

# Protecting Patients' Rights

## FACTS

Whenever a patient is admitted to your agency, he or she receives a list of his or her rights. The agency must protect these rights for all patients, regardless of the types of service they may receive. As a member of the agency staff, you must protect these rights as well.

Respecting patients' rights is so important that it is one of the Conditions of Participation (COP), which are Federal statutes that all Medicare-certified home health agencies must follow. There are also other federal and state laws concerning patients' rights, and home health agency staff members must follow all of them.

## PATIENTS' RIGHTS

There are several rights listed in the COP. They are presented below, along with how you as a home health aide may be involved in protecting and promoting these rights.

- **The right to be informed of his or her rights. The home health agency must protect and promote the exercise of these rights.**
  - » The agency must give each patient a written notice of the patient's rights before furnishing care.
  - » The agency must document that it has given the patient the written notice of rights.
  - » The nurse or therapist gives the notice of rights when the patient is admitted.
- **The patient has a right to exercise his or her rights and to have respect for property and person.** If the patient has been judged incompetent, then the patient's family or guardian may exercise the rights on the patient's behalf.
- **The patient has a right to have property treated with respect.** How the aide can show respect for property:
  - » Be very careful when you are handling the patient's property. If you should accidentally break something, apologize to the patient and report the accident to your supervisor.
  - » Ask the patient before you move something from its place. While it is helpful to rearrange things to be more convenient for the patient, you shouldn't change anything without asking first.
  - » Clean all the areas used while providing care. Check the bathroom and the bedroom before you leave the home. Put everything you used back in its proper place.
  - » Never borrow anything from the patient.
- **The patient has a right to respect as a person.** How the aide can show respect for the patient as a person:
  - » Always greet the patient as soon as you come into the home.

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- » Ask the patient how he or she wants you to address him or her. Do not assume that the patient prefers being called by his or her first name.
  - » Accept and respect the person as an individual. Do not treat an elderly patient as you would treat a child.
  - » Be certain to provide as much privacy as possible when assisting with cares. This includes closing the door and keeping the patient covered as much as possible.
  - » Never stare or make comments about the patient's body.
- **The patient has a right to be informed about the care to be furnished and any changes in the care to be furnished.**

The nurse or therapist who admits the patient must inform him or her of the homecare plan and which disciplines will be making visits. If the plan is changed, the therapist or nurse must advise the patient in advance of the change. This means the patient should be aware that a home health aide will be making visits, and have an idea of what you will be doing on the visits.

- **The patient has the right to participate in the planning of the care.** How the aide can respect the patient's right to participate in the planning of care:
  - » Carefully review the duties assigned with the patient. Ask the patient how he or she would like the tasks to be done.
  - » Follow the preferences of the patient as much as possible. If the patient requests some task not on the assignment sheet, call the office to see if it is permissible.
  - » Explain to the patient what you will be doing and what the patient can do to help. It is best to allow the patient to do as much as possible for himself or herself, even if it takes longer than doing everything for the patient.
  - » In keeping with the right to participate in care planning, the patient has a right to refuse part or all of the care assigned. Document on your visit report what aspect(s) of care the patient refused, and call the supervisor. Note on your visit report the time you called and with whom you spoke.
- **The patient has the right to voice grievances regarding treatment or care, or lack of respect for property by anyone who is providing care, and a right not to be subject to discrimination for doing so.**

Simply stated, this means that the patient has a right to complain about care provided or lack of respect from staff. It also means that no one at the agency should discriminate against the patient for making a complaint. The COP require that the agency must investigate complaints made by a patient or family, and the agency must document the complaint as well as how it was resolved.

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How the aide can respect the patient's right to complain without being discriminated against:

- » Allow the patient to speak freely with you, and listen to what he or she has to say.
  - » If the patient has concerns, explain that you will contact your supervisor or the case manager to let someone know about the concerns. Encourage the patient to talk with his or her nurse or therapist about the concerns as well.
  - » Report any concerns/complaints the patient expresses to you. Follow your agency's policy for documenting this report. It is very important for the agency to investigate any patient complaints whether expressed to you or to another staff member.
  - » Continue to provide the same high-quality care after a patient has complained.
  - » Keep in mind that all patients have a toll-free home health hotline number to call with complaints. If the patient tells you he or she has called this number, it is important for you to inform your supervisor.
- **The patient has a right to receive information about the agency's policies on advance directives, as well as to receive written information describing state law about advance directives.**

The agency gives information about advance directives to all patients on admission.

How the aide can respect the patient's right to advance directives:

- » Know your agency policy on how you will learn about the patient's wishes.
  - » Do not question or criticize a patient who has made his or her wishes known. For example, if the patient has a "No Code" status, you should not try to influence the patient, but rather follow the agency policy.
  - » If the patient should ask you a question about advance directives, inform him or her that you will notify the case manager that the patient wishes to discuss the issue. Then, notify the supervisor or case manager. It is probably best not to try to answer questions yourself.
- **The patient has a right to confidentiality of the clinical records maintained by the agency.**

How the aide can respect the patient's right to confidentiality of the clinical record:

- » Return the patient's home folder to its proper place when you have reviewed the care plan and assignment sheet.
- » Write your visit notes in a place that others, including your own family, do not see them.
- » If you carry information about different patients with you from visit to visit, make certain that you take out only the information about the patient you are visiting at the time.
- » Know and follow your agency policy for destroying clinical information about the patient. Do not place information in the regular trash bin.

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- **The patient has a right to be advised of the availability of the toll-free hotline in the state. The patient also has a right to use this hotline to complain about the agency.**

This number is given to every patient on admission, and the patient can call the number to obtain information or to complain about the care received. The nurse or therapist admitting the patient gives the information.

In addition to the patient's rights listed in the COP, there are other regulations affecting patient rights. One very important one is the Health Insurance Portability and Accountability Act (HIPAA) privacy rule.

- **The patient has a right to have health information safeguarded.**

This includes health information in all forms, whether written or spoken. You have received education about the patient's rights under HIPAA and your agency policies for protecting those rights. Make certain that you follow them carefully.

### KEY POINTS TO REMEMBER

1. Home health aides, along with all staff members of a homecare agency, have a duty to protect the rights of all patients.
2. You must respect the patient as a person, as well as respecting his or her property.
3. You must allow the patient to participate as much as possible in his or her care planning and delivery.
4. You must always safeguard and protect the patient's health information.
5. Complaints about patients' rights violations are very serious. It is important for you to notify your supervisor immediately if the patient tells you that he or she thinks his or her rights have been violated by anyone at your agency.

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## CASE STUDY: PATIENTS' RIGHTS IN ACTION

Eleanor is a very productive home health aide, and usually completes six visits every day. She prides herself on being efficient and helpful to her patients. Eleanor's first visit of the day is to Mrs. Raven, who has had a stroke. According to the care plan, Mrs. Raven can have either a shower or a bed bath, whichever she prefers. Eleanor says, "Today I need to bathe you in bed. I've got a busy day and this is a lot quicker." Eleanor does not properly drape Mrs. Raven during the bath because, as Eleanor says, "It's pretty warm in here and it's just us girls." When Mrs. Raven attempts to put on her blouse Eleanor says, "Here, I'll get that for you, so it won't take so long." As she is leaving, Eleanor tells Mrs. Raven, "I didn't have time to pick up the room, but I'll do it on my next visit. There won't be anyone coming here before then anyway."

Mrs. Johnston is Eleanor's next patient. While Eleanor is assisting her with her hair, Mrs. Johnston says, "I don't think the nurse Sally is doing my dressing right. She does it different than the other nurses, and my leg always hurts the rest of the day when she comes. Besides, she's always in such a hurry. Yesterday she spilled something all over the dresser and I can't get it cleaned." Eleanor reassures Mrs. Johnston by saying, "Well, you know everyone has a little different way of doing things."

The third visit is to Mr. Edwards. This is Eleanor's first visit to his home. Upon entering the home she says, "Bob, here's how we can get all of this done quickly." Mr. Williams tells Eleanor he doesn't feel good today so he wants to wear pajamas. Eleanor tells him sternly, "Well, the assignment sheet says you have to wear your clothes, so that's what we have to do."

Because Eleanor is in such a rush to complete her visits during the day, she finishes her visit reports in the evening. She has them lying on the kitchen table and one of her children asks her, "Yuck! Does this Mrs. Raven really wear a diaper?" Eleanor tells the child, "Just never you mind," and continues with her charting while the child reads the rest of the note.

### THINK ABOUT IT

- » What are some of the things Eleanor did today that could be considered as disrespectful of the rights of her patients?
- » How would you have handled Mrs. Johnston's concern about her dresser?
- » How do you think Mr. Edwards felt about Eleanor's insisting he put on full clothing?
- » Think about some of your recent visits. Can you think of some times when you might have failed to respect a patient's rights because you were in a hurry?



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DIRECTIONS: READ EACH QUESTION CAREFULLY. THEN, DETERMINE THE BEST ANSWER. CHECK THE CORRESPONDING BOX ON YOUR ANSWER SHEET. DO NOT WRITE ON THIS POST-TEST.

1. Which of the following indicates respect for the patient's property?
  - a. Surprising the patient by rearranging everything so it looks better
  - b. Returning something you borrowed on the very next visit
  - c. Returning everything to its proper place before you leave
  - d. Explaining to the patient that she should throw out some of her figurines because they gather dust.
  
2. Which of the following indicates respect for the patient as a person?
  - a. Always calling a patient by his or her nickname
  - b. Recognizing that elderly people become like children so it's best to treat them like children
  - c. Addressing patients as "Mr." or "Ms.," even if they ask you to use their first names
  - d. Providing as much privacy as possible when assisting with cares.
  
3. A patient has told you that one of the therapists doesn't do what he is supposed to do and the patient wants to know what to do about it. What is your best response?
  - a. Tell the patient to call the toll free hotline number.
  - b. Tell the patient you will contact the supervisor and someone will call the patient for more information.
  - c. Explain that the therapist will cause problems for the patient if there is a compliant.
  - d. Tell the patient he can't always expect to have a good therapist every single visit.
  
4. How can you respect the patient's right to participate in care planning?
  - a. Allow the patient to decide the sequence of tasks.
  - b. This does not apply to home health aides since there is an assignment to follow regardless of what the patient wants.
  - c. Provide total care to all patients. They shouldn't have to do anything for themselves.
  - d. Ignore the assignment sheet and do what the patient wants you to do.
  
5. How do you protect the confidentiality of the clinical record?
  - a. By returning the home folder to where it belongs
  - b. By safeguarding your visit reports until you turn them in
  - c. By knowing how to return any old patient information for destruction
  - d. All of the above
  
6. Which of the following is true about advance directives?
  - a. Information about advance directives must be given to patients.
  - b. Patients cannot receive homecare services if they do not have advance directives.

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7. Which of the following is true about patient rights?
- They apply only to Medicare patients.
  - They apply only to patients who have nursing or therapy.
  - Patients must be given a list of their rights.
  - Patients' rights do not apply to home health aide services.
8. A patient tells you that he plans to call the toll-free hotline to complain about another home health aide. What is your best response?
- Tell the patient the other aide is a friend of yours and you don't want any calls made.
  - Advise the patient that he might be discharged if he calls to complain.
  - Tell the patient he can't call until he talks with the nurse.
  - Ask whether the patient has talked with anyone at the agency about his concerns and recommend that he discuss the problem with the nurse before calling.
9. Which of the following does not show respect for the patient's rights?
- Allowing the patient to help establish a routine for care
  - Encouraging the patient to talk with the agency staff if he or she has concerns about care
  - Ignoring the patient's complaints about another staff member
  - Allowing the patient to assist with cares as much as possible.
10. Which of the following is true about the toll-free hotline number?
- Only special patients can use the number.
  - Patients must be given the number on admission to the agency.
  - It cannot be used if the patient hasn't called the agency first.
  - Home health aides are usually the ones to provide the number to patients.

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