Alameda County **Behavioral Health Care Services**	Date Approved: 3/10/10 By: _____ Mental Health Director
POLICY: **BENEFICIARY RIGHTS**	Date Revised: 2/17/10 Policy No.: _____

POLICY: Beneficiary Rights

Policy Statement: In accordance with CFR, Title 42, Section 438.100 (a), (b), and (d), Alameda County Behavioral Health Care Services' Behavioral Health Plan (ACBHCS BHP) will ensure that its members, providers, and employees are informed of beneficiary rights. ACBHCS BHP will ensure that beneficiaries are guaranteed these rights and that treatment will not be adversely affected as a result of their exercising these rights. A list of beneficiary rights is included in the "Guide to Medi-Cal Mental Health Services of Alameda County" and summarized in the ACBHCS BHP Member Handbook.

Purpose

To describe guaranteed beneficiary rights and the process for notifying beneficiaries, providers, and employee of these rights.

Procedure

Definition of Rights

- The right to receive information in accordance with CFR, Title 42, Section 438.10.
- The right to be treated with respect and with due consideration for beneficiaries' dignity and privacy.
- The right to receive information on available treatment options and alternatives presented in a manner appropriate to the beneficiary's condition and ability to understand.
- The right to participate in decisions regarding beneficiaries' health care, including the right to refuse treatment.
- The right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation, as specified in federal regulations on the use of restraints and seclusion.
- The right to request and receive a copy of beneficiaries' Protected Health Information (PHI), as specified in CFR, Title 45, Section 164.524.
- The right to request that beneficiaries' PHI be amended or corrected, as specified in CFR, Title 45, Section 164.526.

- The right to be furnished health care services from ACBHCS BHP in accordance with CFR, Title 42, Sections 438.206, 438.207, 438.208, and 438.210 and with its contract with the State in the areas of availability of services, assurances of adequate capacity and services, coordination and continuity of care, and coverage and authorization of services. The ACBHCS BHP is required to:
    - Employ or have written contracts with enough providers to make sure that all Medi-Cal eligible beneficiaries who qualify for specialty mental health services can receive them in a timely manner.
    - Cover medically necessary out-of-network services for beneficiaries in a timely manner, if the ACBHCS BHP does not have an employee or contract provider who can deliver the services. "Out-of-network provider" means a provider who is not on the ACBHCS BHP's list of providers. ACBHCS BHP must make sure beneficiaries do not pay anything extra for seeing an out-of-network provider.
    - Make sure providers are qualified to deliver the specialty mental health services that the providers agreed to cover.
    - Make sure that the specialty mental health services the ACBHCS BHP covers are adequate in amount, duration, and scope to meet the needs of the Medi-Cal eligible beneficiaries it serves. This includes making sure the ACBHCS BHP's system for authorizing payment for services is based on medical necessity and uses processes that ensure fair application of the medical necessity criteria.
    - Ensure that its providers perform adequate assessments of beneficiaries who may receive services and work with the individuals who will receive services to develop a treatment plan that includes the goals and objectives of treatment and the services that will be delivered.
    - Provide for a second opinion from a qualified health care professional within the ACBHCS BHP network, or one outside the network, at no additional cost to the beneficiary.
    - Coordinate the services it provides with services being provided to a beneficiary through a Medi-Cal managed care health plan or with the beneficiary's primary care provider, if necessary, and in the coordination process, to make sure the privacy of each beneficiary receiving services is protected as specified in federal rules on the privacy of health information.
    - Provide timely access to care, including making services available 24-hours a day, 7 days a week, when medically necessary to treat an emergency psychiatric condition or an urgent or crisis condition.
    - Participate in the State's efforts to promote the delivery of services in a culturally competent manner to all beneficiaries, including those with limited English proficiency and diverse cultural and ethnic backgrounds.

Notification of Beneficiaries

ACBHCS BHP will provide information regarding consumer rights to all beneficiaries who enroll for services.

Each beneficiary receiving specialty mental health services from an ACBHCS program or provider, upon first admission to services, annually, and upon request, will be offered a "Guide to Medi-Cal Mental Health Services of Alameda County" and informed of the availability of the "Member Handbook for Alameda County Medi-Cal Recipients Needing Behavioral Health Services" outlining beneficiary guarantee of rights.

Notification of Employees and Providers

All ACBHCS providers and employees will be informed when they first contract with ACBHCS of the guaranteed beneficiary rights and the requirement to make the "Member Handbook for Alameda County Medi-Cal Recipients Needing Behavioral Health Services" and "Guide to Medi-Cal Mental Health Services of Alameda County" available to beneficiaries upon first entry to services, annually, and upon request. Information about this requirement and the materials are also available via the BHCS Quality Assurance (QA) Department, and on the BHCS Providers' Website. All providers/employees will be notified of updates to this policy and/or informing materials. If a violation of beneficiary's rights occurs, an investigation will ensue by Alameda County Behavioral Health Care Services/Behavioral Health Plan's Quality Assurance Office.