



SALISH BH-ASO POLICIES AND PROCEDURES

Policy Name: INDIVIDUAL RIGHTS AND PROTECTIONS **Policy Number:** CA403
Effective Date: 1/1/2020
Revision Dates: 9/25/2020
Reviewed Date:
Executive Board Approval Dates: 11/1/2019; 11/20/2020

PURPOSE

To ensure that Salish Behavioral Health Administrative Services Organization (SBH-ASO) Individuals are fully informed of their rights and responsibilities in accordance with applicable state and federal laws.

POLICY

SBH-ASO and its subcontractors shall comply with any applicable State and Federal laws that pertain to Individuals' rights and protections and ensure that its staff protect and promote those rights when furnishing services to Individuals. Subcontractors are responsible for ensuring each Individual requesting/receiving a service is informed of their rights.

PROCEDURE

General Requirements

The SBH-ASO and its subcontractors shall guarantee that each Individual has the following rights:

1. To information regarding the Individual's behavioral health status.
2. To receive all information regarding behavioral health treatment options including any alternative or self-administered treatment, in a culturally competent manner.
3. To receive information about the risks, benefits, and consequences of behavioral health treatment (including the option of no treatment).
4. To participate in decisions regarding his or her behavioral health care, including the right to refuse treatment and to express preferences about future treatment decisions.

5. To be treated with respect and with due consideration for his or her dignity and privacy.
6. To be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
7. To request and receive a copy of his or her medical records, as specified in 45 C.F.R. Part 164, to review the clinical record in the presence of the administrator or designee, and to request that the record be amended or corrected.
8. To be free to exercise his or her rights and to ensure that doing so does not adversely affect the way the Contractor treats the Individual.
9. Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability;
10. Practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment service. Individual participants have the right to refuse participation in any religious practice;
11. Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited-English proficiency, and cultural differences;
12. Be treated with respect, dignity and privacy, except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises;
13. Be free of any sexual harassment;
14. Be free of exploitation, including physical and financial exploitation;
15. Have all clinical and personal information treated in accord with state and federal confidentiality regulations;
16. Receive a copy of agency grievance system procedures according to WAC Chapter 182-538C-110 upon request and to file a grievance with the agency, or behavioral health administrative services organization (BH-ASO), if applicable, if the individual believes their rights have been violated; and
17. Submit a report to the Department of Health when the individual feels the agency has violated a WAC requirement regulating behavioral health agencies.

In addition to the rights above, Individuals receiving involuntary treatment services have the following rights:

18. The right to individualized care and adequate treatment;
19. The right to discuss treatment plans and decisions with professional persons;
20. The right to access treatment by spiritual means through prayer in accordance with tenets and practices of a church or religious denomination *in addition to medical treatment*

Subcontractor Requirements

SBH-ASO and its subcontractors requires a criminal history background check through the Washington State Patrol for employees, volunteers, and contractors of the SBH-ASO who may have unsupervised access to children, people with developmental disabilities or vulnerable adults, in accordance with Chapter 388-06 WAC.

Each subcontractor licensed to provide any behavioral health service must develop a statement of Individual participant rights applicable to the service categories the agency is licensed for, to ensure an Individual's rights are protected in compliance with RCW 71.05, 71.12, and 71.34. In addition, the subcontractor must either utilize the SBH-ASO "Individual Rights Statement" or develop a general statement of Individual rights that incorporates, at a minimum, the rights outlined in the General Requirements section of this Policy.

Subcontractor are responsible for ensuring the SBH-ASO Individual Rights, or equivalent, are offered to each person at the initial intake/assessment or first face-to-face crisis contact. Subcontractors are responsible for ensuring a copy of the Individual Rights document is signed by the Individual at the first outpatient appointment documenting that the rights are understood and accepted. The signed Individual Rights document will be maintained in the Individual's clinical record. Subcontractors shall document in the clinical record if the individual chooses not to sign the Individual Rights document. Subcontractors are expected to review the rights with the individual as frequently as necessary.

Subcontractors will prominently post the current Individual Rights in each location where an individual receives services.

Subcontractors will ensure a copy of the Individual Rights and Individual Rights Policy and Procedure are provided to individuals, family members or other interested persons upon request. Subcontractor employees shall be apprised of this policy and the procedures set forth in this policy upon hire. Documentation of this training will be maintained within each employee's personnel file.

Each subcontractor must ensure that the current Individual Rights described in this policy are available in alternative formats acceptable to the individual and translated to the most commonly used languages in the subcontractor's service area.