

CHAPTER 29 ADVISING OR ADVOCATING ON BEHALF OF A MEMBER

REVISION DATE: 11/22/2023, 5/26/2017, 4/16/2014

EFFECTIVE DATE: March 29, 2013

REFERENCES: 42 CFR 438.100, 42 CFR 438.102, 42 CFR 457.1222, Section 1932(b)(3)(A) of the Social Security Act

PURPOSE

The purpose of this document is to outline the context when the Division may not prohibit, or otherwise restrict, a provider acting within the lawful scope of practice, from advising or advocating on behalf of a Member.

DEFINITIONS

“Member” means the same as “client” as defined in A.R.S. § 36-551.

SUPPLEMENTAL INFORMATION

Pursuant to 42 CFR 438.100, 42 CFR 438.102, 42 CFR 457.1222, and Section 1932(b)(3)(A) of the Social Security Act, the Division of Developmental Disabilities (Division) 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 the provider’s patient for the following:

1. The Member's health status, medical care, or treatment options including any alternative treatment that may be self-administered;
2. Any information the Member needs in order to decide among all relevant treatment options;
3. The risks, benefits, and consequences of treatment or non-treatment; and
4. The Member's right to participate in decisions regarding the Member's health care, including the right to refuse treatment, and to express preferences about future treatment decisions.