



DEPARTMENT OF
HUMAN SERVICES



Older Minnesotans — Know Your Rights About Services



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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 help you
- Find help 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:

- Get help in deciding what you need
- Get information you need to make choices about your services
- Get the care and support you need to live in your own home and community
- Make your own decisions about services or get help in making decisions that are best for you
- Get 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.



For accessible formats of this publication and additional equal access to human services, write to dhs.info@state.mn.us, call 651-431-2600, or use your preferred relay service. (ADA1 [9-15])

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

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

You have the right to a free visit from a nurse or social worker where you live. This person will meet with you and your family to talk about your care needs. This visit is required if you want to apply for publicly funded home and community-based services.

The visiting consultant will:

- Visit you within 20 days of your request for a visit
- 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
- Help you apply for programs that provide the services you need.

You have the right to:

- Have friends and family 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 you a letter with recommendations of services that best meet your needs

- Send you a copy 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® at 1-800-333-2433 for assistance locating a consultant or applying for programs or visit www.mnaging.net
- Visit 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

Under Minnesota law, you have 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
- Get a copy of 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 at 651-431-2555 or toll free at 1-800-657-3591 to get help advocating for your needs
- The Office of Health Facility Complaints at 651-201-4201 or toll free at 1-800-369-7994 or visit <http://www.health.state.mn.us/divs/fpc/ohfcinfo/contohfc.htm>
- The Senior LinkAge Line® at 1-800-333-2433 for assistance with Health Care Directives or visit <http://www.mnaging.net/advisor/HealthCareDirective.aspx>

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 care and home and community-based services under Medical Assistance, MinnesotaCare, 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
- Have your private information protected
- Get information about all charges, including co-payments, deductibles, premiums, fees, 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® at 1-800-333-2433 for help applying for programs
- The Health Care Program Member Help Desk at 651-431-2670 or toll free at 1-800-657-3739.

4. Your rights under state managed care programs

If you are participating in Minnesota Senior Care Plus (MSC+) 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
- Disenroll 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
- Use the state’s appeal process for reconsideration of health plan decisions.

For more information, contact:

- Your health plan’s member or customer services representative. These telephone numbers are provided in your member or enrollee handbook.
- To find the Managed Care Advocate’s Office in the county where you live, visit <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6666-ENG>
- The Minnesota Department of Human Services, Ombudsman for State Managed Health Care Programs at 651-431-2660 or toll free at 1-800-657-3729
- The Minnesota Department of Human Services at 651-431-2000 or visit <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/> to locate the following consumer brochures:
 - “Notice About Your Rights for Minnesota’s Medical Assistance or MinnesotaCare Benefits” form DHS-4173
 - “Rights and Responsibilities for the Minnesota’s Managed Health Care Programs” form DHS-3214
 - “Rights and Responsibilities for the Minnesota Senior Health Options and Minnesota Senior Care Plus” form 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 with the social worker at the nursing home
- Get help moving out of a nursing home with a plan for services 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 forms 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® at 1-800-333-2433 to discuss the possibility of discharging from the nursing home back to a community setting
- The State Office of the Ombudsman for Long-term Care at 651-431-2555 or toll free at 1-800-657-3591 to get help advocating for your needs
- The Office of Health Facility Complaints at 651-201-4201 or toll free at 1-800-369-7994 or visit <http://www.health.state.mn.us/divs/fpc/ohfcinfo/contohfc.htm>

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. Ask for this appeal in writing and sign it or have your representative sign it.
- Bring a relative, friend, lawyer or anyone to assist or represent you
- Have an expert 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 at 651-431-3600, or toll free at 1-800-657-3510 or visit <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/> to locate the following consumer brochures:
 - “Appeal to State Agency” form DHS-0033
 - “Your Appeal Rights” form DHS-1941
 - “Appeal Hearings Information” form DHS-2811.

7. Your right to be safe and free from harm

Minnesota law protects you.

You have the right to:

- Be safe from harm, abuse, neglect or financial exploitation
- Report abuse, neglect or financial exploitation
- Be protected by responsible agencies
- Ask for help from any health professional or trusted person.

You may be vulnerable if:

- You need help meeting your own needs and protecting yourself from harm
- You are being abused physically, sexually or emotionally
- You are being neglected and not receiving the care you need
- Your money, income or property is being used or taken.

For more information and help, contact:

- 911 immediately if there is an immediate danger to you, or have someone you trust call for you
- Minnesota Adult Abuse Reporting Center (MAARC) toll free at 1-844-880-1574. MAARC is open 24 hours a day, seven days to report suspected abuse, neglect or financial exploitation.
- Your case manager or any service provider, including nurses, doctors, PCAs, social workers or therapists. They are available to help you to report neglect, abuse or financial exploitation.
- The Minnesota Department of Human Services, Aging and Adult Services Division at 651-431-2609 or visit <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/> to locate the following consumer brochure “Report Suspected Abuse, Neglect, Self-Neglect or Financial Exploitation of Vulnerable Adults” form DHS-6778E
- Visit <https://mn.gov/dhs/people-we-serve/seniors/services/adult-protection/>.

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

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 making a request to the responsible agency for private information about you
- 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 at 651-431-2000 or visit <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/> to locate the following consumer brochures:
 - “Information access and privacy” form DHS-2667
 - “Notice of Privacy Practices” form DHS-3979
- The U.S. Department of Health and Human Services, Office of Civil Rights at toll free at 1-800-368-1019, or toll free at 1-800-537-7697(TTY/TDD), or visit <https://hhs.gov/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 from discriminating practices in accessing and receiving public services. This includes fair and equal access to all programs, services and activities for older adults and people with disabilities.

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 helping you.

You have the right to:

- Reasonable modifications to the state's rules, policies or practices
- Removal of architectural, communication or transportation barriers
- Other 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 on page 15
- Ask for help from the agencies listed on page 15.

For more information, contact:

- Minnesota Department of Human Rights at 651-539-1100 (Voice) or TTY/TDD at 1-800-627-3529 or toll free at 1-800-657-3704, or visit <https://mn.gov/mdhr/>
- U.S. Department of Health and Human Services, Office of Civil Rights toll free at 1-800-368-1019 or 1-800-537-7697 (TTY/TDD) or visit www.hhs.gov/ocr/
- Minnesota Department of Human Services, Office for Equity, Performance and Development at 651-431-3040 or TTY/TDD at 866-786-3945
- The Minnesota Department of Human Services at 651-431-2000 or visit <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/>
- Minnesota Relay Service at 1-800-627-3529 or speech-to-speech relay at 1-877-627-3848 and ask for “Civil Rights in Human Services” brochure DHS-3276
- The responsible agency’s Americans with Disabilities Act contact person or Affirmative Action Officer 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® at 1-800-333-2433
- The State Office of the Ombudsman for Long-term Care to receive help advocating for your needs at 651-431-2555 or toll free at 1-800-657-3591 or visit <http://www.mnaging.net/en/Advocate/OLTC.aspx>
- The Minnesota Department of Human Services, Appeals and Regulations Division at 651-431-3600 or toll free at 1-800-657-3510.

651-431-2600

Attention. If you need free help interpreting this document, call the above number.

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ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ အထက်ပါဖုန်းနံပါတ်ကိုခေါ်ဆိုပါ။

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請注意，如果您需要免費協助傳譯這份文件，請撥打上面的電話號碼。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, veuillez appeler au numéro ci-dessus.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

ဟ်သုဉ်ဟ်သးဘဉ်တက့ၢ်. ဖဲနမ့ၢ်လိဉ်ဘဉ်တၢ်မၤစၢၤကလီၤလၢတၢ်ကကျိးထံဝဲဒၣ်လံာ် တီလံာ်မိတခါအံၤန့ၣ်, ကိးဘဉ်လိတဲစီနီၢ်ဂံၢ်လၢထးအံၤန့ၣ်တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 위의 전화번호로 연락하십시오.

LB2 (8-16)

ໂປຣດຊາບ ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປ ແອກະສານນີ້ຟຣີ, ຈົ່ງໂທໄປທີ່ໝາຍເລກຂ້າງເທິງນີ້.

Hubachiisa. Dokumentiin kun tola akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bilbili.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, lambarka kore was.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, llame al número indicado arriba.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi số bên trên.



www.mn.gov/dhs