




Section: Customer Services	Policy Name: Medicare Enrollee Rights & Responsibilities	Policy Number: MHL 06.02
Owner: Customer Service Manager	Reviewed By: Sarah Ameter	Total Pages: 5
Required By: <input checked="" type="checkbox"/> BBA <input type="checkbox"/> MDHHS <input checked="" type="checkbox"/> NCQA <input checked="" type="checkbox"/> Other (please specify): <u>Mental Health Code, 3-Way Contract</u>	Final Approval By: 	Date Approved: <u>3/3/2020</u>
Application: <input checked="" type="checkbox"/> SWMBH Staff/Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH/IDD Providers <input type="checkbox"/> Other (please specify): _____	Line of Business: <input type="checkbox"/> Medicaid <input type="checkbox"/> Other (please specify): _____ <input type="checkbox"/> Healthy Michigan <input type="checkbox"/> SUD Block Grant <input type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> MI Health Link	Effective Date: 1/1/20

Policy: Southwest Michigan Behavioral Health (SWMBH) ensures that customers/members are afforded the treatment rights provided by federal and state statutes and regulations. SWMBH intends to comply with Title VI of the Civil Rights Act of 1964 as implemented by regulations at 45 CFR part 80; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975 as implemented by regulations at 45 CFR part 91; Titles II and III of the Americans with Disabilities ACT; Section 542 of the Public Health Service Act (pertaining to non-discrimination against Substance Abusers) and Title 45, Part 46 of the Code of Federal Regulations, pertaining to research involving human subjects. SWMBH is committed to reporting any observed violations, and referring any customer/member complaints, to the appropriate agency for resolution.

Purpose: SWMBH and its 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 enrollee rights and responsibilities with customers as necessary.

Scope: Member Services

Responsibilities: SWMBH Member Services department shall ensure compliance with the standards and guidelines outlined in this policy and guiding documents.

Definitions:

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



- B. Responsibilities: Expectations SWMBH has from the customers/members served by the provider network to enhance participation in services.

Standards and Guidelines:

- A. All customers/members will be offered information regarding “Enrollee Rights” at initiation of services (orientation) and at least annually thereafter or at any time upon their request. This includes information regarding the organization, the services SWMBH provides, the practitioners and providers and member rights and responsibilities.
- B. All customers/members will be offered the MI Health Link Member Handbook at initiation of services (orientation) and at least annually thereafter or at any time upon their request. The Handbook will be provided in the customer/member’s preferred format. The SWMBH Handbook will cover information regarding Medicaid enrollee rights and protections as defined in 42CFR 438.100 as well as any additional rights and protections granted to Medicare beneficiaries.
- C. All customers/members will be offered a list of SWMBH Member Responsibilities at initiation of services (orientation) and at least annually thereafter or at any time upon their request. Responsibilities will be provided in the customer/member’s preferred format.

D. Customer Rights:

1. To receive information about the provider/SWMBH its services, its practitioners/clinicians and providers and member rights and responsibilities.
2. To be treated with respect and recognition of customer/member dignity and right to privacy.
3. To participate with providers in making decisions about the services they receive, and to decide whether family members and others should be involved as well.
4. To have candid discussion of appropriate or medically necessary treatment options for the customer/member for their condition, regardless of cost or benefit coverage.
5. To voice a complaint/grievance or appeals about Southwest Michigan Behavioral Health, its providers and/or the care that it provides, and to have your concern addressed in a timely manner.
6. To make recommendations about the Member Rights and Responsibilities policy.
7. To be given information about their benefits, any limitations with the service network and any cost that they will have to pay.
8. To be told about the kinds of services that they may receive and know who is available to provide services.
9. To receive information on available treatment options and alternatives.
10. To have interpretation service provided at no cost if English is not their chosen language or they have hearing impairments.
11. To have physical accessibility to Southwest Michigan Behavioral Health and provider buildings.
12. To convenient and timely access to services.
13. To choose who will provide them their service in the network.
14. To use any hospital or other setting for emergency care.
15. To get help fast and in a respectful way.
16. To have all of their needs handled in a confidential way. Their written permission will always be needed to release any information about them, except when:
 - a. Medicaid, Medicare, MI Health Link or the State asks for clinical information.



- b. There is suspected abuse or neglect (child or adult), as mandated by State law.
- c. They or someone else is determined to be in immediate danger.
- 17. To see or receive a written copy of their record or chart and make amendment statements, if necessary, to it.
- 18. To leave their ICO (Aetna or Meridian) at any time.
- 19. To be told about any risks involved in treatment. Members must be told in advance if any service or treatment is part of a research experiment.
- 20. To refuse services and be told about the possible results of that decision.
- 21. To express preferences about future treatment decisions.
- 22. To have a second opinion from a qualified health professional, within our provider network, or out of our provider network, at no cost to them. (Medicaid only)
- 23. To receive practice guidelines upon request.
- 24. To say what they want to happen if they are unable to make treatment decisions for themselves. They may do this through setting up an Advance Directive, See MI Health Link Policy, 6.1 Advance Directives for more information.
- 25. To be aware of and use advocates (people who can help the member).
- 26. To be free from restraint or seclusion as coercion, discipline, provider convenience or retaliation.
- 27. To receive services in a safe, clean, and caring place.
- 28. To have a provider, on their behalf and with written consent, file an appeal.
- 29. To receive additional information upon request concerning:
 - a. The structure and operation of Southwest Michigan Behavioral Health
 - b. Physician incentive plans
- 30. To receive mental health services suited to their condition.
- 31. To have services offered in the least restrictive setting that is appropriate and available.
- 32. To not be discriminated against based on race, ethnicity, national origin, religion, sex, age, sexual orientation, medical or Claims history, mental or physical disability, genetic information, or source of payment.

E. Customer Responsibilities:

- 1. To supply information (to the extent possible) that Southwest Michigan Behavioral Health and its providers need in order to provide care.
- 2. To follow plans and instructions for care that were agreed to with their provider(s), and to understand what might happen if they choose to not follow the plan.
- 3. To understand their conditions and participate in developing mutually agreed-upon treatment goals, to the degree possible.
- 4. To present their Medicaid or MI Health Link card and/or other insurance coverage prior to receiving services.
- 5. To keep scheduled appointments and let the office know if they will be delayed or unable to keep their appointment, if possible, at least 24 hours in advance.
- 6. To provide changes in name, address, or insurance coverage.
- 7. To pay all charges that have been determined they may owe.
- 8. To make payments for services on time.
- 9. To ask questions about their services and keep asking until they fully understand.



10. To know what medications they are taking, why they are taking it, the proper way to take it and possible side effects of that medicine.
11. To express their opinions, concerns or complaints in a constructive manner.
12. To respect the rights of other members.

References:

- A. MI Health Link 3-Way Contract: Appendix B, Enrollee Rights
- B. Mental Health Code 330.1706
- C. Public Act 368 of 1978: Public Health Code
- D. NCQA Standard: RR1 Statement of Members' Rights and Responsibilities
- E. SWMBH MI Health Link Policy 6.1: Advance Directives
- F. Code of Federal Regulations: 45 CFR 164.524, 164.526

Attachments: None



Revision History

Revision #	Revision Date	Revision Location	Revision Summary	Revisor
1	10/23/14	SWMBH		
2	8/26/15	SWMBH		
3	6/5/17	SWMBH		
4	1/1/20	Policy, Purpose, References, Standards and Guidelines B, D, E.	Updated per Regulations	Heather Woods