



## **SALISH BHO**

### **ADMINISTRATION POLICIES AND PROCEDURES**

**Policy Name:** ENROLLEE / INDIVIDUAL RIGHTS

**Policy Number:** 2.11

**Reference:** 42 CFR 438.10 and 438.100, WAC 246-341-0600,  
WAC 182-538D-0680

**Effective Date:** 8/2003

**Revision Date(s):** 4/2016; 7/2017; 6/2018; 3/2019

**Reviewed Date:** 6/2016; 7/2017

**Approved by:** SBHO Executive Board

#### **CROSS REFERENCES**

- Form: SBHO Client Rights Statement (optional)
- Policy: Corrective Action Plans

#### **PURPOSE**

Enrollees and individuals applying for, eligible for, or receiving Salish Behavioral Health Organization (SBHO) services shall be notified of their rights under federal and state law and regulation.

The Salish Behavioral Health Organization shall ensure individual rights are uniformly provided throughout the provider network. The SBHO provides a standardized rights form to be used by the core network providers for Medicaid and non-Medicaid individuals.

#### **DEFINITIONS**

Enrollee means a Medicaid recipient who is enrolled in a pre-paid inpatient health plan (PIHP).

Individual means a person who applies for, is eligible for, or receives BHO-authorized behavioral health services from an agency licensed by the state as a behavioral health agency.

## PROCEDURE

The SBHO promotes customer satisfaction and requires through the network providers that all individuals be knowledgeable of, and protected by, certain rights.

The SBHO provides a standardized set of rights that includes federal, state, and contract required client rights. The SBHO client rights statement is required to be used for all SBHO funded services.

Each network agency is responsible for providing Least Restrictive Alternative Order (LRAO) rights and inpatient (voluntary and involuntary), if applicable.

1. An individual shall receive notification of their rights in accordance with WACs and CFR 438.10 that includes the following mechanisms:
  - The State makes available a Behavioral Health Benefits Booklet to all Medicaid recipients that includes client rights electronically online.
  - The SBHO handbook includes the general information about individual rights. The SBHO mails the handbook directly to individuals at the time of service authorization (admission or continuing services).
  - SBHO contracted providers shall provide a copy of the SBHO standard client rights to each individual in their primary language at the time of admission for services.

This requirement is included in their contract with the SBHO.

- SBHO contracted providers shall provide/post the SBHO standard client rights form in various public access areas through the community behavioral health agency's main campus building and outstations.

This requirement is included in their contract with the SBHO.

2. An individual/enrollee shall be treated with respect and with due consideration of individual dignity and privacy.
3. An individual/enrollee shall receive information on available treatment options and alternatives, presented in a manner appropriate to the individual/enrollee's condition and ability to understand.
  - An individualized plan of care and services is developed.
4. An individual/enrollee shall participate in decisions regarding their health, including their right to refuse treatment. This includes Involuntary Treatment Acts, chapters 71.05 and 71.34 RCW.
5. An individual/enrollee shall be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation, as specified in federal regulations on the use of restraints and seclusion. Services shall be free of any sexual exploitation or harassment.
6. An individual/enrollee can request and receive a copy of their medical records, and request they be amended or corrected (according to 45 CFR 164.524 and 164.526).

7. An individual/enrollee has the right to be furnished medically necessary health care services.
  - Receive care which does not discriminate and is sensitive to culture, gender, race, national origin, language, age, disability, and sexual orientation.
  - Receive an explanation of all medications prescribed, including expected effect and possible side effects.
8. An individual/enrollee has the right to exercise their rights and to be free of adverse effects from the SBHO or provider network.
9. The SBHO Ombuds service shall be familiar with client rights and be available to explain rights to Medicaid individuals. An individual shall have the right to lodge a grievance with the Ombuds person, SBHO, or provider if they feel their rights have been violated. If a grievance is lodged, there will be no retaliation.
10. The SBHO and network providers must comply with other federal and state laws, including:
  - Title IV of the Civil Rights Act of 1964
  - The Age Discrimination Act of 1975
  - The Rehabilitation Act of 1973
  - Title II and III of the Americans with Disabilities Act
  - Other laws regarding privacy and confidentiality

## **MONITORING**

This policy is a mandated by statute.

1. This policy will be monitored through use of SBHO:
  - Annual SBHO Provider and Subcontractor Administrative Review
  - Annual Provider Chart Reviews
  - Grievance Tracking Reports
  - Biennial Provider Quality Review Team Review
  - Quality Management Plan activities, such as reviewing targeted issues for trends and recommendations
2. If a provider performs below expected standards during any of the reviews listed above a Corrective Action will be required for SBHO approval. Reference SBHO Corrective Action Plans Policy.