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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY - HOME CARE PATIENT RIGHTS

Introduced By: Representatives Ruggiero, Nunes, Bennett, Gallison, and Blazejewski

Date Introduced: February 16, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-17.16-1 and 23-17.16-2 of the General Laws in Chapter 23-
2 17.16 entitled "Home Care Patient Rights" are hereby amended to read as follows:

3 ~~23-17.16-1. Written notice of rights of home care patients/clients. 23-17.16-4.~~

4 **Written notice of rights of home care patients/clients. --** Each patient/client of a home nursing
5 care provider or home care provider agency has the right to be informed of his or her rights under
6 this chapter and the home nursing care provider or home care provider agency must protect and
7 promote the exercise of these rights. The home nursing care provider or home care provider
8 agency must provide the patient/client with a written notice of the patient/client rights in section
9 23-17.16-2 in advance of furnishing care to the patient/client or during the initial evaluation visit
10 before the initiation of treatment. A copy of the written notice of rights signed by the
11 patient/client will be maintained in the patient/client record by the home nursing care provider or
12 home care provider agency and in the patient/client's home. The home nursing care provider or
13 home care provider agency must maintain documentation showing that it has complied with the
14 requirements of this section. The provisions of this chapter shall not apply to nursing services or
15 home health services conducted by and for those who rely exclusively upon spiritual means
16 through prayer alone in accordance with the creed or tenets of a well recognized church or
17 religious denomination.

18 ~~23-17.16-2. Rights of home care patients/clients. 23-17.16-5. Rights of home care~~
19 **patients/clients. --** Each home care patient/client has the following rights:

- 1 (1) To receive services without regard to race, creed, color, gender, sexual orientation,
2 age, disability, or source of payment.
- 3 (2) To receive safe, appropriate and high quality care and services in a timely manner
4 with consideration, dignity, respect and privacy.
- 5 (3) To accept or refuse care and to be informed of the consequences of that action.
- 6 (4) To be free from mental or physical abuse, physical punishment, neglect, damage to or
7 theft of property, or exploitation of any kind.
- 8 (5) To have his or her property treated with respect.
- 9 (6) To exercise his or her rights as a patient/client of the home nursing care provider or
10 home care provider agency. When the patient/client is unable to exercise his or her rights, an
11 agent or legal guardian may exercise the patient's/client's rights.
- 12 (7) To be informed, in advance, about the care to be furnished (and not to be furnished),
13 the plan of care, and of any changes in the care to be furnished before the change is made.
- 14 (8) To help plan the care and services received or to help change the care and services.
- 15 (9) To be advised in advance of the disciplines that will furnish care, the frequency of
16 visits proposed to be furnished, and the names and qualifications of all individuals providing care.
- 17 (10) To receive information necessary to make decisions about care (or to have a family
18 member receive that information, as appropriate) and to have access to their records.
- 19 (11) To receive information and counseling about advanced directives such as the living
20 will and durable power of attorney for health care, to formulate advanced directives, and to
21 receive written information about the policy of the home nursing care provider or home care
22 provider agency on client advanced directives and state COMFORT ONE protocol.
- 23 (12) To have his or her personal and clinical records treated and maintained in a
24 confidential manner and to be advised by the agency of its policies and procedures regarding
25 disclosure of clinical records.
- 26 (13) To be advised, before care is initiated, if the provider is a full participating provider
27 in the patient's/client's health care plan, the cost of services, the extent to which payment for the
28 home nursing care provider or home care provider agency services may be expected from
29 insurance, government and other sources, and the extent to which payment may be required from
30 the patient/client and the charges they will be required to pay.
- 31 (14) To be informed of the home nursing care provider or home care provider agency's
32 billing procedures and the patient/client payment responsibilities.
- 33 (15) To be informed of the home nursing care provider or home care provider agency's
34 ownership and control.

1 (16) To be informed of any experimental research or investigational activities and the
2 right to refuse them.

3 (17) To voice grievances (or to have the patient's/client's family or guardian voice
4 grievances on the patient's/client's behalf if the patient/client is unable to do so) regarding
5 treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by
6 anyone who is furnishing services on behalf of the home nursing care provider or home care
7 provider agency; to be advised on how to voice grievances; and not to be subjected to
8 discrimination or reprisal for doing so.

9 (18) To have the patient's/client's complaints investigated, or complaints made by the
10 patient's/client's family or guardian, regarding treatment or care that is (or fails to be) furnished,
11 or regarding the lack of respect for the patient/client or the patient's/client's property by anyone
12 furnishing services on behalf of the home nursing care provider or home care provider agency,
13 and the home nursing care provider or home care provider agency must document both the
14 existence of the complaint and the resolution of the complaint.

15 (19) To be informed, in writing, of his or her rights to appeal a determination or decision
16 made by the home nursing care provider or home care provider agency with regard to eligibility
17 for service, the types or levels of service in the care plan, a termination or change in service, or if
18 the patient/client feels that his or her rights under this chapter have been violated.

19 (20) To be advised, in writing, of the names, addresses, and telephone numbers of the
20 state ombudsperson, the attorney general's Medicaid fraud control unit, the state licensing agency
21 and the availability of the state toll-free home health hotline, the hours of its operation, and that
22 the purpose of the hotline is to receive complaints or questions about local home nursing care
23 providers or home care providers.

24 (21) The patient/client shall have the right to receive information concerning hospice
25 care, including the benefits of hospice care, the cost, and how to enroll in hospice care.

26 SECTION 2. Chapter 23-17.16 of the General Laws entitled "Home Care Patient Rights"
27 is hereby amended by adding thereto the following section:

28 **23-17.16-1-1. Legislative findings. -- [The general assembly finds:](#)**

29 [\(1\) Home health care is an important part of the quality of health care;](#)

30 [\(2\) Home health care permits patients to receive medical care and treatment in the](#)
31 [community; and](#)

32 [\(3\) Home health care is cost efficient health care.](#)

33 **23-17.16.1-2. Definitions. - [As used in this chapter:](#)**

34 [\(1\) "Health care provider" means a person who is licensed, certified, or otherwise](#)

1 authorized by the laws of this state to administer health care in the ordinary course of business or
2 practice of a profession.

3 (2) "Person" means an individual, corporation, business trust, estate, trust, partnership,
4 association, government, governmental subdivision or agency, or any other legal entity.

5 **23-17.16.1-3. Purpose. The purpose of home health care is:**

6 (1) To avoid institutionalization;

7 (2) To shorten hospital stays;

8 (3) To speed recovery;

9 (4) To bridge care from health care facilities and primary care providers and specialty
10 providers; and

11 (5) To allow patients to remain in the community.

12 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - HOME CARE PATIENT RIGHTS

- 1 This act would establish legislative findings concerning home health care.
- 2 This act would take effect upon passage.

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