| Section: **Customer Services** | Policy Name: **Enrollee Rights & Responsibilities** | Policy Number: **06.08** |
|---|---|---|
| Owner: **Customer Services Manager** | Reviewed By: **Customer Services Manager** | Total Pages: **4** |
| Required By: ☒ **BBA** ☒ **MDHHS** ☐ **NCQA** ☒ **Other (please specify):** **Mental Health Code, AR 330.7011** | Final Approval By: | Date Approved: 4/4/19 |
| Application: ☒ **SWMBH Staff/Ops** ☒ **Participant CMHSPs** ☒ **SUD Providers** ☒ **MH/IDD Providers** ☐ **Other (please specify):** _____ | Line of Business: ☒ **Medicaid** ☒ **Healthy Michigan** ☒ **SUD Block Grant** ☒ **SUD Medicaid** ☐ **MI Health Link** ☐ **Other (please specify):** _____ | Effective Date: **4/1/19** |

**Policy:** SWMBH and its affiliated CMHSPs and providers will ensure there are written policies regarding enrollee rights as specified in 42 CFR 438.100 as well as complying with applicable Federal and State laws that pertain to enrollee rights (including: Title VI of the Civil Rights Act of 1964 as implemented by regulations 45 CFR part 80, the Age Discrimination Act of 1975 as implemented by regulations 45 CFR part 91; the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972 (regarding education programs and activities); Titles II and III of the Americans with Disabilities Act; and Section 1557 of the Patient Protection and Affordable Care Act. SWMBH and its affiliated CMHSPs and providers will ensure that staff observe and protect those rights when providing services to customers.

**Purpose:** Southwest Michigan Behavioral Health (SWMBH) and its affiliated Community Mental Health Service Provider (CMHSP) and provider network will make every practical effort to advise service recipients of their rights and responsibilities at the initiation of services and during the course of services/treatment, and will assist in the understanding of these rights and responsibilities with customers as necessary. SWMBH and its affiliated CMHSPs and provider network will observe and protect member rights.

**Scope:** Customer Services

**Responsibilities:** SWMBH, affiliated CMHs and contract providers will ensure that customers are provided their enrollee rights as outlined in 42 CFR 438.100.

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**Definitions:**

A. Enrollee Rights: Each customer served by the SWMBH provider network and its affiliated CMHSPs has rights protections specifically provided by the Michigan Mental Health Code, Federal Code of Regulations, Public Health Act 368, and the Michigan Department of Health and Human Services. These areas for protections for customers are referred to as "Enrollee Rights."

B. Rights: Mandated and guaranteed state and federal entitlements offered to all customers of SWMBH (these may be specifically in the areas of information/communication, due process)

C. Responsibilities: Expectations SWMBH has from the customers served by the provider network to enhance participation in services.

**Standards and Guidelines:**

A. Each customer of the SWMBH provider network and its affiliated CMHSPs has the following rights. The right to:

1. Receive information in accordance with 42 CFR 438.10.
2. Be treated with respect and with due consideration for their dignity and privacy.
3. Receive information on available treatment options and alternatives, including treatment in the least restrictive setting, presented in a manner appropriate to the customer's condition and ability to understand.
4. Participate in decisions regarding his or her health care, including the right to refuse treatment.
5. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation, as specified in other Federal or state regulations on the use of restraints or seclusion.
6. Request and receive a copy of their medical records, and request that they be amended or corrected, as specified in 45 CFR 164.524 and 164.526.
7. A customer of SWMBH or its affiliated CMHSP's and providers (consistent with the scope of contracted services) has the right to be furnished services in accordance with 42 CFR 438.206 through 438.210.

B. SWMBH Customer Services staff will provide assistance to customers to file any complaints regarding enrollee rights as outlined in 42 CFR 438.100.

1. SWMBH will ensure that each customer is free to exercise his or her rights, and that the exercise of those rights does not adversely affect the way they are treated by the SWMBH provider network and its affiliated CMHSPs.

C. SWMBH will include information on enrollee rights and responsibilities in the Customer Handbook.

1. All customers will be provided with information regarding "Enrollee Rights" at initiation of services (orientation) and at least annually thereafter or at any time upon their request through distribution of the SWMBH handbook in their preferred format.
2. All customers will be provided with a list of SWMBH Customer Responsibilities at initiation of services (orientation) and at least annually thereafter or at any time

upon their request through the distribution of the SWMBH handbook in their preferred format.

**References:**

A. Medicaid Managed Care Regulations: 42 CFR 438.100 and 438.10
B. MDHHS PIHP FY19 Contract Amendment No. 2: Attachment P.6.3.1
C. Michigan Mental Health Code: 330.1706
D. Public Act 368 of 1978: Public Health Code

**Attachments:** None

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**Revision History**

| Revision # | Revision Date | Revision Location | Revision Summary | Revisor |
|---|---|---|---|---|
| 1 | 2/23/15 | SWMBH | | |
| 2 | 4/24/15 | SWMBH | | |
| 3 | 1/10/17 | SWMBH | | |
| 4 | 4/1/19 | Policy, References, Standards and Guidelines A, B, C | Updated language per Managed Care Regulations | Heather Woods |
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