

**SWMBH Operating Policy 6.8**

<b>Subject:</b> Enrollee Rights and Responsibilities		<b>Accountability:</b> Customer Services	<b>Effective Date:</b> 1/1/2014	Pages: 2
<b>REQUIRED BY:</b> BBA Section <u>42 CFR 438.100</u> PIHP Contract Section <u>FY17 6.3.1</u> NCQA/URAC Standard _____ Other <u>MHC 330.1706, AR 330.7011</u>			Last Reviewed Date: 1/10/17	Past Reviewed Dates: 4/24/15 2/23/15
<b>LINE OF BUSINESS:</b> <input checked="" type="checkbox"/> Specialty Waiver (B/C) <input checked="" type="checkbox"/> 1115 Waiver <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> MI Health Link <input type="checkbox"/> Other: _____	<b>APPLICATION:</b> <input checked="" type="checkbox"/> SWMBH Staff and Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH / DD providers <input type="checkbox"/> Other: _____		Last Revised Date: 1/10/17	Past Revised Dates: 4/24/15 2/23/15
Approved : <u><i>John Lychem Cause</i></u> Date: <u>1.24.17</u>		Required Reviewer: Director of UM and ME		

**I. 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.

**II. 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. SWMBH and its affiliated CMHSPs and providers will ensure that staff take those rights into account when providing services to customers.

**III. Standards and Guidelines**

**A. Rights**

1. Each customer of the SWMBH and its affiliated CMHSP's and providers has the right to:
2. Receive information as outlined in 42 CFR 438.10.
3. Be treated with respect and with due consideration for their dignity and privacy.
4. Receive information on available treatment options and alternatives, presented in a manner appropriate to the customer's condition and ability to understand.
5. Participate in decisions regarding their health care, including the right to refuse treatment.
6. 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.
7. 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.
8. A customer of SWMBH or its affiliated CMHSP's and providers has the right to be provided services as outlined in 42 CFR 438.206 through 438.210.

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9. 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.
10. SWMBH Customer Services staff will provide assistance to customers to file any complaints regarding enrollees rights as outlined in 42 CFR 438.100,
11. 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.

### IV. Definitions

- A. Enrollee Rights: Each customer served by SWMBH or provider agency 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.

### V. References

- A. 42 CFR 438.100
- B. MDHHS FY17 Contract
- C. Mental Health Code
- D. Public Act 368

### VI. Attachments

None