

PARTICIPANT RIGHTS

Your rights as a Cherokee Elder Care Participant

“As a Cherokee Elder Care participant, what are my rights?”

When you enroll in the Cherokee Elder Care PACE program you have certain rights and protections. Cherokee Elder Care will fully explain your rights to you or someone acting on your behalf in a way you can understand them at the time you join.

1. You have the right to be treated with dignity and respect at all times, 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, accessible environment.
 - To be free from harm. This includes physical or mental abuse, neglect, physical punishment, being placed by yourself against your will, excessive medication 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 as a Cherokee Elder Care PACE participant.
 - To get help, if you need it, in using the Medicare and Medicaid appeal processes, and your civil and other legal rights.
 - To be encouraged and helped in talking to Cherokee Elder Care staff about changes in policy and services you think should be made.
 - To the reasonable use of a telephone while at the PACE Center.

- To not have to work or perform services for Cherokee Elder Care.
2. You have a right to protection against discrimination. Discrimination is against the law. Every company or agency that works with Medicare and Medicaid must obey the law. They cannot discriminate against you because of your:
- Race/Ethnic Origin
 - Religion
 - Age (except as stated in the eligibility criteria)
 - Sex
 - Sexual Orientation
 - Mental or Physical Ability
 - 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 staff member at Cherokee Elder Care to help you resolve your problem. If you have any questions, you can also 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 Cherokee Elder Care interpret the information into your preferred language in a culturally competent manner, if your first language is not English and you can't

speaking English well enough to understand the information being given to you.

- To get marketing materials and PACE rights in English and in any other frequently used language in your community. You can also get these materials in Braille, if necessary.
 - To have the Enrollment Agreement explained to you.
 - To get a written copy of your rights from Cherokee Elder Care. Cherokee Elder Care 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 Cherokee Elder Care prior to enrollment, at the time of enrollment, and anytime there is a change in services including identification of all services that are delivered through contracts.
 - To look at, or get help in looking at, the results of the most recent review of Cherokee Elder Care. Federal and State agencies review all PACE Organizations. You also have a right to review how Cherokee Elder Care 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 Cherokee Elder Care network and to get quality health care. Women have the right to get services from a qualified women's health care specialist for routine or preventive women's health care services.
5. You have a right to access emergency services. You have the right to get emergency services when and where you need them without Cherokee Elder Care approval.

A medical emergency is defined as a medical condition manifesting itself by acute conditions of sufficient severity (including severe pain) such that a prudent lay person with an

average knowledge of health and medicine could reasonably expect the absence of medical attention to result in the following:

- 1) Serious jeopardy to you health
- 2) Serious impairment to bodily function
- 3) Serious dysfunction of any bodily organ or part

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 by the personal care team 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 Cherokee Elder Care help you create an advance directive. An advance directive is a written document that communicates how you want medical decisions to be made in case you cannot speak for yourself. You should give a copy to your physician as well as to the person who will carry out your instructions and make health care decisions for you.
- 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 request a reassessment by the Personal Care 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.
7. You have a right to have your health information kept private, including information found in a health bank. 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 Federal and State laws. You also have the right to review and copy your own medical records and request amendments to those records (HIPAA exceptions apply).

You have the right to be assured that your written consent will be obtained for the release of information to persons not otherwise authorized under law to receive your information.

You have the right to provide written consent that limits the degree of information and the persons to whom the information may be given.

There is a new 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 about the services you receive or that you feel you need and don't receive, the quality of your care, or any other concerns or problems you have with Cherokee Elder Care. You have the right to a fair and timely process for resolving concerns with Cherokee Elder Care. You have the right:
- To a full explanation of the Grievance and Appeal process. To be encouraged and helped to freely explain your complaints to Cherokee Elder Care staff and outside representatives of your choice. You must not be punished, threatened, or discriminated against in any way for telling someone your concerns.

- To appeal any treatment decision by Cherokee Elder Care, staff, or contractor.
9. You have a right to leave the program. If, for any reason, you do not feel that Cherokee Elder Care is what you want, you have the right to leave the program at any time.

Additional Help

If you have complaints about Cherokee Elder Care, think your rights have been violated, or want to talk with someone outside of Cherokee Elder Care about your concerns, call the Centers for Medicare and Medicaid Services at 1-800-MEDICARE (1-800-633-4227) or you can contact the State of Oklahoma DHS at 1-800-522-0203 or Oklahoma Health Care Authority at 1-800-784-5887