

42 C.F.R. § 460.112

Specific rights to which a participant is entitled.

(a) *Right to treatment.* Each participant has the right to appropriate and timely treatment for their health conditions, including the right to all of the following:

- (1) Receive all care and services needed to improve or maintain the participant's health condition and attain the highest practicable physical, emotional, and social well-being.
- (2) Access emergency health care services when and where the need arises without prior authorization by the PACE interdisciplinary team.

(b) *Respect and nondiscrimination.* Each participant has the right to considerate, respectful care from all PACE employees and contractors at all times and under all circumstances. Each participant has the right not to be discriminated against in the delivery of required PACE services based on race, ethnicity, national origin, religion, sex, age, sexual orientation, mental or physical disability, or source of payment. Specifically, each participant has the right to the following:

- (1) To receive comprehensive health care in a safe and clean environment and in an accessible manner.
- (2) To be treated with dignity and respect, be afforded privacy and confidentiality in all aspects of care, and be provided humane care.
- (3) Not to be required to perform services for the PACE organization.
- (4) To have reasonable access to a telephone.
- (5) To be free from harm, including physical or mental abuse, neglect, corporal punishment, involuntary seclusion, excessive medication, and any physical or chemical restraint imposed for purposes of discipline or convenience and not required to treat the participant's medical symptoms.
- (6) To be encouraged and assisted to exercise rights as a participant, including the Medicare and Medicaid appeals processes as well as civil and other legal rights.
- (7) To be encouraged and assisted to recommend changes in policies and services to PACE staff.
- (8) To have all information regarding PACE services and treatment options explained in a culturally competent manner.

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