



Doctors, Aides, Health Plans, and Day Programs: It's Your Choice!

Medical and Mental Health Treatment in Adult Homes

INCORPORATED

Can I choose my own doctor?

Yes, you have the right to choose your own doctor. This can be a doctor who visits the home or a doctor outside of the home. You also have the right to private conversation with your doctor.¹ If you don't want to see one of the doctors who come to the home, you can ask your case manager to help you find a doctor. You can also ask the care manager with your health insurance plan to help you find a doctor.

Do I have to have an aide (home care attendant) just because someone at the home says so?

No, you do not have to have an aide.²

What does an aide help with?

Home care attendants help residents with personal care. For example, an aide can help a resident if he or she needs help showering, getting dressed, moving from a bed to a wheelchair, or walking. Aides are not supposed to make a resident's bed or do a resident's laundry. The home is responsible for housekeeping and laundry, including washing clothes.³ These services are included in the monthly facility rate that you pay.

Do I have to attend a day program?

No, you do not have to attend any day program that you do not want to attend.⁴ If the home offers you day programming that you want to attend, you are free to do so.

What if I have agreed to see the doctor at the home or go to a day program in the past? Can I change my mind?

Yes. Just because you have seen a doctor in the past does not mean you have to continue to see that doctor. You also can change your mind about whether to attend a day program.⁵

What if the home says I have to go to the hospital if I don't take my medication or go to day program?

The home is not allowed to threaten you for exercising your rights. If the home is threatening you, call MFY Legal Services at (877) 417-2427.

¹ 18 NYCRR § 487.5(a)(3)(vii), § 487.5(a)(3)(iii); Social Services Law §461-d(3) (e), §461-d(3)(b).

² 18 NYCRR § 487.5(a)(3)(vii); Social Services Law §461-d(3)(e).

³ 18 NYCRR § 487.11(j).

⁴ 18 NYCRR § 487.5(a)(3)(vii); 18 NYCRR § 487.5(a)(3)(ix); Social Services Law §461-d(3)(e).

⁵ New York Social Services Law §461-d(3)(k).

If you pose a danger to yourself or others, the home must get you proper care. The home must protect your safety and comfort. The home may transport you to a hospital or other facility if that is necessary to get you proper care.⁶

Do I have to join a Managed Long Term Care Plan?

No, if you don't need long-term care, you should not join a Managed Long Term Care Plan. Managed Long Term Care is a type of Medicaid plan for people who need "long-term care" because of a long-lasting health condition or disability. Long-term care is 120 days or more per year of services like a home care attendant to help with daily activities or nursing home care.

I am worried that if I don't sign up for Managed Long Term Care, I won't be able to get an aide or enter a nursing home when I need one. What should I do?

If you need long-term care in the future, you can sign up for a Managed Long Term Care plan at that time. One thing you can do now is talk to your care manager about services that will help you stay healthy and independent. You can also talk to Coalition of Institutionalized, Aged and Disabled (CIAD) about joining one of their mutual support groups. You can reach them at (212) 481-7572.

*This fact sheet gives general information for
NYC residents; it is NOT legal advice.*

⁶ 18 NYCRR § 487.7(c)(7).