

CHAPTER 132—H.F.No. 378

VETOED

CHAPTER 133—H.F.No. 1592

An act relating to health; requiring home care providers to advise persons receiving home care services of certain rights; amending Minnesota Statutes 1990, section 144A.44, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 144A.44, subdivision 1, is amended to read:

Subdivision 1. **STATEMENT OF RIGHTS.** A person who receives home care services has these rights:

(1) the right to 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) the right to 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;

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

(4) the right to be told in advance of any change in the plan of care and to take an active part in any change;

(5) the right to refuse services or treatment;

~~(6)~~ (6) the right to know, in advance, any limits to the services available from a provider, ~~whether the services are covered by health insurance, medical assistance, or other health programs;~~ and the provider's grounds for a termination of services;

(7) the right to know 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;

New language is indicated by underline, deletions by ~~strikeout~~.

~~(6)~~ (8) the right to know what the charges are for services, no matter who will be paying the bill;

~~(7)~~ (9) the right to 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;

~~(8)~~ (10) the right to choose freely among available providers and to change providers after services have begun, within the limits of health insurance, medical assistance, or other health programs;

~~(9)~~ (11) the right to have personal, financial, and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information;

~~(10)~~ (12) the right to be allowed access to records and written information from records in accordance with section 144.335;

~~(11)~~ (13) the right to be served by people who are properly trained and competent to perform their duties;

~~(12)~~ (14) the right to be treated with courtesy and respect, and to have the patient's property treated with respect;

~~(13)~~ (15) the right to be free from physical and verbal abuse;

~~(14)~~ (16) the right to reasonable, advance notice of changes in services or charges;

~~(15)~~ (17) the right to a coordinated transfer when there will be a change in the provider of services;

(18) the right to 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;

~~(16)~~ (19) the right to 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;

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

~~(17)~~ (21) the right to assert these rights personally, or have them asserted by the patient's family or guardian when the patient has been judged incompetent, without retaliation.

Presented to the governor May 17, 1991

Signed by the governor May 21, 1991, 1:26 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.