



Minnesota Department of Human Services



# Older Minnesotans — Know Your Rights About Services



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Внимание: если вам нужна бесплатная помощь в переводе  
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Atención. Si desea recibir asistencia gratuita para traducir esta  
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This information is available in other forms to people with disabilities by contacting us at (651) 431-2400 (voice) or toll free at (800) 747-5484. TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.

# Older Minnesotans – Know Your Rights About Services

## This booklet will help you:

- Understand your rights if you are looking for services or receiving services
- Know about your right to choose services that may assist you
- Find assistance to make decisions about where you live and the services you receive
- Get more information and exercise your rights.

## State and federal laws protect your rights to:

- Receive assistance in assessing and understanding your needs
- Receive the information you need to make choices about your services
- Receive the care and support you need to live in your own home and community
- Make sure you make your own decisions about services, or receive assistance in making decisions that are best for you
- Receive help paying for services, if you qualify
- Choose where you want to live
- Appeal decisions that have been made by others
- Notify the proper agencies if your rights have not been protected.



## Your guide to consumer rights:

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# 1. Your right to get help with decisions about your service needs

Minnesota law provides consultation services on your long-term care, if you want help to determine what your needs are and to decide on a plan for services.

## You have the right to:

You have the right to a free visit from a nurse or social worker in your home, apartment or facility where you live, who will meet with you and your family to talk about your care needs, within 10 days if you call to ask for a visit or someone else calls for you.

## The visiting consultant will:

- Give you information about services in your community
- Help find services for you to stay in your home or community
- Help find services for you to move out of a nursing home or other facility
- Assist you with applying for programs that provide the services you need

## You have the right to:

- Have friends and family present at the visit
- Designate a representative to help you make decisions
- Decide what your needs are and where you want to live
- Ask for services that are best to meet your needs
- Make final decisions about your plan for services and help
- Choose who you want to provide service or support
- Apply for help with paying for services.

## After the visit, the consultant must:

- Send a letter to you that recommends services that best meet your needs
- Send a copy to you of the service plan you helped put together
- Tell you if you may qualify for help in paying for services you need, including help to apply
- Help you file an appeal, if you disagree with suggested services or were informed that you may not qualify.

## For more information, contact:

- The Senior Linkage Line® @ (800) 333-2433 for assistance locating a consultant or applying for programs, or @ Web site [www.mnaging.org](http://www.mnaging.org)
- MinnesotaHelp®.Info @ Web site [www.MinnesotaHelp.info](http://www.MinnesotaHelp.info) for complete information about resources available to you
- Your local social services, human services, or public health agency listed in the blue government pages of your telephone book
- The social worker or contact person at the nursing home or other facility where you live.

## 2. Your rights about services you get in your home, apartment or facility

Minnesota law affords certain rights when you are receiving services in your own home, apartment, or facility.

### You have the right to:

- Choose the kind of help or support you want
- Choose your provider
- Develop your plan for services
- Disagree with recommendations for services

- Know how much your service costs
- Ask for changes in your services or supports
- Complain about the services you are receiving
- Complete the Minnesota Advanced Directive to designate a representative to act on your behalf if you are unable to make decisions during a medical episode.

### **If you get home care services, including assisted living services, you have the right to:**

- Get a copy of the “Home Care Bill of Rights” from your home care provider.
- An assisted living agreement that includes the cost of rent, the types and cost of services, and other conditions that may affect whether or not you can get more help or need to move.

### **For more information, contact:**

- Your home care provider
- The State Office of the Ombudsman for Long-term Care @ (651) 431-2555, or toll free @ (800) 657-3591 to get help advocating for your needs or to ask for the brochure “Home Care Guide: Guide to In-home Services”
- The Office of Health Facility Complaints @ (651) 201-4201, or toll free @ (800) 369-7994, or @ Web site <http://www.health.state.mn.us/divs/fpc/ohfcinfo/contohfc.htm>, or @ Email address [www.ohfc-complaints@health.state.mn.us](mailto:www.ohfc-complaints@health.state.mn.us)
- The Senior Linkage Line® @ (800) 333-2433 for assistance with Health Care Directives, or @ Web site <http://www.mnaging.org/seniors/assistance/directive.html>

### **3. Your rights under Minnesota Health Care Programs (MHCP)**

Minnesota has publicly funded home and community-based services that help to support qualified persons age 65 and older in their own home or community setting.

#### **You have the right to:**

- Apply for health and home and community-based services under Medical Assistance, MinnesotaCare, Minnesota Senior Health Options, Elderly Waiver Program, and Alternative Care Program
- Get free help from the State Health Insurance Counselors to apply for services
- Appeal decisions about your application.

#### **If you are receiving services under MHCP, you have the right to:**

- Get a notice of services approved for you
- Get a written Explanation of Benefits about services that have been provided to you each month
- Get a written notice of any change in service at least 10 days before a denial, reduction or end of service
- Choose the provider from whom you wish to get services
- Get your private information protected
- Information about all charges, including co-payments, deductibles, premiums, waiver obligations, and spenddowns
- Question and appeal additional charges from service providers under public programs that are not approved by local or state agencies and not considered your responsibility.

## **For more information, contact:**

- Your local social services, human services, or public health agency
- The Senior LinkAge Line® @ (800) 333-2433 for help applying for programs
- The Health Care Program Member Help Desk @ (651) 431-2670 or toll free @ (800) 657-3739.

## **4. Your rights under state managed care programs**

If you are participating in Minnesota Senior Care (MSC), County-based Purchasing Options or Minnesota Senior Health Options (MSHO), you have certain rights under state law.

### **You have the right to:**

- Get necessary medical care, have medical questions answered promptly, and ask for a second medical opinion
- Change health plan options at certain times during your enrollment period
- Dis-enroll from the program or plan in which you are enrolled
- Get a written explanation of any provider or plan decision about your health-related services, including any services that are denied, reduced, or terminated.

### **You have a right to:**

- File a complaint with your health plan or state agency by phone or letter
- Call your health plan's member or customer services representative
- Get a reply within 10 days, or 72 hours if the need is urgent

- File a written complaint and get a reply within 30 days
- Get help through the Ombudsman's Office for Managed Care
- The state's appeal process for reconsideration of health plan decisions.

## **For more information, contact:**

- Your health plan's member or customer services representative using telephone numbers provided in your member or enrollee handbook
- The Managed Care Advocate's Office in the county where you live under the government directory located in the blue pages of your local telephone book
- The Minnesota Department of Human Services, Ombudsman for State Managed Health Care Programs @ (651) 431-2660, or toll free @ (800) 657-3729
- The Minnesota Department of Human Services @ (651) 431-2000, or the Web site @ <http://Edocs.dhs.state.mn.us> to locate the following consumer brochures:
- "Notice About Your Rights for Minnesota's Managed Health Care Programs," form number DHS-4173
- "Rights and Responsibilities for the MN Managed Health Care Programs," form number DHS-3214
- "Rights and Responsibilities for the MN Senior Health Options," form number DHS-3214A.

## 5. Your rights about nursing home services

Minnesota and federal law says you must be told about the level of care and cost of your nursing home care services. You must be told about protections under the Resident Bill of Rights, and your right to leave the nursing home to live elsewhere.

### You have the right to:

- Know how much and what type of care you will need
- Get the care you need
- Know how a payment rate has been set for your care in the nursing home
- Be informed about your rights and get a copy of the “Resident Bill of Rights”
- Get a written explanation about how much you will be charged for your care
- Not be charged beyond the costs covered in the notice
- Get a written notice in advance of changes to your type of care or care costs
- Leave the facility when you want to
- Get help making advocacy phone calls and submitting complaints
- Get information about leaving the nursing home to live elsewhere.

### You have the right to:

- Live in your own home or a community setting
- Get help planning your discharge home and arranging for services by the social worker at the nursing home
- Get help moving out of a nursing home with a plan for services and assistance needed for your move.

## You have the right to:

- Disagree with the care rating determination or cost amount charged
- Ask for review or reconsideration of the determination within 30 days
- Get the forms from the nursing home for you to ask for a review or reconsideration
- Get information and help to file a complaint or appeal.

## For more information, contact:

- The social worker or administrator at the nursing home facility or facility where you now live
- The local intake line or relocation coordinator of your social services, human services, or public health agency listed in the blue government pages of the local telephone book
- The Senior Linkage Line® @ (800) 333-2433 for help applying for programs
- The State Office of the Ombudsman for Long-term Care @ (651) 431-2555, or toll free @ (800) 657-3591 to get help advocating for your needs
- The Office of Health Facility Complaints @ (651) 201-4201, or toll free @ (800) 369-7994, or @ Web site <http://www.health.state.mn.us/divs/fpc/ohfcinfo/contohfc.htm>, or @ Email address [www.ohfc-complaints@health.state.mn.us](mailto:www.ohfc-complaints@health.state.mn.us)

## 6. Your right to make a complaint and ask for an appeal of decisions about your services

If you are receiving public services, Minnesota law provides for an appeal and hearing process to ensure that decisions about your care and services are fair, impartial and appropriate to meet your needs.

## You have the right to:

- Ask for a discussion between parties to resolve the issue
- Ask for reconsideration by appealing the decision within 30 days, or up to 90 days with good reason
- Keep getting benefits during the appeal process, if the appeal is filed within 10 days or before the effective date of the change, whichever is later. If you lose the appeal hearing decision, you may be required to pay back the extra benefits you get during the appeal process
- Stop your benefits or services at any time
- Ask for an appeal before an impartial referee in writing, which must be signed by you or someone who represents you
- Bring a relative, friend, lawyer or anyone to assist or represent you
- Have an expert to testify on your behalf
- Get a written decision of the appeal hearing within 90 days
- Appeal the final decision to district court.

## For more information, contact:

- The Minnesota Department of Human Services, Appeals and Regulations Division @ (651) 431-3581, or toll free @ (800) 657-3510, or the Web site @ <http://Edocs.dhs.state.mn.us> to locate the following consumer brochures
- "Appeal State Agency Form," form number DHS-0033
- "Your Appeal Rights," form number DHS-1941
- "Information About State Appeal Hearings," form number DHS-2811.

## 7. Your right to be safe and free from harm

Minnesota law provides for your ability to remain safe and free from harm.

### You have the right to:

- Be protected from harm, abuse, neglect, or financial exploitation
- Get protection through responsible agencies
- Ask for help from any health professional or person who is assisting you or person that you trust.

### You may be vulnerable if:

- You need help providing for your own needs and protecting yourself from harm
- You are being abused physically or emotionally
- You are being neglected and not receiving the care you need
- You are being financially exploited.

### For more information and help, contact:

- 911 immediately, if there is an immediate danger to you, or have someone you trust call for you
- Your local social service agency's common entry point to report known or suspected abuse, neglect, or financial exploitation, or have someone you trust call for you. Common entry points are available 24 hours per day/7 days a week. To connect with your local common entry point, contact the Senior LinkAge Line® toll free @ (800) 333-2433
- The State Office of the Ombudsman for Long-term Care @ (651) 431-2555, or toll free @ (800) 657-3591, or @ Web site <http://www.mnaging.org/seniors/vulnerableadults/oom.html>
- Any service provider including nurses, physicians, social workers, or therapists who are available to assist you to report incidents of neglect or abuse

- The Minnesota Department of Human Services, Aging and Adult Services Division @ (651) 431-2600, or the Web site @ <http://Edocs.dhs.state.mn.us> to locate the following consumer brochure “Help protect people who are frail or vulnerable,” form number DHS–2754.

## 8. Your right to state and federal protection of your private information

For all persons, your private information obtained by government agencies is protected under the Minnesota Data Practices Act and the U.S. Health Information Portability and Accountability Act.

### You have the right to:

- A written Notice of Privacy Rights
- Know how your private information will be used, shared and protected
- Understand what information is optional or required and what will happen if required information is not provided by you
- Access and control your private information, including looking at private information about you by making a request to the responsible agency
- File a complaint if your privacy rights have not been protected
- Allow others to view your private information through a signed Release of Information form provided by the responsible agency
- Challenge the accuracy of information by writing to the responsible agency
- Appeal the decision of the agency’s response in writing within 60 days.

## **For more information, contact:**

- Your local, state or federal responsible agency that is assisting you with your services and ask for the Privacy Official
- The Minnesota Department of Human Services @ (651) 431-2000, or Web site @ <http://Edocs.dhs.state.mn.us> to locate the following consumer brochures:
  - “The Key to Privacy,” form number DHS-2667
  - “Notice of Privacy Practices,” form number DHS-3979
- The U.S. Department of Health and Human Services, Office of Civil Rights @ (312) 886-2359, or toll free @ (800) 368-1019, or (312) 353-5693 (TTY/TDD), or Web address @ [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa) to request a copy of the consumer fact sheet and complaint form.

## **9. Your right to be free from discrimination, to get reasonable accommodations and have fair and equal access to public services**

State and federal law protects you against discriminating practices in accessing and receiving public services. This includes fair and equal access to all programs, services, and activities for persons who are aging or have a disability.

### **You have the right to:**

- Fair treatment and equal access to local, state, and federal programs and services
- Not be discriminated against based on your age, disability, public assistance status, sex, race, religion, national origin, or sexual orientation
- Public programs and services that are provided fairly and equally

- Physical access to buildings, programs, and services regardless of disability or functional limitations
- Language interpreters to ensure effective communication with staff who are providing help to you and listening to you.

### **You have the right to:**

- Reasonable modifications to the state's rules, policies or practices
- Removal of architectural, communication or transportation barriers
- Provision of auxiliary aids and services.

The state will provide reasonable accommodations under these provisions unless they impose an undue burden or fundamentally alter the nature of the service, program or activity. It is up to you, or another person who acts on your behalf, to tell the responsible state agency that a reasonable accommodation is needed.

### **You have the right to:**

- File a complaint with the responsible agency within one year of any incident you feel subjected you to discriminating practices prohibited by this regulation
- Not experience retaliation against you because of your complaint
- Appeal the initial review of the complaint, if you are not satisfied with the response
- Send a written appeal request to the responsible agency
- File a complaint with state and federal enforcement agencies listed below
- Ask for help from the following agencies.

## For more information, contact:

- Minnesota Department of Human Rights @ (651) 296-5663 (Voice), or TTY/TDD @ (651) 296-1283, or toll free @ (800) 657-3704, or @ Web address [www.humanrights.state.mn.us](http://www.humanrights.state.mn.us)
- U.S. Department of Health and Human Services, Office of Civil Rights @ (312) 886-2359 (voice), or (312) 353-5693 (TTY/TDD), or toll free @ (800) 368-1019 or (800) 537-7697
- Minnesota Department of Human Services, Office for Equal Opportunity @ (651) 431-3040 (voice), or TTY/TDD @ (651) 431-3041
- The Minnesota Department of Human Services @ (651) 431-2000, or Web site @ <http://Edocs.dhs.state.mn.us>
- Minnesota Relay Service @ (800) 627-3529, or Speech to speech relay @ (887) 627-3848, and ask for brochure DHS-3276 "Civil Rights in Human Services"
- Minnesota Department of Employee Relations, Office of Diversity and Equal Opportunity @ (651) 296-2616, TTY/TDD @ (651) 297-2003, or FAX @ (651) 297-8848, and ask for brochure "ADA fair and equal access: Your guide to the Americans with Disabilities Act and fair and equal access"
- The responsible agency's ADA/AAO contact person to request a copy of the agency's grievance procedure.

## These agencies can help you with any rights mentioned in this handbook:

- The Senior LinkAge Line® @ (800) 333-2433
- The State Office of the Ombudsman for Long-term Care to receive help advocating for your needs @ (651) 431-2555, or toll free @ (800) 657-3591, or @ Web site <http://www.mnaging.org/seniors/vulnerableadults/oom.html>
- The Minnesota Department of Human Services, Appeals and Regulations Division @ (651) 431-3581, or toll free @ (800) 657-3510.