

ACCOUNTABLE BEHAVIORAL HEALTH ALLIANCE

Policy No. 011 Member Rights

Original Policy Date:	June 16, 1997
Next Review Date:	December 11, 2011
Revision History (approval):	April 11, 2003 August 5, 2005 May 3, 2007 December 11, 2009
Cross References:	2005 EQR Findings, Member Handbook Compliance Requirements ABHA Member Girevance Policy (003)

Purpose:	To ensure members understand their rights to behavioral health care.
Policy:	<p>Accountable Behavioral Health Alliance shall assure members are annually informed of their rights. Information shall be provided either orally, in writing, in braille, or in other alternate language formats and will take into consideration member special needs for culturally diverse and disabled populations. If there are significant changes to the policy prior to date of annual notification, these changes will be posted on the ABHA website within 30 days of the change. A complete description of ABHA services and ABHA procedures for managing such services are included in the ABHA UM Plan, which as available on-line and in hard copy upon request.</p> <ol style="list-style-type: none"> 1. ABHA Members have the following rights: <ol style="list-style-type: none"> a) The right to privacy and confidentiality, including the right to have clinical records kept confidential, consistent with applicable Federal and state laws, rules and regulations. b) The right to be treated with respect by your provider c) The right to receive proper mental healthcare services and receive information on available treatment options and alternatives d) The right to be given information about your illness e) The right to get a second opinion f) The right to be actively involved in the development of treatment plans g) The right for parents and/or guardians to be involved in treatment planning h) The right to refuse care and be told what that means to your health i) The right to be informed about your right to sign a Declaration for Mental Health Treatment j) The right to get a copy of your clinical record unless restricted by law k) The right to request a correction of your clinical record l) The right to talk to your provider and expect that what you say will be kept private m) The right to help us refer you to a mental health provider n) The right to change your primary mental health provider for a good reason

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<p>Policy:</p>	<ul style="list-style-type: none"> o) The right to get our services without a referral from your primary care provider p) The right to receive services without discrimination q) The right to get mental health care without a long delay r) The right to receive information about all mental health services covered by the Oregon Health Plan (Medicaid) s) The right to get a written notice when we deny or change services t) The right to make a grievance about us, or one of our providers, and receive a timely answer u) The right to request an Administrative Hearing v) The right to assistance in filing a grievance, appeal, or Administrative Hearing Request w) The right to continue services until a decision about your Hearing is made. You may have to repay these continued services if the hearing is resolved in ABHA’s favor x) The right to receive, within 30 calendar days of becoming an ABHA member, the following written documents: <ul style="list-style-type: none"> i. Rights and responsibilities ii. Benefits available iii. How to access Covered Services iv. What to do in an emergency situation v. How to make a grievance. y) The right to get information in a form you can read and to have us explain them if needed z) The right to access Protective Services as provided by state law aa) The right, if hospitalized, to be free from any form of restraint or seclusion as outlined by Federal law bb) The right to carry out your rights without your actions affecting the way ABHA and its Providers treat you <ol style="list-style-type: none"> 2. ABHA communicates these rights to members via the Member Handbook in accordance with the MHO Agreement. 3. Accountable Behavioral Health Alliance county providers shall make these rights available to all Members. 4. Member rights shall be visibly posted in all clinics, provider offices, and other service locations.
<p>Scope:</p>	<p>ABHA Members and providers</p>
<p>Procedure:</p>	<p>The ABHA Member Rights procedures include:</p> <ol style="list-style-type: none"> 1. ABHA will provide written material in easily understood language (e.g., common words) and formats (e.g., legible type size). 2. Upon request, ABHA will provide staff and providers with information on where to refer members who are having difficulty understanding materials. 3. ABHA will make its written information available in the prevalent non-English languages in its service area.

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Procedure:	<ol style="list-style-type: none">4. Upon request, ABHA will offer services of an interpreter for non-English-speaking members free of charge.5. Upon request, ABHA will notify its members that oral interpretation is available for any language and provides information on how to access those services.6. Upon request, ABHA will provide to members a list of providers and services available at each agency, indicating those who speak non-English languages.7. Upon request, ABHA will make information available in alternative formats for those with special needs—for example, those with visual or reading proficiency limitations.8. ABHA will notify members that information is available in alternative formats.9. ABHA will monitor and track requests for translation or interpretive services and for written information in alternative formats.
Enforcement:	<p>Processes to monitor that member rights have been communicated to members and that rights are being complied with include:</p> <ol style="list-style-type: none">1. Complaints, grievance, and appeals process2. Member Surveys3. Site visits4. Chart audits to verify providers have communicated rights to clients5. Feedback and recommendations from member and family members of advisory committees6. Contract monitoring

December 11, 2009
Date Approved by the Governing Board