

## CHAPTER 28 - MEMBER RIGHTS

REVISION DATE: 5/26/2017, 3/25/2016, 4/16/2014

EFFECTIVE DATE: March 29, 2013

REFERENCES: 42 CFR 438.3(j)(3), 42 CFR 438.100, 45 CFR 164.524 and 526; A.R.S § 36-551.01, A.R.S. § 36-3205.C.1; Division Operations Manual Policy 1001-A; Qualified Vendor Contract

All members have the right to be treated with dignity and respect. The Division of Developmental Disabilities (Division) is committed to protecting the rights of all individuals who are receiving supports and services operated by, supervised by, or financially supported by, the Division. Division contractors must ensure compliance with any applicable federal and state laws that pertain to member rights and ensure that its staff and subcontractors take those rights into account when furnishing services to members. The contractor must ensure all employees are familiar with the information in the references listed above, and the Division's contractual agreements below.

Members have the right to:

- A. Request and receive one copy of the member's medical record at no cost to the member and to request that the record be amended or corrected, as specified in 45 CFR 164.524.
- B. Have accommodations to actively participate in the provision of services and have physical access to facilities, procedures, and exams.
- C. File a grievance and obtain the grievance process in writing.
- D. Exercise their rights without the exercise of those rights adversely affecting the way the contractor or its subcontractors treat the member [42 CFR 438.100(c)].
- E. Accept or refuse medical care and the right to execute an advance directive.

The Division's contractors and their subcontractors must:

- A. Ensure members and individuals with disabilities are annually informed of their right to request the following information and are offered:
  1. An updated member handbook at no cost to the member
  2. A provider directory as described in the AHCCCS Contractor Operations Manual, Policy 404.

This information may be sent in a separate written communication or included with other written information, such as in a member newsletter.

- B. Maintain written policies that address the rights of adult members to make decisions about medical care. If the agency/organization has a conscientious objection to carrying out an advance directive, it must be explained in policies. A health care provider is not prohibited from making such objection when made pursuant to A.R.S. § 36-3205.C.1.

- C. Provide written information to adult members regarding an individual's rights under state law to make decisions regarding medical care and the health care provider's written policies concerning advance directives including any conscientious objections [42 CFR 438.3(j)(3)].
- D. Ensure that each member is guaranteed the right to request and receive one copy of the member's medical record at no cost to the member, and to request that the record be amended or corrected, as specified in 45 CFR 164.526.