

A Consumer Guide to
**Home Care Services and
Consumer Rights**



The Maine Long-Term Care
OMBUDSMAN
Program

1-800-499-0229

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!

A handwritten signature in cursive script that reads "Brenda Gallant".

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. Program staff and a corps of skilled volunteers are located throughout the state to better serve you. 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 residents
- Home care consumers
- Adult Day Service participants
- Homemaker consumers

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
- Not receiving enough services
- Equipment needs
- Termination of your services
- Appeals
- Medicaid/Medicare issues
- Payment issues
- Any other issues regarding long-term care

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?

A number of services are available, depending on your needs.

Home care services can provide assistance with:

- Walking
- Taking your medication at the correct time and in the correct dose
- Getting in our out of bed, or getting to the bathroom
- Dressing
- Personal hygiene
- Preparing your meals
- Housework
- Grocery Shopping
- Skilled services, including nursing, physical therapy, occupational therapy, and case management

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.

For more information about available services, please call the Maine Department of Health and Human Services (DHHS) Office of Aging and Disability Services at **1-800-2622-2232** and ask for a copy of **Maine's Aging and Disability Resource Guide**.

This booklet and other publications are available online at:
<http://www.maine.gov/dhhs/oads/trainings-resources/publications.html>

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 other options:

- Contact a home care agency directly to discuss the cost to privately pay 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 (DHHS) 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 and transportation assistance.

How do I apply for MaineCare funded or State funded home care services?

First Step - Assessment

The first step is to get an assessment to determine eligibility for home care services. The State of Maine contracts with an Assessing Services Agency called Change Healthcare. Change Healthcare does assessments for the elderly and adults with disabilities who are seeking home care services and who want to remain living at home. Change Healthcare may also assess individuals who just want to know what services they qualify for. There is no charge, and the assessment is confidential. If you do not currently qualify for Maine Care, there may be a waiting list to have an assessment.

To request an assessment or to be placed on the waiting list for an assessment, call Change Healthcare toll free, at **1-800-609-7893**.

What happens during the assessment?

You will meet with a nurse from Change Healthcare. The assessment is done in your home. It may also be done in a hospital if you are about to be discharged to your home. It is a good idea to have family member or a friend with you when you are assessed, to help you provide needed information.

The assessor will ask you a number of questions in order 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 members, or neighbors who can help you
- Your financial situation (This is to determine your eligibility for assistance with home care expenses)

At the end of the meeting, the assessor will decide whether or not you are eligible for home care. If you are eligible for home care, you will be given a written Plan of Care. This plan will include the number of hours and the kinds of services you are eligible for each day, week, or month. It will also include the names of the programs that you qualify for. You may also have to complete a MaineCare application that will ask for information about your income, your savings, and your property.

If you are eligible for a home care program, the assessor will discuss your choice for a Service Coordination Agency. The Assessing Services Agency 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?

A Care Coordinator referred by the Service Coordination Agency will contact you to review your assessment and your Plan of Care. The Care Coordination will talk with you about the best schedule for your services to be provided, and whether you want to self-direct your caregivers or

use caregivers provided and managed 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 a nurse from Change Healthcare to see if your needs have changed.

What are your rights concerning Confidentiality and Information?

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:

- 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

Will I need to pay for home care services?

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. Medicare must approve your home health agency. If you think Medicare will pay for your home care services, speak with your doctor.

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 a 'companion 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 the Elderly](#) at **1-800-750-5353**.

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.

MaineCare funds a number of 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:

- MaineCare Home Health

- Private Duty Nursing / Personal Care Services
- Adult Day Health Services
- Home & Community Benefits for Elderly and Disabled
- Home & Community Benefits for Physically Disabled
- Consumer-Directed Attended 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 a service, or if you have questions about MaineCare, you can call [The Long-Term Care Ombudsman Program](#) at **1-800-499-0229**.

State-funded programs

Even if you aren't eligible for MaineCare, you may be able to get help paying for home care services. Maine has state-funded programs for consumers whose assets or income are too high to qualify for MaineCare services, but who still need some help paying for their home care services. 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, your name will be placed on the list and you will be contacted when funding is available to provide your home care services.

State-funded programs pay for a variety of services, including: personal care services; homemaker services; consumer-directed services; adult day services; and caregiver respite services. Regulations direct the Service Coordination Agency on how to determine your co-payment. You may be able to apply for a waiver of your co-payment if you feel you are unable to afford the cost.

State-funded home care programs include:

- Home Based Care Program
- Consumer-directed Personal Care Assistance Services Program
- Independent Support Services (Homemaker Services)
- Adult Day Services
- Respite Care for People with Alzheimer's or Related Disorders

Who provides and regulates home care services?

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 DHHS Division of Licensing and Regulatory Services must license certain home care agencies, such as home health agencies. Personal Care Attendant (PCA) agencies must register with DHHS, but are not licensed. Other agencies (such as homemaker agencies) are monitored by the DHHS Office of Aging and Disability Services.

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.
- 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. DHHS 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 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?
- Do you have enough workers so that there is a back-up worker who will come to my house when my regular worker calls in sick or can't come to help me for some other reason?
- 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 he does his 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
- The Long-Term Care Ombudsman Program at **1-800-499-0229**
- The DHHS Licensing & Regulatory Services 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 also 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, family 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, neglect or exploitation should be reported to the 24-hour number for Adult Protective Services at DHHS. This number is **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 Care Plan is inadequate.

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 in order 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, or LTCOP, works with other agencies, including Legal Services for the Elderly, Pine Tree Legal Assistance, and the 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 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 him or her. If you do not have an attorney, the 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 you can bring witnesses. You can bring a lawyer, friend or family member with you, or you can go to the hearing alone. You can also choose to have your hearing by phone.

Appendix A Contact Information

Maine Department of Health and Human Services (DHHS)

▶ **Adult Protective Services**

Statewide 24-hour toll-free line 1-800-624-8404

▶ **Office of Aging and Disability Services**

1-800-262-2232

▶ **Licensing and Regulatory Services Complaint Hotline**

1-800-383-2441

DHHS Regional Offices

▶ **Augusta District Office**

35 Anthony Avenue, Augusta ME 04333
Phone: (207) 624-8000 or 1-800-452-1926
TTY: 1- 800-606-0215

▶ **Bangor District Office**

396 Griffin Road, Bangor ME 04401
Phone: (207) 561-4100 or 1-800-432-7825
TTY: 1-800-606-0215

▶ **Biddeford District Office**

208 Graham Street, Biddeford ME 04005
Phone: (207) 286-2400 or 1-800-322-1919
TTY: 1-800-606-0215

▶ **Calais District Office**

392 South Street, Calais ME 04619
Phone: (207) 454-9000 or 1-800-622-1400
TTY: 1-800-606-0215

▶ **Caribou District Office**

30 Skyway Drive, Unit 100 Skyway Plaza, Caribou ME 04736
Phone: (207) 493-4000 or 1-800-432-7366
TTY: 1-800-606-0215

- ▶ **Ellsworth** District Office
17 Eastward Lane, Ellsworth ME 04605
Phone: (207) 667-1600 or 1-800-432-7823
TTY: 1-800-606-0215

- ▶ **Farmington** District Office
114 Corn Shop Lane, Farmington ME 04938
Phone: (207) 778-8400 or 1-800-442-6382
TTY: 1-800-606-0215

- ▶ **Fort Kent** District Office
137 Market Street, Fort Kent ME 04743-1447
Phone: (207) 834-7700 or 1-800-432-7340
TTY: 1-800-606-0215

- ▶ **Houlton** District Office
11 High Street, Houlton ME 04730
Phone: (207) 532-5000 or 1-800-432-7338
TTY: 1-800-606-0215

- ▶ **Lewiston** District Office
200 Main Street, Lewiston ME 04240
Phone: (207) 795-4300 or 1-800-482-7517
TTY: 1-800-606-0215

- ▶ **Machias** District Office
13 Prescott Drive, Machias ME 04654
Phone: (207) 255-2000 or 1-800-432-7846
TTY: 1-800-606-0215

- ▶ **Portland** District Office
161 Marginal Way, Portland ME 04101
Phone: (207) 822-2000 or 1-800-482-7520
TTY: 1-800-606-0215

- ▶ **Rockland** District Office
91 Camden Street, Rockland ME 04841
Phone: (207) 596-4200 or 1-800-432-7802
TTY: 1-800-606-0215

- ▶ **Sanford** District Office
890 Main Street, Suite 208, Sanford ME 04073
Phone: (207) 490-5400 or 1-800-482-0790

TTY: 1-800-606-0215

- ▶ **Skowhegan District Office**
98 North Avenue, Suite 10, Skowhegan ME 04976
Phone: (207) 474-4800 or 1-800-452-4602
TTY: 1-800-606-0215

- ▶ **South Paris District Office**
243 Main Street, Suite #6, South Paris ME 04281
Phone: (207) 744-1200 or 1-888-593-9775
TTY: 1-800-606-0215

Area Agencies on Aging (AAAs)

- ▶ **Statewide AAA help line**
1-877-353-3771

Regional AAAs by County

- ▶ **Cumberland, York**
Southern Maine Area Agency on Aging
www.smaaa.org
Phone: (207) 396-6500 or 1-800-427-7411
TTY: (207) 883-0532

- ▶ **Androscoggin, Franklin, Oxford**
Seniors Plus
www.seniorsplus.org
Phone: (207) 795-4010 or 1-800-427-1241
TTY: (207) 795-7232

- ▶ **Knox, Lincoln, Waldo, Somerset, Sagadahoc, Kennebec**
Senior Spectrum (Spectrum Generations)
www.spectrumgenerations.org
Phone: 1-800-639-1553
TTY: 1-800-464-8703

- ▶ **Hancock, Penobscot, Piscataquis, Washington**
Eastern Area Agency on Aging
www.eaaa.org
Phone: (207) 941-2865 or 1-800-432-7812
TTY: (207) 992-0150

- ▶ **Aroostook**
Aroostook Area Agency on Aging
www.arostookaging.org
Phone: 1-800-439-1789

Additional Agencies

- ▶ **Change Healthcare**
www.changehealthcare.com
45 Commerce Drive, Ste 5, Augusta ME 04333
Phone: 1-800-609-7893
Fax: 1-800-368-0965
- ▶ **Elder Independence of Maine**
www.elderindependence.org
Phone: (207) 795-7213 or 1-888-234-3920
TTY: (207) 990-2380
If you live in Penobscot or Aroostook Counties, use the following numbers:
Phone: (207) 990-2380 or 1-866-456-2322
TTY: (207) 990-2380
- ▶ **Alpha One** [Portland and Bangor]
www.alphaonenow.com or info@alphaonenow.com
127 Main Street, Portland ME 04016
Phone: 1-800—640-7200
and
1048 Union Street, Suite 2, Bangor ME 04401
Phone & TTY: 1-800-300-6016
- ▶ **Legal Services for the Elderly**
www.mainelse.org
Phone: 1-800-750-5353
- ▶ **Disability Rights Maine**
www.drcme.org
Phone and TTY: 1-800-452-1948

► **Kennebec, Somerset, Lincoln, Knox**

Augusta

Phone: (207) 622-4731 or (207) 623-7777

TTY: 711

► **Penobscot, Piscataquis, Waldo, Hancock**

Bangor

Phone: (207) 942-8241

TTY: 711

► **Androscoggin, Oxford, Franklin**

Lewiston

Phone: (207) 784-1558

TTY: 711

► **Washington**

Machias

Phone: (207) 255-8656

► **Cumberland, York, Sagadahoc**

Portland

Phone: (207) 774-8211

TTY: 711

► **Aroostook**

Presque Isle

Phone: (207) 764-4349

TTY: 711

Appendix B Publications

► The Maine Long-Term Care Ombudsman Publications

Available online at www.maineombudsman.org

- [Long-Term Care brochure](#) – describes how the Ombudsman Program can advocate for long-term care consumers.
- [Home Care Brochure](#) – describes how the Ombudsman Program can advocate for home care consumers.
- [Hospice Brochure](#) – describes how the Ombudsman Program can advocate for hospice consumers.
- [Become a Volunteer Ombudsman brochure](#) – describes the duties of, and how to become a volunteer ombudsman.
- [Hospice in Long-Term Care Facilities booklet](#) – information for individuals in long-term care facilities and their families.
- [Your Guide to Residents' Rights in Nursing Facilities](#) – designed for residents of nursing facilities, it describes the rights of residents in a nursing facility.
- [Your Guide to Residents' Rights in Assisted Housing Programs](#) – designed for residents of assisted housing programs, including assisted living and residential care facilities, it describes the rights of residents in an assisted living program.

► Office of Aging and Disability Services Publications

Available online at www.maine.gov/dhhs/oads/training-resources/publications.htm



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