

 <p><b>Alameda County</b> <b>Behavioral Health Care Services</b></p>	<p>Date Approved: _____</p> <p>By: <u>Randy Brown</u> Mental Health Director</p>
<p>POLICY: <b><u>NOTIFICATION OF BENEFICIARY RIGHTS</u></b> (Medi-Cal)</p>	<p>Date Revised: <u>5/17/10</u></p> <p>Policy No.: _____</p>

**POLICY:** Notification of Beneficiary Rights (Medi-Cal)

**Policy Statement:** In accordance with CFR, Title 42, Section 438.100 (a), (b), and (d), Alameda County Behavioral Health Care Services' Mental Health Plan (ACBHCS MHP) will ensure that its members, providers, and employees are informed of Medi-Cal beneficiary rights. ACBHCS MHP will ensure that Medi-Cal 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 Behavioral Health Plan Member Handbook.

**Purpose**

To describe guaranteed Medi-Cal 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.



**POLICY:** Notification of Beneficiary Rights

- The right to be furnished health care services from ACBHCS MHP 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 MHP 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 MHP 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 MHP’s list of providers. ACBHCS MHP 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 MHP 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 MHP’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 MHP 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.



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### Notification of Beneficiaries

ACBHCS MHP will provide information regarding consumer rights to all Medi-Cal beneficiaries who enroll for services.

Each Medi-Cal beneficiary receiving specialty mental health services from an ACBHCS program or provider, will be offered the “Informing Materials – Your Rights & Responsibilities” packet for their review in the following situations:

- Upon enrollment for services,
- Upon request, and
- Once a year to beneficiaries enrolled in the BHCS Mental Health Plan.

The “Informing Materials” packet contains all required informing materials supplied by BHCS:

- Consent for Services/Treatment
- Freedom of Choice
- Advance Directive Information
- Beneficiary Problem Resolution Information
- Notice of Privacy Practices (amended with provider’s name, at minimum, and per provider’s legal advice)
- Description of two items outlining the beneficiary’s guarantee of rights that are required to be offered for beneficiary review in the each of the above situations:
  - “Guide to Medi-Cal Mental Health Services of Alameda County”
  - “Member Handbook for Alameda County Medi-Cal Recipients Needing Behavioral Health Services”
- Description of the Provider List for BHCS, required to be offered in each of the above situations.

### Notification to Providers of Medi-Cal Specialty Mental Health Services

All ACBHCS contracted providers and County employees providing Specialty Mental Health Services will be informed when they first contract with ACBHCS of the guaranteed Medi-Cal beneficiary rights and the requirement to make the “Informing Materials – Your Rights & Responsibilities” packet (described above) available to Medi-Cal beneficiaries upon first entry to services, annually, and upon request. Information about this requirement and the related materials are available via the BHCS Quality Assurance Office, 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 the Quality Assurance Office of Alameda County Behavioral Health Care Services’ Mental Health Plan.