

# MEMBERS' RIGHTS AND RESPONSIBILITIES

HMSA respects members and their rights. Our policies uphold our members' rights and support their responsibilities to work with their health care providers to advance their health.

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## Members' Rights

- Members have the right to make recommendations regarding their health plans' Members' Rights and Responsibilities policies.

## Information Disclosure

- Members have the right to information about HMSA, health plan benefits, the names and qualifications of physicians and other providers involved in their medical treatment, and Members' Rights and Responsibilities.
- Members have the right to information about how HMSA participating providers and HMSA make medical treatment decisions, including information about how payment is determined and made.
- Members have the right to information about their medications — what the medications are, how to take them, and what the possible side effects are.
- To make an informed decision about, consent to, or refuse a course of treatment, members have the right to receive as much information about a proposed medical treatment or procedure as they may need. Except in cases of emergency services, this information includes:
  - A description of the proposed treatment or procedure.
  - Any medically significant risks.
  - The risks of any alternate courses of treatment or non-treatment.
  - The name of the person who will perform the treatment or procedure.
- Members have the right to be informed of continuing health care needs after being discharged from an inpatient or outpatient facility.

## Accessibility of Services and Providers

- Members have the right to receive emergency services when they, acting reasonably, believe they have an emergency medical condition. In these situations, we won't deny payment.
- Members have the right to receive urgently needed services when traveling within or outside of the service area or in the service area when unusual or extenuating circumstances prevent them from getting care from their primary care provider.
- Members have the right to a choice of health care providers to receive appropriate, high-quality care and services. (Note: Some health care providers may not be accepting new patients because they are at capacity.)
- Members have the right to reasonable continuity of care and to know in advance the time and location of an appointment and the name of the provider who is providing the care.
- Members have the right to timely access to their primary care provider or physician and referrals to specialists when medically appropriate.

## Participation in Treatment Decisions

- Members have the right to an honest discussion about appropriate or medically necessary treatment options available for their conditions regardless of cost or health plan benefit.
- Members have the right to actively participate in all decisions regarding their health and treatment options.
- Members have the right to refuse treatment or leave a medical facility even if it's against the advice of the provider (as long as the member accepts responsibility for the consequences of the decision to leave).
- Members have the right to know if a provider proposes experimental or investigative treatment. Members have the right to refuse to participate in such treatment.
- Members have the right to complete an advance directive, living will, or other directive and to have that directive placed in their medical records.
- Members have the right to assign their rights to any person who may have the legal responsibility to make decisions about their medical care on their behalf.

### **Respect and Nondiscrimination**

- Members have the right to be treated with respect and with recognition of their dignity and right to privacy.
- Members have the right to exercise these rights regardless of their race, physical or mental disability, ethnicity, gender, sexual orientation, creed, age, religion, national origin, cultural or educational background, economic or health status, English proficiency, reading skills, or source of payment for their care. Both HMSA and HMSA participating providers will uphold these rights.

### **Confidentiality of Health Information**

- HMSA has always safeguarded and handled members' information with the utmost confidentiality. Members have the right to request access to the records that HMSA has about them.
- Members have the right to request amendments to and restrictions on the use of their records, to have their communications sent to an alternative address (to avoid putting their life in danger), and to receive an accounting of disclosures made about them by HMSA.
- HMSA requires verbal or written permission from members or members' personal representatives before their information may be released to persons other than the member for purposes that aren't required by law or aren't permitted by HMSA policies.' RIGHTS

### **Complaints**

- Members have the right to voice complaints and appeal decisions about their health plan, providers, or the care they received.
- Members have the right to expect that HMSA will look at problems fairly and address them appropriately.
- Members have the right to a response from HMSA or from an HMSA participating provider for reasonable requests made for services.

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## **Members' Responsibilities**

### **Plan Information and Benefits**

- Members are responsible for reviewing information about plan benefits, policies, and procedures as stated in their Guide to Benefits or Evidence of Coverage and other member materials.
- Members are responsible for complying with all of the terms of their membership with HMSA.
- Members are responsible for reporting any changes that may affect their membership.
- Members are responsible for asking questions of their health care providers and HMSA.
- Members are responsible for providing HMSA and providers the information they need to provide care to the extent possible.

#### **Self-management**

- Members are responsible for understanding their health conditions and for participating in the development of mutually agreed treatment plans to the extent possible.
- Members are responsible for following treatment plans and instructions for care that they've agreed on with their providers.
- Members are responsible for behaving in a manner that supports the care provided to other patients and the general operations of the facility where they're receiving care.

#### **Reporting Fraud**

- Members are responsible for reporting wrongdoing and fraud to the appropriate resources or legal authorities.