place in the PACE center where it is easy to see them.
- To be fully informed, in writing, of the services offered by the Inspira LIFE program. This includes telling you which services are provided by contractors instead of the Inspira LIFE staff. You must be given this information before you join, at the time you join, and when you need to make a choice about what services to receive.
- To be provided with a copy of individuals who provide care-related services not provided directly by Inspira LIFE upon request
- To look at, or get help to look at, the results of the most recent review of your Inspira LIFE program. Federal and State agencies review all PACE programs. You also have a right to review how the Inspira LIFE program plans to correct any problems that are found at inspection.

(4.) You have a right to a choice of providers.

You have the right to choose a health care provider within the Inspira LIFE program's network and to get quality health care. You have the right to choose your primary care provider and specialist from Inspira LIFE network. Women have the right to get services from a qualified specialist for women's health services to furnish routine or preventive women's health care services. You also have the right to

receive care across all care settings up to and including placement in a long-term care facility when Inspira LIFE can no longer maintain you safely in the community. You have the right to have reasonable and timely access to specialist as indicated by your health condition.

(5.) You have a right to access emergency services.

You have the right to get emergency services when and where you need them without the Inspira LIFE program'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 Inspira LIFE prior to seeking emergency services.

(6.) You have a right to participate 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.
- To have the Inspira LIFE program, help you create an advance directive. 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. It is

also recommended that you give a copy of the advance directive to Inspira LIFE.

- To participate in making and carrying out your plan of care. You can ask for your plan of care to be reviewed at any time.
- To be fully informed of your health and functional status by the Inspira LIFE team.
- To be given advance notice, in writing, of any plan to move you to another treatment setting and the reason you are being moved.
- To request a re-assessment by the IDT Team.

(7.) You have a right to have your health information kept private.

You have the right to talk with health care providers in private and to have your personal health care information kept private as protected under State and Federal laws. You also have the right to look at and receive copies of your medical records and request changes to those records. You have the right of confidential treatment of all information contained in the health record and any electronic records. Be assured that your written consent will be obtained for release of information to people not authorized under law to receive it. The written consent will limit the degree of information and the persons to whom the 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.

(8.) You have a right to file a complaint.

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 the Inspira LIFE program. You have the right to a fair and timely

process for resolving concerns with the Inspira LIFE program. You have the right:

- To a full explanation of the complaint process
- To grieve any treatment decision by the Inspira LIFE program, staff or contractors
- To contact 1-800-Medicare for information and assistance including to make a complaint related to the quality or care or delivery of a service
- To request services from Inspira LIFE that you believe are necessary
- To be encouraged and helped to freely explain your complaints or grieve to any staff member or contractor; or to appeal any treatment decision to the Inspira LIFE Director of Quality and Patient Safety at 856-362-4517, for the hearing impaired (TTY) 1-800-852-7899 and outside representatives of your choice including the Division of Health and Field Operations at 1-800-792-9770, or the Office of the Ombudsman at 1-877-582-6995. You must not be harmed in any way for telling someone your concerns. This includes being punished, threatened, or discriminated against.
- You have the right to a comprehensive and timely process for determining whether those services should be provided. You also have the right to appeal any denial of a service or treatment decision by Inspira LIFE, staff or contractors.

Participant Responsibilities

We believe that you and your caregiver play crucial roles in the delivery of your care. To assure that you remain as healthy and independent as possible, please

establish an open line of communication with those participating in your care and be accountable for the following responsibilities:

You have the responsibility to:

- Cooperate with the Interdisciplinary Team in implementing your Plan of Care.
- Understand the consequences of refusing treatment recommended by the Interdisciplinary Team.
- Provide the Interdisciplinary Team with a complete and accurate medical history.
- Utilize only those services authorized by the interdisciplinary team.
- Call the Inspira LIFE provider for direction in an urgent situation.
- Notify Inspira LIFE as soon as reasonably possible if you require emergency services out of the service area.
- Notify Inspira LIFE orally or in writing when you wish to initiate the disenrollment process.
- Pay required monthly fees as appropriate.
- Treat our staff with respect and consideration.
- Do Not ask staff to perform tasks that they are prohibited from doing by Inspira LIFE or agency regulations.
- Voice any dissatisfaction you may have with your care.
- Notify Inspira LIFE if you are unable to come to the Center on your appointed days, with as much advance notice as possible.
- Notify Inspira LIFE if you move or have a length of absence, longer than 30 days, from the service area.

These are your State Participant Rights for Ambulatory Care:

Each patient receiving services in an ambulatory care facility shall have the following rights:

1. To be informed of these rights, as evidenced by the patient's written acknowledgement, or by documentation by staff in the medical record, that the patient was offered a written copy of these rights and given a written or verbal explanation of these rights, in terms the patient could understand. The facility shall have a means to notify patients of any rules and regulations it has adopted governing patient conduct in the facility;
2. To be informed of services available in the facility, of the names and professional status of the personnel providing and/or responsible for the patient's care, and of fees and related charges, including the payment, fee, deposit, and refund policy of the facility and any charges for services not covered by sources of third-party payment or not covered by the facility's basic rate;
3. To be informed if the facility has authorized other health care and educational institutions to participate in the patient's treatment. The patient also shall have a right to know the identity and function of these institutions, and to refuse to allow their participation in the patient's treatment;
4. To receive from the patient's physician(s) or clinical practitioner(s), in terms that the patient understands, an explanation of his or her complete medical/health condition or diagnosis, recommended treatment, treatment options, including the option of no treatment, risk(s) of treatment, and expected result(s). If this information would be detrimental to the patient's health, or if the patient is not

capable of understanding the information, the explanation shall be provided to the patient's next of kin or guardian. This release of information to the next of kin or guardian, along with the reason for not informing the patient directly, shall be documented in the patient's medical record;

5. To participate in the planning of the patient's care and treatment, and to refuse medication and treatment. Such refusal shall be documented in the patient's medical record;

6. To be included in experimental research only when the patient gives informed, written consent to such participation, or when a guardian gives such consent for an incompetent patient in accordance with law, rule and regulation. The patient may refuse to participate in experimental research, including the investigation of new drugs and medical devices;

7. To voice grievances or recommend changes in policies and services to facility personnel, the governing authority, and/or outside representatives of the patient's choice either individually or as a group, and free from restraint, interference, coercion, discrimination, or reprisal;

8. To be free from mental and physical abuse, free from exploitation, and free from use of restraints unless they are authorized by a physician for a limited period of time to protect the patient or others from injury. Drugs and other medications shall not be used for discipline of patients or for convenience of facility personnel;

9. To confidential treatment of information about the patient. Information in the patient's medical record shall not be released to anyone outside the facility without the patient's approval, unless another health care facility to which the

patient was transferred requires the information, or unless the release of the information is required and permitted by law, a third-party payment contract, or a peer review, or unless the information is needed by the Department for statutorily authorized purpose. The facility may release data about the patient for studies containing aggregated statistics when the patient's identity is masked;

10. To be treated with courtesy, consideration, respect, and recognition of the patient's dignity, individuality, and right to privacy, including, but not limited to, auditory and visual privacy. The patient's privacy shall also be respected when facility personnel are discussing the patient;

11. To not be required to perform work for the facility unless the work is part of the patient's treatment and is performed voluntarily by the patient. Such work shall be in accordance with local, State, and Federal laws and rules;

12. To exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any patient;

13. To not be discriminated against because of age, race, religion, sex, nationality, or ability to pay, or deprived of any constitutional, civil, and/or legal rights solely because of receiving services from the facility; and

14. To expect and receive appropriate assessment, management and treatment of pain as an integral component of that person's care in accordance with N.J.A.C.8:43E-6.