

410 IAC 17-12-3 Patient rights

Authority: IC 16-27-1-7

Affected: IC 16-27-1

Sec. 3.

- (a) The patient or the patient's legal representative has the right to be informed of the patient's rights through effective means of communication. The home health agency must protect and promote the exercise of these rights and shall do the following:
- (1) Provide the patient with a written notice of the patient's right:
 - (A) in advance of furnishing care to the patient; or
 - (B) during the initial evaluation visit before the initiation of treatment.
 - (2) Maintain documentation showing that it has complied with the requirements of this section.
- (b) The patient has the right to exercise his or her rights as a patient of the home health agency as follows:
- (1) The patient's family or legal representative may exercise the patient's rights as permitted by law.
 - (2) The patient has the right to the following:
 - (A) Have his or her property treated with respect.
 - (B) Voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the home health agency and must not be subjected to discrimination or reprisal for doing so.
 - (C) Place a complaint with the department regarding treatment or care furnished by a home health agency.
 - (D) Be informed about the care to be furnished and of any changes in the care to be furnished as follows:
 - (i) The home health agency shall advise the patient in advance of the:
 - (AA) disciplines that will furnish care; and
 - (BB) frequency of visits proposed to be furnished.
 - (ii) The patient has the right to participate in the planning of the care. The home health agency shall advise the patient in advance of the right to participate in planning the following:
 - (BB) Changes in the care or treatment.
 - (iii) The home health agency shall advise the patient of any change in the plan of care, including reasonable discharge notice.
 - (E) Confidentiality of the clinical records maintained by the home health agency. The home health agency shall advise the patient of the agency's policies and procedures regarding disclosure of clinical records.
 - (3) The patient or patient's legal representative has the right under Indiana law to access the patient's clinical records unless certain exceptions apply. The home health agency shall advise the patient or the patient's legal representative of its policies and procedures regarding the accessibility of clinical records.
 - (4) The patient has the right to be as follows:
 - (A) Free from verbal, physical, and psychological abuse.
 - (B) Treated with dignity.
- (c) The home health agency shall do the following:
- (1) Investigate complaints made by a patient or the patient's family or legal representative regarding either of the following:
 - (A) Treatment or care that is (or fails to be) furnished.
 - (B) The lack of respect for the patient's property by anyone furnishing services on behalf of the home health agency.
 - (2) Document both the existence of the complaint and the resolution of the complaint.
- (d) The home health agency shall make available to the patient upon request, a written notice in advance of furnishing care to the patient or during the initial evaluation visit before the initiation of treatment, a listing of all individuals or other legal entities who have an ownership or control interest in the agency as defined in 42 CFR 420.201, 42 CFR 420.202, and 42 CFR 420.206, in effect on July 1, 2005.
- (e) The home health agency must inform and distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable state law. The home health agency may furnish advanced directives information to a patient at the time of the first home visit, as long as the information is furnished before care is provided. (*Indiana State Department of Health; 410 IAC 17-12-3; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2486; filed Sep 26, 2006, 9:56 a.m.: 20061025- IR-410050260FRA; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA*)