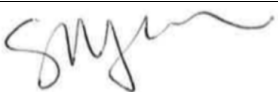




Member Rights & Responsibilities Policy & Procedure

Affected LCI Units: All	Developed Date: December 2014
Policy Number: MSUP0004	Last LCI Review Date: October 2020
Last DHS Approval: N/A	Policy Owner: Member Supports
Authorization & Date:  12/9/14	

Purpose:

Lakeland Care, Inc. (LCI) is committed to empowering members and maintaining a mutually respectful relationship with members and expects members to assume certain responsibilities as well. This policy identifies members' rights and responsibilities throughout their relationship with LCI.

Scope:

This policy covers all members, LCI employees, and contracted providers who support members to achieve their identified long-term care outcomes.

Definitions:

Policy:

LCI strives to inform and educate members regarding their rights and responsibilities and provides support for members to exercise their rights and uphold their responsibilities. LCI staff and all contracted providers will demonstrate dignity and respect in all interactions with members and take members' rights into consideration when furnishing services to members. LCI affirms member's rights protected by statute, administrative rule, and contract provisions. To empower member's self-advocacy, LCI's Member Handbook, which contains all applicable member rights and responsibilities, is available for viewing on LCI's website and available in print. Annually, LCI informs members, in writing, about their right to request and obtain information about member rights and protections, the Member Handbook, and the Provider Network Directory.

LCI will not prohibit, or otherwise restrict, a provider acting within the lawful scope of practice, from advising or advocating on behalf of a member who is receiving services for the following:

1. The member's health status, medical care, or treatment options, including any alternative treatment;
2. Any information the member needs to decide among all relevant treatment options;
3. The risks, benefits, and consequences of treatment or non-treatment; or
4. The member's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions.

LCI will not retaliate against a member when they choose to involve an advocate (provider, medical professional, or natural support). Additionally, LCI will not retaliate on a provider, advocate, medical professional, or natural support for acting on behalf of a member.

To facilitate a positive member experience while enrolled, LCI will expend significant effort to ensure the following rights are upheld:

1. Freedom from unlawful discrimination in applying for or receiving the Family Care benefit.
2. Accuracy and confidentiality of member information.
3. To request and receive a copy of their member record and request amendments or corrections.

4. Prompt eligibility, entitlement and cost-sharing decisions and assistance.
5. Access to personal, program, and service system information.
6. Choice to enroll in the LCI, if eligible, and to disenroll at any time.
7. Information about and access to all services of the Department of Health Services (DHS), Aging and Disability Resource Centers, and LCI to the extent that the member is eligible for such services.
8. Support in understanding their rights and responsibilities related to Family Care.
9. Support from LCI in all of the following:
 - a. Self-identifying outcomes and long-term care needs.
 - b. Information regarding and timely access to all covered services and supports potentially available through the Family Care benefit.
 - c. Actively participating in planning individualized services and making reasonable service and provider choices for achieving identified outcomes.
 - d. Assistance as requested or needed in exercising their choices and preferences about where to live, with whom to live, work, daily routine, and services, which may include involving experts in member outcomes planning for individuals that are non-verbal and people with cognitive deficits.
 - e. Assistance with strategies for solving conflicts or disagreement within the MCP process, including clear conflict of interest guidelines for all planning participants.
 - f. Identifying, eliminating and/or monitoring situations where a conflict of interest may exist due to a person having an interest in, or the potential to benefit from, a particular decision, outcome, or expenditure.
10. Services identified in the Member Centered Plan (MCP) that are based on the comprehensive assessment.
11. Support to exercise any rights and available grievance and appeal procedures, and assurance that the exercise of those rights does not adversely affect the way the LCI, its contracted providers or the DHS treats members.
12. Receive information from LCI in a way that is sensitive to members' needs and ability to comprehend.
13. Encouragement of the active involvement of the member's natural and community supports, including family, friends, and others who know the member and how the member best communicates, to assist in conveying preferences in the member-centered planning process and development of the Care Plan.
14. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
15. Be treated with dignity, respect, and fairness at all times by LCI and its contracted providers, including the right to:
 - a. Receive compassionate and considerate care from LCI staff and contracted providers.
 - b. Receive care in a safe and clean environment.
 - c. Services that are received without exchange for work.
 - d. Encouragement to discuss with LCI staff any changes in policies or services the member believe should be made.
 - e. Encouragement to exercise their rights by LCI staff.
 - f. Be free from discrimination.
 - g. Be free from abuse, neglect, and financial exploitation.
16. Receive information about LCI, the Family Care benefit package, and the network of contracted providers.
17. Receive information at the time of enrollment that they have the right to change providers, and if LCI is not able to accommodate the choice in provider, the member may voluntarily disenroll from the program.
18. Receive the appropriate range of services in the benefit package readily available including to members with limited English proficiency or physical or mental disabilities.
19. Receive services and care that values and honors the member's beliefs, with sensitivity to cultural diversity including members with limited English proficiency and diverse cultural and

ethnic backgrounds, disabilities, and regardless of gender, sexual orientation, or gender identity, and fostering staff and providers attitudes and interpersonal communication styles that respect members' cultural backgrounds.

20. Treatment with dignity and respect, and in a fair and equitable manner which is culturally sensitive to members' outcomes and needs.
21. Acceptance of appeals and grievances from members related to a lack of access to culturally appropriate care, delivered with sensitivity, understanding, and respect for the member's culture.
22. Right to make decisions about care and treatment regarding health and long-term care which includes the following:
 - a. Be offered all available options including the associated costs and coverage by Family Care.
 - b. Be told about any risks involved in care.
 - c. Decline any recommended care or services.
 - d. Receive secondary medical opinions.
23. Personal autonomy and retention of all civil and legal rights, including the development of advance directives.

To ensure the most positive experience with LCI, members are encouraged to actively engage with their Care Team and fulfill the following responsibilities to the extent they are able:

1. Become familiar with covered services and the processes involved in obtaining services.
2. To participate in the initial and ongoing development and implementation of their MCP and individualized service plan.
3. Participate as a member of the Interdisciplinary Team in the Resource Allocation Decision process which determines services based on long-term care outcomes.
4. Follow the care plan that was agreed upon.
5. Be responsible for actions if care or treatment is refused, or if instructions provided by the Interdisciplinary Team or providers are not followed.
6. Use providers contracted with LCI, unless otherwise agreed upon by the Interdisciplinary Team staff.
7. Follow LCI procedures for obtaining care after hours.
8. Inform LCI of change of address or phone number.
9. Inform LCI of any planned temporary stay or move from LCI's service area.
10. Provide correct information regarding health care needs, finances, preferences, and inform LCI as soon as possible regarding any changes in status. This includes signing a "release of information" form when needed which will assist in obtaining further information the member does not possess.
11. Treat Interdisciplinary Team staff and contracted providers with dignity and respect.
12. Accept services without regard for the contracted provider's race, color, religion, age, gender, sexual orientation, health, ethnicity, creed (beliefs) or national origin.
13. Timely pay any monthly costs including applicable cost-share, spend down, or room and board expenses.
14. Use any Medicare or private insurance benefits when appropriate.
15. Take care of any equipment provided by LCI.
16. Report any fraud or abuse on the part of contracted providers or LCI employees.
17. Not participate in any fraudulent activity or abuse benefits. This may include:
 - a. Misrepresenting the level of disability
 - b. Misrepresenting income and asset level
 - c. Misrepresenting residency
 - d. Selling medical equipment or supplies funded by LCI
18. Utilize the available appeal and grievance processes to improve the quality of services and supports.
19. Participate in evaluating the quality of LCI through participation in member surveys and member interviews.

Members have other rights and responsibilities based on treatment status, target group, and residence in a licensed residential setting.

Procedure:

The following processes and actions will be standard procedures for informing, educating, and supporting members to know and to exercise rights included in the Member Rights and Responsibilities policy:

1. Members will be informed about their rights and responsibilities at their initial orientation to Lakeland Care, Inc. (LCI) which will be provided within the first 60 days of enrollment. Interdisciplinary Team (IDT) staff will provide education to each member/legal representative regarding their rights and responsibilities as described in the Member Handbook. The IDT staff will assure that the member has a copy of the LCI Member Handbook, which provides information for members on rights and responsibilities, including appeal and grievance procedures. The IDT staff will document in the member's record that the educational process has been completed.
2. LCI identifies the Member Rights Specialist (MRS) as the person responsible to fulfill the following functions:
 - a. *Member Rights:* The MRS will support all members in understanding their rights and responsibilities related to Family Care, including due process procedures available to them through grievances, appeals, and requests for Department review and State Fair Hearings, as well as options available to express their opinions and concerns.
 - b. *Advocacy Services:* The MRS assists members with issues and concerns related to LCI care management or contracted services and assists in assuring quality services throughout LCI.
3. Members' rights are protected through the local LCI Appeal and Grievance Policy and Procedures, Department review procedures, and State Fair Hearing process which are all explained in the Member Handbook.
4. Members are informed of their rights and appeal processes through each Notice of Adverse Benefit Determination (NOA) that is executed whenever a service request is denied, limited, reduced, or terminated. The language, format, and timing of the NOA complies with requirements in the current Department of Health Services (DHS) Contract. LCI utilizes the DHS-required format for the NOA.
5. The Member Handbook contains sections on member rights and on member responsibilities. The listing of member rights in the Member Handbook outlines many additional rights related to specific processes, services, values, or outcomes.
6. Annually, via letter or other written communication, members will receive communication from LCI informing them of their right to request and obtain information about member rights and protections, the Member Handbook, and the Provider Network Directory.
7. LCI's Care Management, Community Supports, and Quality and Member Supports staff receive initial training on the Member Rights and Responsibilities policy at the time of their orientation. This policy and procedure will be reviewed at least every three years for Care Management, Community Supports, and Quality and Member Supports staff.

Reference/Cross Reference(s):

Lakeland Care, Inc. Member Handbook