



Policy: PA.5040
Title: **Participant Rights**
Department: CalOptima Health PACE
Section: Not Applicable

CEO Approval: /s/ Michael Hunn 02/21/2025

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Applicable to: ☐ Medi-Cal
☐ OneCare
☒ PACE
☐ Administrative

I. PURPOSE

This policy outlines and describes the process utilized for informing CalOptima Health Program of All-Inclusive Care for the Elderly (PACE) Center Participants of their rights; ensuring that they understand their rights; educating employees on, and ensuring adherence to, Participant rights and related policies and procedures; promoting Participant rights; and responding to and rectifying violations of Participant rights.

II. POLICY

- A. CalOptima Health is committed to providing the highest quality of care that promotes autonomy of the individual Participant and instills a level of cooperation between the Participant, the family or caregiver, and CalOptima Health PACE providers.
- B. CalOptima Health PACE is committed to providing an environment that promotes privacy and dignity for each Participant.
- C. CalOptima's Health PACE Participant Bill of Rights, focused on the Participant, shall be approved by the Centers for Medicare & Medicaid Services (CMS) and ensure CalOptima Health PACE achieves the highest quality of care.
- D. CalOptima Health PACE shall make audit review results available in a place easily accessible by Participants and other individuals who may make decisions about CalOptima Health PACE Participants' care, such as family members, caregivers, and authorized representatives.
 - a. CMS may require CalOptima Health PACE to disclose to its Participants or potential Participants performance and contract compliance deficiencies in a manner specified by CMS.
- E. CalOptima Health PACE policies and procedures shall follow the most current recommendations and guidelines as approved and provided by the Department of Health Care Services (DHCS) and CMS.

III. PROCEDURE

- A. CalOptima Health PACE shall inform Participants of their rights, as follows:
 - 1. The Participant will be provided with the Bill of Rights in three (3) formats:

- a. Within the Participant Enrollment Agreement Terms and Conditions, which is a document provided and explained at enrollment;
 - b. A copy of the most recent Bill of Rights will be shared with all active Participants as part of the CalOptima Health PACE Annual Notices Newsletter; and
 - c. A prominent display of the Participant Bill of Rights in the CalOptima Health PACE Center main activity area, translated into each of the CalOptima Health PACE threshold languages.
2. The Participant Bill of Rights will always be presented together with a description of Participant and caregiver responsibilities that are delineated on the document and explained in the Participant Enrollment Agreement Terms and Conditions.
 3. CalOptima Health PACE shall communicate any changes in the Bill of Rights or enrollment agreement by:
 - a. Explaining the changes to the Participant and their Authorized Representative or Caregiver via a notice of changes document that outlines all changes and the reasons for the change in a manner and language they understand.
 - b. Giving an updated written copy of the information to the Participant and their Authorized Representative or Caregiver upon request.
 4. If the prospective Participant lacks decision-making capacity, an appropriate family member or caregiver will be asked to seek conservatorship (if not already done) in order to act as the authorized Representative in matters relating to decision-making, including Participant rights.
 - a. A conservator is a legal relationship by which an individual is authorized to act as a substitute decision-maker for another person because the latter is incompetent. The conservator “steps” into the life of the person, and with court supervision, manages that person’s affairs.
 5. If a CalOptima Health PACE Participant has no family or caregiver, the case will be referred to the Orange County Office of the Public Guardian. A CalOptima Health PACE Social Worker will be assigned to assist the Participant with this process.
 6. CalOptima Health PACE shall ensure adequate communication regarding Participant rights for those Participants with language barriers or impairment that limits their ability to communicate, by providing assistance through an interpreter, amplification, or hearing aids.
- B. CalOptima Health PACE shall assure that Participants understand their rights, as follows:
1. The prospective Participant will participate in an enrollment conference involving the CalOptima Health PACE enrollment Representative, family members or caregivers.
 - a. At the enrollment conference, the enrollment Representative will again explain the Participant Bill of Rights, and a signature will be obtained confirming a full explanation of the rights to the Participant and/or responsible family member and/or caregiver.
 - b. A copy of the signed Participant Bill of Rights document will be placed in the Participant’s medical record.

2. Once enrolled, the Participant's assigned Social Worker shall review the Participant Bill of Rights annually with each Participant and make a progress note in the Participant's medical record of the review.
 3. A CalOptima Health PACE Social Worker will remind Participants that they can express concerns related to Participant rights to any CalOptima Health PACE employee, including the CalOptima Health PACE Center's Manager, Social Worker, or Home Care Coordinator.
 4. CalOptima Health PACE shall post the Participant Bill of Rights, in the CalOptima Health PACE threshold languages, in the CalOptima Health PACE Center main activity area, which is accessible to all Participants.
- C. CalOptima Health PACE shall educate employees and contractors regarding Participant rights, as follows:
1. The CalOptima Health PACE designated supervisors shall provide a department-specific orientation, which includes a Participant Rights module and quiz, to each new employee within thirty (30) business days of hire;
 2. Each CalOptima Health PACE employee shall receive an initial and annual orientation outlining the CalOptima Health PACE model of care and standards;
 3. During the CalOptima Health PACE employee's annual review process, the Participant Bill of Rights will again be explained to the employee during required CalOptima Health PACE annual trainings.
 4. The CalOptima Health PACE employee's immediate supervisor will be responsible for ensuring that employees understand and enforce Participant rights. An employee's failure to do so may result in disciplinary action.
 5. The CalOptima Health PACE Program Director or Designee shall ensure that all contractors and employees who are assigned to work with CalOptima Health PACE Participants are oriented and trained regarding the Participant Bill of Rights within thirty (30) calendar days of hire and before working independently with CalOptima Health PACE Participants.
 6. The contractor and employee will be required to sign a statement of understanding that will be maintained in the contractor's and employee's file.
 7. The Participant Bill of Rights will also be included in the CalOptima Health PACE Provider Manual that will be provided to all network providers initially, and with each annual review of contracts.
 8. The CalOptima Health PACE Center Manager or Designee shall ensure that all volunteers based at the CalOptima Health PACE Center are oriented and trained regarding the Participant Bill of Rights.
 9. All CalOptima Health PACE volunteers will be required to sign a statement of understanding that will be maintained in a centralized file for all volunteers maintained by the CalOptima Health PACE Program Director, or Designee.
- D. CalOptima Health PACE shall promote Participant rights and dignity, as follows:

1. The CalOptima Health PACE Center Manager and the Participant's Social Worker, together with members of the Interdisciplinary Team (IDT), will promote the exercise of their rights.
 2. The Participant, their family and/or caregiver and any legal Representative will receive education regarding Participant rights during the initial assessment and at the enrollment conference.
 3. To promote and ensure Participant dignity, the CalOptima Health PACE Center Manager and CalOptima Health PACE Clinic Manager shall train, educate, and monitor their respective employees on:
 - a. Use of privacy during examinations and assessments, where appropriate;
 - b. Use of appropriate clothing and linen during treatments, and
 - c. Ensuring personal care and treatment areas are free from the use of cell phones, cameras, audio recording devices and video recording devices. Documenting treatment per clinical standards (e.g., wound care) is the only type of photography allowed in these areas.
- E. CalOptima Health PACE shall respond to and rectify Participant rights violations as follows:
1. CalOptima Health PACE shall maintain written safeguards that protect the rights of enrolled Participants, in accordance with CalOptima Health Policy PA.7001: Grievance Process.
 2. A suspected Participant rights violation, whether by CalOptima Health PACE employee or contractor, will be handled as follows:
 - a. A Participant or employee who suspects a violation of rights will bring it to the attention of the CalOptima Health PACE Quality Improvement Department verbally, or in writing, within twenty-four (24) hours of the suspected violation.
 - b. The CalOptima Health PACE Quality Improvement Department shall notify:
 - i. The Participant of all Grievance review options including their option to contact 1-800 MEDICARE (1-800-633-4227) or the Healthcare Consumer Alliance Medi-Cal Ombudsman Program at 1-888-804-3536.
 - ii. The Participant's family, in writing and verbally as the investigation warrants; and,
 - iii. Other persons, if indicated, to include the CalOptima Health PACE Director and/or contractors.
 - c. If needed, the CalOptima Health PACE Center Manager or Quality Improvement Manager shall develop a corrective action plan and share it with the CalOptima Health PACE Program Director.
 - d. The CalOptima Health PACE Quality Improvement Department shall document Participant rights violation within twenty-four (24) hours of notification.
 - e. The CalOptima Health PACE Quality Improvement Department shall maintain, aggregate and analyze information on suspected Participant rights violations. This information will be used in the Quality Assessment and Performance Improvement program and reviewed by the CalOptima Health PACE Quality Improvement Committee at least quarterly.

3. Without limiting the foregoing, CalOptima Health shall report any known or suspected elder abuse, whether inflicted by a CalOptima Health employee or agent, or other third party, in accordance with CalOptima Health Policy GG.1320: Elder or Dependent Adult Abuse Reporting.
 4. An employee's failure to report a suspected violation may result in disciplinary action. Corrective action will be taken, in accordance with CalOptima Health PACE Policies PA.7001: Grievance Process, PA.7002: Appeal Process, and this Policy. The severity of the corrective action will be decided by the CalOptima Health PACE Program Director, depending upon the nature of the offense, and may range from verbal counseling to written warning to suspension or immediate dismissal.
 5. The CalOptima Health PACE Program Director shall exercise discipline related to an employee who is suspected of committing a Participant rights violation in consultation with the Human Resources Specialist. The CalOptima Health PACE Program Director shall decide upon the severity of the corrective action depending upon the nature of the offense. If it is determined that a violation has been committed, the employee may be discharged.
 6. Volunteers assigned to CalOptima Health PACE shall be oriented by the CalOptima Health PACE Center Manager prior to beginning their volunteer work. They will receive a copy of and be required to take a short quiz on the Participant Bill of Rights as part of their orientation. If it is determined that a violation of Participant Rights has been committed, the volunteer will be discharged.
- F. The Participant Bill of Rights shall be made available to Participants, employee, provider, and potential Participants upon request.
- G. The CalOptima Health PACE program employees and contractors shall adhere to the Participant Bill of Rights at all times.
- H. The CalOptima Health PACE Program Director, in conjunction with CalOptima Health PACE Center Manager and CalOptima Health PACE Quality Improvement Manager, shall provide oversight to assure that Participant rights are upheld.

IV. ATTACHMENT(S)

Not Applicable

V. REFERENCE(S)

- A. CalOptima Health PACE Contract with the Department of Health Care Services for the PACE Program
- B. CalOptima Health PACE Participant Bill of Rights
- C. CalOptima Health PACE Program Agreement
- D. CalOptima Health Policy GG.1320: Elder or Dependent Adult Abuse Reporting
- E. CalOptima Health Policy PA.7001: Grievance Process
- F. CalOptima Health Policy PA.7002: Appeal Process
- G. PACE Desk Reference - Interpreter Services
- H. Title 42, Code of Federal Regulations (CFR), §§ 460.110–112, 460.116–118, 460.156, 460.198 460.32 (a)(5)

VI. REGULATORY AGENCY APPROVAL(S)

None to Date

VII. BOARD ACTION(S)

None to Date

VIII. REVISION HISTORY

Action	Date	Policy	Policy Title	Program(s)
Effective	10/01/2013	PA.5040	Participant Rights	PACE
Revised	10/01/2014	PA.5040	Participant Rights	PACE
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Revised	01/01/2025	PA.5040	Participant Rights	PACE
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IX. GLOSSARY

Term	Definition
Appeal	A Participant's action taken with respect to the PACE organization's noncoverage of, modification of, or nonpayment for, a service including denials, reductions or termination of services, as defined by federal PACE regulation 42 CFR Section 460.122.
Caregiver	Caregivers are broadly defined as family members, friends, or neighbors who provide unpaid assistance to a person with a chronic illness or disabling condition.
Grievance	A complaint, either oral or written, expressing dissatisfaction with service delivery or the quality of care furnished, regardless of whether remedial action is requested as defined by the federal PACE regulation 42 CFR Section 460.120. .
PACE Center	The location designated by CalOptima Health PACE at which Participants shall receive PCP services.
Participant	An individual enrolled in the CalOptima Health PACE program.
Representative	A person who is acting on behalf of or assisting a Participant, and may include, but is not limited to, a family member, a friend, a CalOptima Health PACE employee, or a person legally identified in a Power of Attorney for Health Care/Advanced Directive, Conservator, Guardian, etc.