

A CONSUMER GUIDE TO
**HOME CARE SERVICES
& CONSUMER RIGHTS**

The Maine Long-Term Care Ombudsman Program



1-800-499-0229



The Maine Long-Term Care
OMBUDSMAN
Program

Dear Friend -

Welcome to the Maine Long-Term Care Ombudsman Program.

This guide is written to help you understand your rights as a home care services consumer. In this booklet we explain not only the home care options that are available to you in Maine, but also your rights as a home care services consumer.

Do not hesitate to contact us when you have a question or concern about your home care services. Our goal is to help you access the care and services that will help you remain in your home. Our services are free and confidential, we will try to assist you with any question or problem you have related to home care services.

We are your advocates!



Brenda Gallant, RN
Executive Director

Maine Long-Term Care Ombudsman Program



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HOW CAN AN OMBUDSMAN HELP ME?

The Maine Long-Term Care Ombudsman Program represents the interests of consumers receiving, or in need of home care services. We have authority under state and federal law to investigate and resolve complaints made by, or on behalf of long-term care consumers in Maine. We can visit you, explain your rights, help resolve your complaints, and help you appeal a denial, termination, or reduction in services. Advocacy services are provided free of charge.

We advocate for the rights of:

- Nursing home residents
- Assisted housing programs including residential care and assisted living
- Home care consumers
- Adult Day Service participants
- Patients in hospitals facing barriers to accessing long-term care services

Contact the Maine Long-Term Ombudsman program for problems with:

- Abuse and neglect issues
- How to access home care services
- The services you receive as part of your plan of care
- Durable Medical Equipment (DME), assistive technology and home modification needs
- Termination of your services
- Appeals
- Medicaid/Medicare & other payment source issues
- Any other issues regarding long-term care
- Transitioning from youth to adult home care services

Anyone can call us for assistance

- You have the right to receive quality care, and anyone interested in improving the quality of care for consumers can ask for our assistance.
- You have the right to voice complaints without fear of retaliation.
- Call us for help at our toll-free number: 1-800-499-0229.
- All communication is confidential.

WHAT HOME CARE SERVICES ARE AVAILABLE IN MAINE?

Several options are available, depending on your needs.

Home care services can provide assistance with (but is not limited to):

- Walking
- Taking medications at the correct time
- Getting in and out of bed
- Dressing
- Personal hygiene
- Preparing meals
- Housework
- Respite
- Skilled services including nursing, physical therapy and occupational therapy

You may pay for the services yourself, or you may be eligible for financial assistance that will help you pay for the services you need.



WILL I NEED TO PAY FOR HOME CARE SERVICES? (PT. 1)

You may be able to get help paying for home care services. Medicare pays for some short-term skilled home care. If you have a private health policy or a long-term care insurance policy, they may also pay for some of the cost. Additionally, if the services you need are not covered by any of these programs, you could qualify for a MaineCare, or state funded home care program.

Paying for services yourself

If you need to pay for home care services with your own funds, contact a home care agency near you to ask about costs, and to make arrangements for in-home services that meet your needs. Some agencies provide only certain types of services, and you may need help from more than one agency.

Medicare

Medicare may cover certain types of skilled care therapies, usually following discharge from a hospital or nursing home. Medicare may pay for: registered nurses (RNs), physical, speech, or occupational therapy; medical social services; medical supplies and/or medical equipment. Medicare will only pay for a limited time, and only if your doctor says you need the home health services and are homebound. If you think Medicare will pay for your home care services, speak with your doctor about a referral.

Medicare does not pay for all of your care. You will need to pay co-insurance and deductibles. If you have a private health insurance policy that supplements Medicare (sometimes called 'Medigap' or an 'advantage plan'), this supplemental insurance may pay the costs that Medicare does not cover. Check with your insurance company.

If you are denied coverage, or if you have questions about Medicare, you can call **Legal Services for Maine Elders at 1-800-750-5353**.

Veterans Administration home care programs

The VA has numerous home care programs in Maine for veterans and their spouses. Services can include home care agencies, paid family caregiver programs and respite options. VA funded home care can be used in partnership with MaineCare, State funded or private pay funded home care services. For more information on eligibility, please reach out to **Togus VA Medical Center at 207-623-8411**.

WILL I NEED TO PAY FOR HOME CARE SERVICES? (PT. 2)

MaineCare

MaineCare is managed by the Maine Department of Health and Human Services (DHHS) and pays for home care and other medical services, including doctors, inpatient and outpatient care, and skilled nursing home care. If you have limited income and assets, you may be eligible for MaineCare. You can apply at your local DHHS office or get an application on the DHHS website.

MaineCare funds several home care programs, each program has financial and medical criteria for eligibility. A nurse from the Assessing Services Agency must assess your medical needs, and you will need to disclose information about your finances.

MaineCare home care programs include (but are not limited to):

- MaineCare Home Health
- Private Duty Nursing
- Adult Day Health
- Home and Community Benefits for the Elderly and Adults with Disabilities
- Home and Community Based Services for Adults with Other Related Conditions
- Home and Community-Based Services for Adults with Brain Injury under state funded services
- Consumer directed attendant services

If you are found eligible for a MaineCare program, you may have a cost of care or co-payment determined by DHHS. If you are denied MaineCare coverage, are told that you are ineligible for services, or if you have questions about MaineCare, you can call The Long-Term Care Ombudsman Program at 1-800-499-0299

State Funded

Even if you are not eligible for MaineCare, you may be able to get help paying for home care services. Maine has state funded programs for consumers whose income or assets are too high to qualify for MaineCare, but who still need help paying for their home care. Depending on your income, there may be a co-pay for these services. You may be able to apply for a waiver of your co-payment if you feel you are unable to afford the cost. At times, state funded home care programs have a waiting list. If you are found eligible for a state funded program and the program has a waiting list, you will be contacted when funding is available.

State funded home care programs include:

- Home based care
- Consumer directed services
- Adult day services
- Independent support services (Homemaker program)

HOW DO I APPLY FOR MaineCare OR STATE FUNDED HOME CARE?

Getting an Assessment

The first step is to get a Medical Eligibility Determination (MED) assessment to determine eligibility for home care services. The State of Maine contracts with an Assessing Services Agency (ASA). The ASA does assessments for older adults and adults with disabilities who are seeking home care services and who want to remain living at home. The ASA may also assess individuals who just want to know what services they qualify for. There is no charge, and the assessment is confidential.

To request an assessment, call the ASA toll free, at 833-525-5784

What happens during an assessment?

You will meet with a nurse from the ASA. The assessment is done in your home or by phone. It may also be done in a hospital or long-term care facility if you are about to be discharged to your home. It is a good idea to have a family member or a friend with you when you are assessed, to help you provide needed information. The assessor will ask you several questions to find out:

- What tasks you can do by yourself
- What tasks you need help with and how much help you need
- If you have friends, family or neighbors who can help
- Your financial situation (to determine your eligibility for financial assistance)

At the end of the meeting, the assessor will decide whether you are eligible for home care. If you are eligible, you will be given a written plan of care. This plan will include the number of hours and the kind of services you are eligible for each day, week, or month. It will also include the names of the programs that you qualify for.

If you are eligible for a home care program, the assessor will discuss your choice for a Service Coordination Agency. The ASA will send a copy of your assessment and plan of care to the Service Coordination Agency that you choose to coordinate your services.

What happens after the assessment?

If you do not already have MaineCare, you may have to complete a MaineCare application that will ask for information about your income, savings, and assets. You may not be able to access the home care services you were found eligible for until this application is completed and approved.

A Care Coordinator from your chosen Service Coordination Agency will contact you to review your assessment and your Plan of care. The care coordinator will talk with you about the best schedule for your services, whether you want self-direct care or caregivers provided by a home care agency. The Care Coordinator will contact you on a regular basis to discuss how your services are working out and if they are meeting your needs. After you start receiving services, you will be periodically reassessed by the ASA to see if your needs have changed.

WHAT ARE YOUR RIGHTS?

You have the right to confidentiality as a home care consumer.

Any agency involved in assessing your needs and in providing or coordinating your care is not allowed to disclose information about you unless:

Confidentiality Rights

- You sign a written release allowing the agency to disclose information
- A court order states that the information must be disclosed
- It is necessary because you are being abused, neglected, or exploited
- The information is required for program monitoring and evaluation under federal or state law

You have the right to information about your plan of care, including:

- Information about the workers who will provide your care
- How often workers will come to your home
- Any changes in your care before the changes are made



WHO PROVIDES & REGULATES HOME CARE SERVICES? (PT. 1)

Who provides home care services?

Maine has many agencies that provide in-home services. You can also hire individuals who are not employed by agencies to care for you in your home.

Home care workers have a variety of educational backgrounds and training. Home care workers include:

- Personal Support Specialists (PSS)
- Personal Care Attendants (PCA)
- Home Health Aides
- Homemakers
- Certified Nursing Assistants (CNA)
- Registered Nurses (RN)
- Licensed Practical Nurses (LPN)
- Physical, Speech, and Occupational Therapists

Some agencies offer a variety of services, others offer only one particular type of service (for example, homemaker services).

Who regulates home care agencies to ensure quality services?

Home care agencies are regulated by state agencies. The Division of Licensing & Certification must license home health and Personal Care Attendant (PCA) agencies. Other agencies (such as homemaker agencies) are monitored by the Office of Aging and Disability Services (OADS).

You have the right to have direct care workers in your home who are professional, honest and trustworthy.

Home care agencies are required to carefully screen workers before hiring them. The agency must ensure that consumers are safe and receive quality care from trained workers. Here are some of the important protections for consumers:

- Agencies must complete a criminal background check on all direct care workers
- Agencies must ensure that nurses, therapists, social workers, and other licensed personnel have up-to-date licenses.
- They must provide training to workers on how to care for consumers within the first six months of employment.
- Workers are only allowed to do the type of work that they are trained to do.

WHO PROVIDES & REGULATES HOME CARE SERVICES? (PT. 2)

- Certified Nurse Assistants (CNAs) must be listed as “Active” and in good standing on the Maine Registry of Certified Nursing Assistants and Direct Care Workers. DLC maintains this Registry. A home health agency or personal care agency may not employ a worker as a CNA or as a personal care attendant who is listed on the CNA Registry as having a substantiated complaint of any abuse, neglect or misappropriation of property or an individual who has been convicted of a serious crime as listed by state law. If you hire CNA workers directly, without going through an agency, you can call the Registry yourself to ask for information about a person who is coming to work in your home. The telephone number of the CNA Registry is (207) 287-9310.

What else can I do to be sure that my home care workers are trustworthy and honest?

You have the right to ask questions. Here are some questions you may want to ask the agency:

- Is your agency bonded? (A bond will ensure that if a worker steals from you, the agency can pay you back)
- Do you call me if the assigned worker is not coming?
- Can I reach the agency on evenings and weekends?
- What are the qualifications of your staff?
- Do you do a criminal background check on all employees?
- What training do you give your staff?
- Who do I call if there is a problem with the worker who is coming to my home?

What can I do if I have problems with my workers?

You may feel that your plan of care does not provide the services you need, or you may not be getting all the services listed in your plan of care. Your worker may not show up on time, or may not show up at all. You may not like the way your worker treats you or the way they do their work. Whatever your concern, you have the right to voice a complaint about your care and to have your complaint investigated, without fear of retaliation. A friend or family member can also call for you to make a complaint.

To make a complaint, contact any of the following agencies:

- The home care agency providing the services (if you feel comfortable doing this)
- The Care Coordinator at the Service Coordination Agency (if applicable)
- The **Long-Term Care Ombudsman Program at 1-800-499-0229**
- The **The Division of Licensing & Certification Complaint Line at 1-800-383-2441**



FREEDOM FROM ABUSE, NEGLECT AND EXPLOITATION

No one has the right to abuse you!

It is against the law for a caregiver or anyone else to abuse, neglect or exploit you. This includes:

- Physical abuse (pushing, hitting, yelling, hair pulling)
- Verbal abuse (name calling, harassment)
- Neglect (failure to provide food, drink, medical or personal care)
- Exploitation (pressuring you to change a will or sign over control of your assets; pressuring you to sell or give away your property, savings or possessions)

You have the right to be free from physical restraints (like being tied to a bed or chair), chemical restraints (drugs that are not required to treat medical symptoms, but are used for convenience). There is confidential help available if you feel you are mistreated by a caregiver, member, or others you may rely on for assistance.

What should I do if I have been abused?

First, if you are in immediate danger, call the police immediately (911). Otherwise, any abuse, or neglected and exploitation should be reported to the 24-hour number for Adult Protective Services at 1-800-624-8404.

You have other rights, too:

- You have the right to be treated with respect and dignity.
- You have the right to participate in planning your care.
- You have the right to have your property treated with care and respect.
- You have the right to expect that all information about you will be kept confidential.
- You have the right to be free from physical and mental abuse.
- You have the right to voice complaints.
- You have the right to know what the cost of your services is and if any payment is expected from you.
- You have the right to appeal when services are denied, reduced, terminated, or the plan of care is inadequate.

WHAT ARE MY RIGHTS IF MY CARE IS DENIED OR REDUCED?

The Hearing Process

What are my rights if I am denied care, or my care is reduced or terminated?

How will I know if I have been denied home care services or if my services will change?

You will receive a written notice if your home care services are being:

- Denied
- Reduced
- Suspended
- Terminated

If you are currently receiving services and those services are going to be terminated or reduced, you have the right to advance notice before the services change or stop. How much advance notice you receive depends on the rules of the program that you are in. (Note: There are some limited exceptions to this advance notice rule: for example, if workers will be endangered by coming into your home, or if you have provided false information to receive care.)

The written notice must include the following:

- The reasons for the denial, termination or reduction of services
- The date the change will become effective
- Information about your right to appeal the denial, termination or reduction
- How to request an appeal hearing
- How to get help with an appeal hearing
- Whether services will continue if you appeal the agency decision.

If I want to appeal, can I get help?

Yes. The home care rules are complicated, and it is a good idea to get assistance with your appeal.

For assistance to appeal a decision or prepare for your hearing, call the **Long-Term Care Ombudsman Program at 1-800-499-0229**. The Long-Term Care Ombudsman Program (LTCOP) works with other agencies, including Legal Services for Maine Elders, Pine Tree Legal Assistance, and Disability Rights Maine. If you need someone to represent you at your appeal hearing, LTCOP will refer you to one of these organizations. It's important to make sure you don't miss any filing deadlines, so the first thing to do is request an appeal hearing. If you are currently enrolled in MaineCare or a state-funded program, and you request a hearing within 10 days of the date of action to reduce or terminate your benefits, you will continue to receive services while the hearing is pending. The written notice you receive should include specific information on how to appeal the decision.

What will happen at the hearing?

If you are represented by an attorney at the hearing, your interests will be represented by them. If you do not have an attorney, LTCOP will help you to prepare to represent yourself at the hearing. At the hearing you will have a chance to explain why you think the decision is wrong, and why you believe you are eligible for the services. You can submit written information and bring witnesses. You can bring a lawyer, friend or family member with you, or you can go to the hearing alone.

MORE INFORMATION ABOUT HOME CARE SERVICES

How can I find more information about home care services?

If you or a family member would like to learn more about available home care services, here are some options:

- Contact the **Long-Term Care Ombudsman Program** at **207-621-1079** or **800-499-0229**
- Contact a home care agency directly to discuss the cost of privately paying for home care services.
- If you are in a hospital or nursing home, talk with the social worker or discharge planner.
- Contact the **Maine Department of Health and Human Services Office of Aging and Disability Services** at **1-800-262-2232**.
- Call your local **Area Agency on Aging /ADRC (Aging and Disability Resource Center)** toll-free at **1-877-353-3771**, and you will be connected with the agency that serves your area. The Area Agency on Aging can also tell you about other available resources, such as Meals on Wheels, grants and transportation assistance.



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