

Kansas Administrative Regulations

Department of Health and Environment

Article 51.—Home Health Agency Licensure

28-51-111. Patients' and clients' bill of rights.

(a) Each governing body shall establish a bill of rights that shall be equally applicable to all patients and clients. The following provisions shall be included in the patients' and clients' bill of rights:

(1) The right to choose health care professionals and the right to communicate with those health care professionals;

(2) the right to participate in the planning of the patient's or client's plan of care and the right to appropriate instruction and education regarding the plan of care;

(3) the right to home health services, HCBS, and supportive care services that are provided without discrimination as to race, color, creed, sex, or national origin;

(4) the right to receive home health services, HCBS, or supportive care services only if the licensee has the ability to provide safe, professional care at the level of intensity needed;

(5) the right to reasonable continuity of care;

(6) the right to be advised in advance of any change in the plan of care before the change is made;

(7) the right to confidentiality of all clinical records and client records, communications, and personal information;

(8) the right to review all health records pertaining to the patient or client unless medically contraindicated in the clinical record or client record by the physician, nurse practitioner, clinical nurse specialist, or physician assistant;

(9) the right to be referred to another home health agency if the patient or client is denied home health services, HCBS, or supportive care services for any reason;

(10) the right to voice grievances and suggest changes in home health services, HCBS, and supportive care services or the staff providing the home health services, HCBS, and supportive care services, without fear of reprisal or discrimination;

(11) the right to be fully informed of home health agency policies and charges for home health services, HCBS, and supportive care services, including eligibility for, and the extent of payment from third-party reimbursement sources, before receiving care. Each patient and client shall be informed of the extent to which payment could be required from the patient or client;

(12) the right to be free from verbal, physical, and psychological abuse and to be treated with dignity;

(13) the right to have the patient's or client's property treated with respect;

(14) the right to be advised in writing of the availability of the department's toll-free complaint telephone number; and

(15) the right to be free from the use of restraints in the home setting.

(b) Each governing body shall establish a bill of rights that shall be applicable to all patients, in addition to the rights specified in subsection (a). The following provisions shall be included in the patients' bill of rights:

(1) The right to request information about the diagnosis, prognosis, and treatment, including alternatives to treatment and risks involved, in terms that the patient and the patient's family can readily understand in order to give informed consent;

(2) the right to refuse home health services or HCBS and the right to be informed of the possible health consequences of any refusal; and

(3) the right to be advised in advance of the home health services or HCBS that will be provided and the frequency of visits proposed to be provided.

(Authorized by K.S.A. 65-5109; implementing K.S.A. 65-5104; effective, T-86-23, July 1, 1985; effective May 1, 1986; amended Feb. 28, 1994; amended May 20, 2022.)

***** Authenticated Kansas Administrative Regulation *****