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| Subject:             | <b>Member Rights</b>   | Policy No.:                |
| Applies to:          | Healthy Options <input type="checkbox"/><br>GA-U <input type="checkbox"/><br>BHP <input type="checkbox"/><br>PEBB <input type="checkbox"/><br>Medicare Advantage <input checked="" type="checkbox"/> |                            |
| Department Approval  |  | Date: 01-01-2005           |
| Compliance Approval: |  | Date: 01-01-2005           |
| SEC Approval:        |  | Date:                      |
| Prepared By:         | Maryann Schwab   | Effective Date: 01-01-2005 |

## **PURPOSE**

The purpose of this policy is to set forth the rights of Community Health Plan of Washington's (CHPW) Medicare Advantage members in accordance with all applicable State and Federal laws, specifically 42 CFR §438.100 and including Title VI of the Civil Rights Act of 1964 as implemented by regulations at 45 CFR part 484; the Age Discrimination Act of 1975 as implemented by regulations at 45 CFR part 91; the Rehabilitation Act of 1973; and Titles II and III of the Americans with Disabilities Act and other laws regarding privacy and confidentiality.

## **POLICY**

This policy outlines Community Health Plan of Washington's (CHPW) procedures for ensuring that Medicare Advantage members are provided with certain rights in order to achieve respectful, considerate, and nonjudgmental care in an atmosphere that values members' privacy, confidentiality, belief system, and dignity.

Members are free to exercise their rights, and that the exercise of those rights will not adversely affect the way CHPW or its providers treat the member.

## **PROCEDURE**

In accordance with State and Federal laws, specifically 42 CFR §438.100:

1. CHPW will establish policies and procedures to ensure members are provided appropriate rights; and

2. CHPW will monitor employee compliance with member rights requirement; and
3. CHPW will monitor provider compliance with member rights requirement; and
4. CHPW will provide staff training, at least annually, regarding member rights requirement; and
5. CHPW will provide providers with materials and training regarding member rights.
6. CHPW will provide members with written information regarding their rights, in a manner and format in compliance with 42 CFR § 438.10, upon enrollment and annually thereafter.

## **MEMBER RIGHTS**

### **Medicare Advantage Members of Community Health Plan of Washington have the right to:**

- Receive information in accordance with 43 CFR § 438.100.
- To be treated with respect and with due consideration for his or her dignity and privacy.
- To receive information on available treatment options and alternatives, presented in a manner appropriate to the member's condition and ability to understand.
- To participate in decisions regarding his or her health care, including the right to refuse treatment.
- To be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation, as specified in other Federal regulations on the use of restraints and seclusion.
- To be furnished health care services in accordance with § § 438.206 through 438.210.
- To obtain a second opinion from an appropriately qualified health care professional in accordance with § 438.206 (d) (3).
- To request and receive a copy of his or her medical records, and to request that they be amended or corrected, as specified in § 438.224.

### **Protected Health Information**

This policy and procedure does not require access to protected health information.

| <b>Revision History</b> |                                       |                  |
|-------------------------|---------------------------------------|------------------|
| Revision Date           | Revision                              | Revision Made By |
| 06/07/2005              | Added detail regarding member rights. | Maryann Schwab   |
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