



## HOME CARE – PATIENT RIGHTS & RESPONSIBILITIES

Home care patients have a right to be informed orally and in writing of their rights and obligations before treatment is begun. The patient's family or guardian may exercise the patient's rights when the patient has been judged incompetent. Home care providers have an obligation to protect and promote the rights of their patients, including the following rights.

### **Patient and Providers Have a Right to Dignity and Respect**

Home care patients and their formal caregivers have a right to mutual respect and dignity. Caregivers are prohibited from accepting personal gifts and borrowing from patients.

#### *Patients have the right:*

1. To receive services without regard to race, creed, color, sex, age, handicap, sexual orientation, veteran status, or lifestyle.
2. To have relationships with home care providers that are based on honesty and ethical standards of conduct.
3. To have their property treated with respect.
4. To be informed of the procedure they can follow to lodge complaints with the home care provider about the care that is, or fails to be, furnished, or regarding a lack of respect for property (to lodge complaints with us call 1-434-392-6650).
5. To know about the disposition of such complaints.
6. To voice their grievances without fear of discrimination or reprisal for having done so.
7. To be advised of the telephone number and hours of operation of the state's home health "hotline." The hours are 8:00 a.m. until 4:30 p.m., and the number is 1-800-955-1819. After 4:30 P.M. and on weekends, a message may be left on the answering machine. Our accrediting program, CHAP, also has a "hotline" available 8:30 a.m. – 5:00 p.m. The number is 1-800-656-9656. The purpose of the hotlines is to answer questions about home health agencies, to receive complaints, or to lodge complaints concerning the implementation of advanced directives.
8. To education, instructions, and requirements for continuing care when the services of the agency are discontinued.

The agency must investigate complaints regarding treatment or care that is (or fails to be) furnished or regarding the lack of respect for the patient's property by anyone furnishing services on behalf of the agency and must document both the existence of the complaint and the resolution of the complaint.

### **Decision Making**

#### *Patients have the right:*

1. To information to make informed decisions about care.
2. To make their own decisions with regard to health care services.
3. To be notified in writing of the care that is to be furnished, the types (disciplines) of the caregivers who will furnish the care, and the frequency of the visits that are proposed to be furnished.
4. To be advised of any change in the plan of care before the change is made.
5. To participate in planning the care and in planning changes in the care; to be advised that they have the right to do so; and to be educated about the plan of care.
6. To be notified in advance of treatment options, transfers, and the dates and reasons care will be discontinued.
7. To refuse service or request a change in caregiver without fear of reprisal or discrimination.
8. To be referred to another agency.

The home care provider or patient's physician may be forced to refer the patient to another source of care if the patient's refusal to comply with the plan of care threatens to compromise the provider's commitment to quality care.

### **Privacy**

#### *Patients have the right:*

1. To confidentiality with regard to information about their health, social, and financial circumstances, and what takes place in the home.
2. To expect the home care provider to release information only as required by law or authorized by the patient.
3. To have access to their clinical records.

## **Financial**

### *Patients have the right:*

1. To be informed of the extent to which payment may be expected from Medicare, Medicaid, or any other payer known to the home care provider.
2. To be informed of the charges that will not be covered by Medicare.
3. To be informed of the charges for which the patient may be liable.
4. To receive information, orally and in writing, within 15 working days of the date the home care provider becomes aware of any changes in charges.
5. To have access, upon request, to all bills for service the patient has received regardless of whether they are paid out-of-pocket or by another party.

## **Quality of Care**

### *Patients have the right:*

1. To be fully informed of services available, agency ownership and control, names and qualifications of all individuals providing services, and the agency's liability insurance.
  - a. Skilled Nursing, Physical Therapy, Occupational Therapy, Speech/Language Pathology, and Home Health Aide services may be provided.
  - b. The Beard family owns and/or manages the agency.
  - c. All field staff have the legal certification or license required for their profession. All staff have criminal record checks.
  - d. General and Professional Liability insurance is with H. F. Thompson Insurance Agency, Inc., 2515 Waco Street, Richmond, VA 23294-3750.
2. To receive care of the highest quality in a safe and timely manner.
3. To be admitted by a home care provider only if it has the financial and/or human resources needed to provide the care safely, and at the required level of intensity, as determined by a professional assessment. However, a provider with less than optimal resources may admit the patient if a more appropriate provider is not available, but only after fully informing the patient of its limitations and the lack of suitable alternative arrangements.
4. To continuity of services.
5. To be told what to do in the case of an emergency.
6. To receive disclosure information regarding any beneficial relationships the organization has that may result in profit for the referring organization.

### *The home care provider shall assure that:*

1. All medically related home care is provided in accordance with physicians' orders and that a plan of care specifies the services to be provided and their frequency and duration.
2. All medically related personal care is provided by an appropriately trained homemaker-home health aide who is supervised by a nurse or other qualified home care professional.
3. Service is provided without regard to whether or not any patient advance directive has been executed.

## **Patient's Responsibilities**

### *Shall include, but are not limited to, the following:*

1. Participating in goal setting/discharge planning that will impact positive outcomes during care.
2. Compliance with medical advice/orders by active participation from patient and/or caregiver.
3. Reading and understanding written information given at admission.
4. Seeking clarification or further information when needed.
5. Providing accurate and complete information to staff to ensure appropriate planning for care.
6. Notifying agency in a timely manner when patient will not be home for scheduled follow-up visits.
7. Treating agency staff with respect and communicate problems that arise to appropriate staff immediately.

If there are additional responsibilities that are specific to a patient's care, these will be brought to your attention by a Registered Nurse.

In 1982, the National Association of Home Care adopted a comprehensive Code of Ethics to which all members subscribed. Among the elements in this Code was a statement of Patient Rights similar to the rights outlined in this document. In 1987, Congress enacted a provision requiring home care agencies to inform patients of these rights.