



Participant Rights

Your rights as a Summit ElderCare® participant:

The rights of the individual to respect and nondiscrimination are fundamental to the basic philosophy of the Program of All-Inclusive Care for the Elderly (PACE). Within this context, as a participant in a federally-qualified PACE, according to Federal PACE Regulations §460.112, you have certain rights and protections.

You have the right to be treated with respect.

You have the right to always be treated with dignity and respect by all Summit ElderCare employees and contractors, to have all your care kept private, and to get compassionate, considerate care. You have the right to:

- Get all your health care in a safe, clean environment and in an accessible manner.
- Be free from harm. This includes excessive medication, physical or mental abuse, neglect, physical punishment, being placed by yourself against your will, and any physical or chemical restraint that is used on you for discipline or convenience of staff and that you do not need to treat your medical symptoms.
- Be encouraged and helped to use your rights in the Summit ElderCare PACE program.
- Get help, if you need it, to use the Medicare and Medicaid complaint and appeal processes, and your civil and other legal rights.
- Be encouraged and helped in talking to Summit ElderCare staff about changes in policy and services you think should be made.
- Use a telephone while at the Summit ElderCare PACE Center.
- Not have to do work or services for Summit ElderCare.

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 this law. They cannot discriminate against you because of:

- Race
- Ethnic origin
- National origin
- Religion
- Age
- Sex/gender
- Sexual orientation
- Mental or physical ability
- Source of payment for your health care (for example, Medicare or Medicaid)

If you think you have been discriminated against for any of these reasons, contact a staff member at the Summit ElderCare PACE Center to help you resolve your problem.

If you have any questions, you can call the Office for Civil Rights at 1-800-368-1019. TTY users should call 1-800-537-7697.

You have a right to information and assistance.

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

- Have someone help you if you have a language or communication barrier so you can understand all information given to you.
- Have Summit ElderCare interpret the information into your preferred language in a culturally competent manner, if your first language is not English and you can't speak English well enough to understand the information being given to you.
- Get marketing materials and PACE participant rights in English and in any other frequently used language in your community. You can also get these materials in Braille, if necessary.
- Have the Enrollment Agreement fully explained in a manner that understood by you.
- Get a written copy of your rights from Summit ElderCare. Summit ElderCare must also post these rights in a public place in the PACE Center where it is easy to see them.
- Be fully informed, in writing, of the services offered by Summit ElderCare. This includes telling you which services are provided by contractors instead of Summit ElderCare staff. You must be given this information before you join, at the time you join, and when you need to make a choice about what services to receive.
- To be provided with a copy of individuals who provide care-related services not provided directly by Summit ElderCare upon request.
- Look at, or get help to look at, the results of the most recent review of Summit ElderCare. Federal and state agencies review all PACE programs. You also have a right to review how Summit ElderCare plans to correct any problems that are found at inspection.

You have a right to a choice of providers.

You have the right to choose a health care provider, including your primary care provider and specialists, from within Summit ElderCare's network and to get quality health care. Participants assigned female at birth have the right to get services from a qualified women's health care specialist for routine or preventive women's health care services.

You have a right to reasonable and timely access to specialists as indicated by your health condition.

You also have the right to receive care across all care settings, up to and including placement in a long-term care facility when Summit ElderCare can no longer maintain you safely in the community.

You have a right to access emergency services.

You have the right to get emergency services when and where you need them without Summit ElderCare's approval. A medical emergency is when you think your health is in serious danger—when every second counts. You may have a bad injury, sudden illness or an illness quickly getting much worse. You can get emergency care anywhere in the United States, you do not need to get permission from Summit ElderCare prior to seeking emergency services.

You have a right to participate in treatment decisions.

You have the right to fully participate in all decisions related to your health care. If you cannot fully participate in your treatment decisions or want to have someone you trust help you, you have the right to choose that person to act on your behalf. You have the right to:

- Have all treatment options explained to you in a language you understand, to be fully informed of your health status and how well you are doing, and to make health care decisions. This includes the right not to get treatment or take medications. If you choose not to get treatment, you must be told how this will affect your health.
- Have Summit ElderCare help you create an advance directive, if you choose. An advance directive is a written document that says how you want medical decisions to be made in case you cannot speak for yourself. You should give it to the person who will carry out your instructions and make health care decisions for you.
- Participate in making and carrying out your plan of care. You can ask for your plan of care to be reviewed at any time.
- Be given advanced notice, in writing, of any plan to move you to another treatment setting and the reason you are being moved.

You have a right to have your health information kept private.

- You have the right to talk with health care providers in private and to have your personal health care information kept private and confidential, including health data that is collected and kept electronically, as protected under State and Federal laws.
- You have the right to look at and receive copies of your medical records and request amendments.
- You have the right to be assured that your written consent will be obtained for the release of information to persons not otherwise authorized under law to receive it.
- You have the right to provide written consent that limits the degree of information and the persons to whom information may be given.

There is a patient privacy rule that gives you more access to your own medical records and more control over how your personal health information is used. If you have any questions about the Health Insurance Portability and Accountability Act (HIPAA) privacy rule, call the Office for Civil Rights at 1-800-368-1019. TTY users should call 1-800-537-7697.

You have a right to file a complaint (grievance), request additional services or make an appeal.

You have a right to complain about the services you receive or that you need and don't receive, the quality of your care, or any other concerns or problems you have with the Summit ElderCare program. You have the right to a fair and timely process for resolving concerns with Summit ElderCare. You have the right to:

- A full explanation of the grievance process.
- Be encouraged and helped to freely explain your complaints/concerns to staff and outside representatives of your choice. You must not be harmed in any way for telling someone your concerns. This includes being punished, threatened, or discriminated against.
- Appeal any denial of a service or treatment decision by the Summit ElderCare program, staff, or contractors.

You have the right to request services from Summit ElderCare that you believe are necessary.

You have the right to a comprehensive and timely process for determining whether those services should be provided.

You have a right to contact 1-800-MEDICARE for information or to make a complaint, including to make a complaint related to the quality of care or the delivery of a service.

This number may be utilized by Medicare beneficiaries to address coverage questions, find plan information, or make complaints related to the Medicare program.

When a participant files a complaint with 1-800-MEDICARE, the complaint gets logged and sent to a Centers for Medicare & Medicaid Services (CMS) account manager or case worker to ensure it is appropriately responded to and resolved.

You have a right to leave the program.

If, for any reason, you do not feel that the Summit ElderCare program is what you want, you have the right to leave the program at any time and have such disenrollment be effective the first day of the month following the date Summit ElderCare receives the participant's notice of voluntary disenrollment.

Additional help

If you have complaints about Summit ElderCare, think your rights have been violated, or want to talk with someone outside Summit ElderCare about your concerns, call 1-800-MEDICARE (1-800-633-4227), TTY users call 1-877-486-2048, to get the name and phone number of someone in your state administering agency. You can also get copies of a brochure from CMS about PACE program rights.

You have the right to contact outside advocacy agencies to assist you in an appeal or grievance, including:

- Executive Office of Elder Affairs Community Ombudsman at 1-617-727-7750
- Serving the Health Insurance Needs of Everyone (SHINE) at 1-800-243-4636 (TDD/TTY: 1-877-610-0241)
- Medicare Rights Center at 1-888-466-9050.

If you are a MassHealth/Medicaid beneficiary, you may also request a fair hearing. The request may be mailed to the Board of Hearings, Office of Medicaid, 100 Hancock St., 6th floor, Quincy, MA 02171, or you may fax your request to 1-617-847-1204.

If you are concerned about the quality of the care you have received, you have the right to file a complaint with the local Massachusetts Quality Improvement Organization (KEPRO) at 1-888-319-8452 (TTY: 1-855-843-4776).

You also have the right to contact the Office for Civil Rights at 1-800-368-1019 (TDD: 1-800-537-7697) if you have questions about your rights as a Summit ElderCare participant, or if you believe that your rights have been violated.