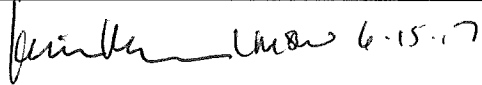


**SWMBH MI Health Link Operating Policy 6.2**

<b>Subject:</b> Enrollee Rights and Responsibilities		<b>Accountability:</b> Customer Services	<b>Effective Date:</b> 1/1/2014	Pages: 3
<b>REQUIRED BY:</b> <b>BBA Section</b> <u>42 CFR 438.100</u> <b>PIHP Contract Section</b> <u>6.3.2</u> <b>NCQA/URAC Standard</b> <u>RR 1</u> <b>Other</b> <u>MHC 330.1706, AR 330.7011</u>		Last Reviewed Date: 6/5/17	Past Reviewed Dates: 10/23/14 8/26/15	
<b>LINE OF BUSINESS:</b> <input checked="" type="checkbox"/> Specialty Waiver (B/C) <input checked="" type="checkbox"/> Healthy Michigan Plan <input checked="" type="checkbox"/> 1115 Waiver <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 providers <input checked="" type="checkbox"/> DD providers <input checked="" type="checkbox"/> Other: <u>MHL Providers</u>	Last Revised Date: 6/5/17	Past Revised Dates: 10/23/14 8/26/15	
Approved :  6-15-17		Required Reviewer: Director of UM & ME		
Date:				

**I. Purpose**

Southwest Michigan Behavioral Health (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 with customers as necessary.

**II. Policy**

Southwest Michigan Behavioral Health 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. In an effort to ensure these rights, SWMBH and its' providers will make every practical effort to advise customers/members of their rights during treatment, and to assist in the understanding of those rights as needed. SWMBH is committed to reporting any observed violations, and referring any customer/member complaints, to the appropriate agency for resolution

**III. Standards and Guidelines**

- A. All customers/members 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. 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 provided with SWMBH 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

## SWMBH MI Health Link Operating Policy 6.2

information regarding Medicaid enrollee rights and protections as defined in BBA 438. 100 as well as any additional rights and protections granted to Medicare beneficiaries.

C. All customers/members will be provided with 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 be treated with respect and recognition of customer/member dignity and right to privacy.
2. To convenient and timely access to services.
3. To get help fast and in a respectful way.
4. To use any hospital or other setting for emergency care.
5. To be given information about their benefits, any limitations with the service network and any cost that they will have to pay.
6. 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.
7. To be told about the kinds of services that they may receive and know who is available to provide services.
8. To have discussion of appropriate or medically necessary treatment options for the customer/member for their condition, regardless of cost or benefit coverage.
9. To receive information on available treatment options and alternatives.
10. To choose who will provide them their service.
11. To have interpretation service provided at no cost if English is not their chosen language or they have hearing impairments.
12. To refuse services and be told about the possible results of that decision.
13. To express preferences about future treatment decisions.
14. To be aware of and use advocates (people who can help the member)
15. To be free from restraint or seclusion as coercion, discipline, provider convenience or retaliation.
16. To receive services in a safe, clean, and caring place.
17. To express a complaint/file a grievance about Southwest Michigan Behavioral Health, its providers and/or the quality of care that they receive, and to have that grievance addressed in a timely manner.
18. To see or receive a written copy of their record or chart and make amendment statements, if necessary to it.
19. A child who is a customer, has the right to be represented by a parent, legal guardian, or custodial agency in the development or revision of the plan of care.
20. 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/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.
21. To have a provider, on their behalf and with written consent, file an appeal.
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 make recommendations about the Member Rights and Responsibility policy.

## SWMBH MI Health Link Operating Policy 6.2

25. To receive information about the provider/Southwest Michigan Behavioral Health its services, its practitioners/clinicians and providers and member rights and responsibility.

26. To receive additional information upon request concerning:

- a. The structure and operation of Southwest Michigan Behavioral Health
- b. Physician incentive plans

### E. Customer Responsibilities:

1. To provide honest and complete information, to the extent possible, that is needed in order to provide care.
2. To present their Medicaid or MI Health Link card and/or other insurance coverage prior to receiving services.
3. 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.
4. To provide changes in name, address, or insurance coverage.
5. To pay all charges that have been determined they may owe.
6. To make payments for services on time.
7. To ask questions about their services and keep asking until they fully understand.
8. To understand their health problems and participate in developing mutually agreed upon treatment goals, as possible.
9. To follow the plan of care and instructions they have agreed to follow with their provider(s), and to understand what might happen if they choose to not follow the plan.
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.

## IV. Definitions

### A. Rights:

1. 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:

1. Expectations SWMBH has from the customers/members served by the provider network to enhance participation in services.

## V. References

- A. 42 CFR 438.100
- B. MDHHS PIHP Contract
- C. Mental Health Code
- D. Public Act 368
- E. NCQA RR Standard 1

## VI. Attachments

None

