

## **CHAPTER 29 - ADVISING OR ADVOCATING ON BEHALF OF A MEMBER**

REVISION DATE: 5/26/2017, 4/16/2014

EFFECTIVE DATE: March 29, 2013

REFERENCES: 42 CFR 438.100(B)(2), 42 CFR 438.100(B)(2)(iv), 42 CFR 438.102

Pursuant to 42 CFR 438.102, the Division of Developmental Disabilities may not prohibit, or otherwise restrict, a provider acting within the lawful scope of practice, from advising or advocating on behalf of a member who is authorized to receive services from the provider or who is his or her patient for the following:

- A. The member's health status, medical care, or treatment options including any alternative treatment that may be self-administered
- B. Any information the member needs in order to decide among all relevant treatment options
- C. The risks, benefits, and consequences of treatment or no treatment
- D. The member's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions.