



SENIOR & LONG TERM CARE DIVISION

COMMUNITY SERVICES BUREAU

Medicaid Hospice Policy Manual

Title: Hospice Policy 301
Section: GENERAL ADMINISTRATION
Subject: Hospice Member Rights
Reference: ARM 37.40.805, 42 CFR 418.52
Supersedes: Policy 301, October 2016

MEMBER RIGHTS

The member has the right to be informed of his or her rights, and the hospice must protect and promote the exercise of these rights.

NOTICE OF RIGHTS AND RESPONSIBILITIES

During the initial assessment visit, in advance of furnishing care, the hospice must provide the member or representative with verbal and written notice of the member's rights and responsibilities in a language and manner that the member understands.

1. The hospice must comply with the requirements regarding advance directives.
2. The hospice must inform and distribute written information to the member concerning its policies on advance directives, including a description of applicable State law.
3. The hospice must obtain the member's or representative's signature confirming that he or she has received a copy of the notice of rights and responsibilities.

EXERCISE OF RIGHTS AND RESPECT FOR PROPERTY AND PERSON

The member has the right to:

1. Exercise his or her rights as a member of the hospice;
2. Have his or her property and person treated with respect;

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3. Voice grievances regarding treatment or care that is (or fails to be) furnished and the lack of respect for property by anyone who is furnishing services on behalf of the hospice; and
4. Not be subjected to discrimination or reprisal for exercising his or her rights.

If a member has been ruled incompetent under State law by a court of proper jurisdiction, the rights of the member are exercised by the person appointed pursuant to State law to act on the member's behalf.

If a State court has not ruled a member incompetent, any legal representative, designated by the member in accordance with State law, may exercise the member's rights to the extent allowed by State law. The hospice must:

1. Ensure that all alleged violations involving mistreatment, neglect, or verbal, mental, sexual, and physical abuse, including injuries of unknown source, and misappropriation of member property by anyone furnishing services on behalf of the hospice, are reported immediately by hospice employees and contracted staff to the hospice administrator;
2. Immediately investigate all alleged violations involving anyone furnishing services on behalf of the hospice and immediately take action to prevent further potential violations while the alleged violation is being verified. Investigations and/or documentation of all alleged violations must be conducted in accordance with established procedures;
3. Take appropriate corrective action in accordance with state law if the alleged violation is verified by the hospice administration or an outside body having jurisdiction, such as the State survey agency or local law enforcement agency; and

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4. Ensure that verified violations are reported to State and local bodies having jurisdiction (including to the State survey and certification agency) within five working days of becoming aware of the violation.

RIGHTS OF THE MEMBER

The member has a right to the following:

1. Receive effective pain management and symptom control from the hospice for conditions related to the terminal illness;
2. Be involved in developing his or her hospice plan of care;
3. Refuse care or treatment;
4. Choose his or her attending physician;
5. Have a confidential clinical record;

NOTE: Access to or release of member information and clinical records is permitted.

6. Be free from mistreatment, neglect, or verbal, mental, sexual, and physical abuse, including injuries of unknown source, and misappropriation of member property;
7. Receive information about the services covered under the hospice benefit; and
8. Receive information about the scope of services that the hospice will provide and specific limitations on those services.