



Element Care

Improving Health. Enriching Lives.

PACE Participant Bill of Rights

You have the right to be treated with respect. You have the right to considerate, respectful care from all Element Care employees and contractors at all times and under all circumstances. You have the right:

- To receive comprehensive health care in a safe, clean environment and in an accessible manner.
- To be treated with dignity and respect, be afforded privacy and confidentiality in all aspects of care, and be provided humane care.
- To not have to do work or services for Element Care.
- To have reasonable access to a telephone while at the PACE center.
- To be free from harm. This includes physical or mental abuse, neglect, physical punishment, being placed in an area alone against your will, or any physical restraint or medication that is used as a restraint for the purpose of discipline or for the convenience of an Element Care employee and that is not needed to treat your medical symptoms or to prevent injury.
- To be encouraged and assisted to exercise rights as a participant including the Medicare and Medicaid complaint and appeal processes, as well as civil and other legal rights.
- To be encouraged and assisted to recommend changes in policies and services to Element Care employees.

You have a right to protection against discrimination. Discrimination is against the law. Every company or agency that works with Medicare and Medicaid must obey the law. They cannot discriminate against you because of your:

- Race, color or national/ethnic origin
- Religion
- Age
- Sex
- Mental or physical disability
- Sexual orientation or identity
- Source of payment for health care (For example, Medicare, Medicaid or private pay)

If you think you have been discriminated against for any of these reasons, contact Element Care's Customer Service Manager (see contact information below) or any Element Care employee to help you resolve the issue. You can also call the Office for Civil Rights at 1-800-368-1019, TTY 1-800-537-7697.

You have the right to information and assistance. You have the right to receive accurate, easy to understand information and to have someone help you make informed health care decisions. You have the right:

- To be fully informed, in writing, of the services offered by PACE at Element Care. This includes telling you which services are provided by contractors. You must be given this information prior to and upon enrollment and when your needs necessitate the disclosure and delivery of such information in order to allow you to make an informed decision.
- To get a written copy of your rights. Element Care must post these PACE Participant rights in principal languages of the community in a public place in the PACE center where it is easy to see them.
- To have the enrollment agreement, described in §460.154, fully explained in a manner you understand.
- To be helped to examine the results of the most recent review of PACE at Element Care conducted by CMS or the State Administering Agency and any plan of correction in effect.
- To receive free language assistance services, if you need language assistance in a language other than English or in an alternative format. Element Care provides free aids and services to assist in the effective and culturally competent communication of information related to your PACE benefits.

You have the right to a choice of providers. You have the right to a choice of health care providers, within the Element Care network, that is sufficient to ensure access to appropriate high-quality health care. You have the right:

- To choose your primary care provider and specialists from the Element Care network.
- To request that a qualified specialist for women's health services provide routine or preventative women's health services.

You have the right to access emergency services. You have the right to access emergency health care services when and where the need arises without prior authorization by the interdisciplinary team.

You have the right to participate in treatment decisions. You have the right to participate fully in all decisions related to your treatment. If you are unable to participate fully in treatment decisions, you have the right to designate a representative. You have the right:

- To have all treatment options explained in a culturally competent manner and to make health care decisions, including the right to refuse treatment, and to be informed of the consequences of the decisions.
- To have advance directives explained and established, if you so desire, in accordance with §§489.100 and 489.102.
- To participate in the development and implementation of your care plan and to be fully informed of your health and functional status by the interdisciplinary team.
- To request a reassessment by the interdisciplinary team.
- To be given reasonable advance notice, in writing, of any transfer to another treatment setting and the justification for the transfer (that is, if it is due to medical reasons or for your welfare, or the welfare of other participants). Element Care medical staff must document the justification in your medical record.

You have the right to have your health information kept private. You have the right to communicate with health care providers in confidence and to have the confidentiality of your individually identifiable health care information protected. You have the right to review and receive a copy of your medical record and request amendments to those records. You have the right:

- To be assured of confidential treatment of all information contained in the health record, including information contained in an automated data bank.
- To be assured that your written consent will be obtained for the release of information to persons not otherwise authorized under the law to receive it.
- To provide written consent that limits the degree of information and the persons to whom information may be given.

You have the right to file a complaint and appeal. You have the right to a fair and efficient process for resolving differences with Element Care, including a rigorous system for internal review by the organization and an independent system of external review. You have the right:

- To voice complaints to Element Care employees and outside representatives of your choice, free of any restraint, interference, coercion, discrimination, or reprisal by employees.
- To appeal any treatment decision by Element Care employees, or its contractors through the process described in §460.122.

If you believe that Element Care has violated your rights or discriminated against you on the basis of race, color, national/ethnic origin, religion, age, disability, sex, sexual orientation or identity, or source of payment for health care you can file a complaint in person or by mail, fax or email with the **Customer Service Manager**:

37 Friend Street, Lynn, MA 01902
Phone: 781 715-6612 TTY: 711
Fax: 781-780-7856
customerservice@elementcare.org.

If you need help filing a complaint, the Customer Service Manager is available to help you. You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf> or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW, Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 1-800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>

You have the right to leave the program. If, for any reason, you do not feel that PACE at Element Care is what you want, you have the right to leave at any time. Disenrollment becomes effective the first day of the month following notice to disenroll.