
 <p>Behavioral Health Department Alameda County Health</p>	<p>Signed by:  By: _____ BA167CA060D44A... Karyn L. Tribble, PsyD, LCSW, Director</p>
<p>POLICY TITLE</p> <p>Member Rights</p>	<p>Policy No: 300-4-1</p> <p>Date of Original Approval: 3/10/10</p> <p>Date(s) of Revision(s): 7/12/22, 4/28/23, 5/19/2026</p>

PURPOSE

This policy describes guaranteed member rights within Alameda County Behavioral Health Department (ACBHD) and the process for notifying members, contractors, and employees of these rights.

AUTHORITY

- Behavioral Health Information Notice No: [25-042](#)
- [Title 6 of the Code of Federal Regulations](#) (CFR)
- [42 C.F.R. §§ 438.10 \(a\), \(b\), \(d\)](#)
- [Section 504 of the Rehabilitation Act of 1973](#)

SCOPE

Alameda County Behavioral Health Department (ACBHD) County-Operated programs, in addition to entities, individuals, and programs providing mental health services and substance use disorder (SUD) services under a contract or subcontract with ACBHD, are required to adhere to this policy.

BACKGROUND

This policy has been established in compliance with Federal and State laws and regulations pertaining to guaranteed rights of ACBHD members and ensures that ACBHD employees, contractors, and subcontractors observe and protect the rights of members in care. These rights are outlined in federal guidelines of 42 CFR § 438.10 and [Welfare and Institutions Code § 14184.102\(d\)](#) as well as detailed in the Department of Health Care Services (DHCS) Behavioral Health Information Notices ([25-042](#); [24-034](#); [23-048](#); [22-060](#); [18-043](#)).

POLICY

ACBHD will ensure that its members, contractors, subcontractors, and employees are informed of member rights. ACBHD will ensure that members are guaranteed these rights and that

treatment will not be adversely affected as a result of their exercising these rights. The rights entitled to members are presented to those receiving behavioral health care services by way of the Integrated Member Handbook.

Definition of Rights

1. Receive information in accordance with [§ 438.10](#).
2. Be treated with respect and with due consideration for their dignity and privacy.
3. Receive information on available treatment options and alternatives, presented in a manner appropriate to the enrollee's condition and ability to understand. (The information requirements for services that are not covered under the contract because of moral or religious objections are set forth in [§ 438.10\(g\)\(2\)\(ii\)\(A\)](#) and [\(B\)](#).)
4. Participate in decisions regarding their health care, including the right to refuse treatment.
5. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation, as specified in other Federal regulations on the use of restraints and seclusion.
6. If the privacy rule, as set forth in [45 CFR parts 160](#) and 164 subparts A and E, applies, 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](#).
7. The right to request that members' PHI be amended or corrected, as specified in CFR, Title 45, § 164.526.
8. The right to be furnished behavioral health care services in accordance with [§§ 438.206](#) through [438.210](#).
9. The right for family members and minors to be prohibited from the expectation of providing interpretation services or being used as interpreters, as specified in CFR, Title 6, and § 504 of the Rehabilitation Act of 1973.
10. The right not to be discriminated against in compliance with all laws and regulations (Title VI of the Civil Rights Act of 1964 as implemented by regulations at [45 CFR part 80](#); the Age Discrimination Act of 1975 as implemented by regulations at [45 CFR part 91](#); the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972 (regarding education programs and activities); Titles II and III of the Americans with Disabilities Act; and section 1557 of the Patient Protection and Affordable Care Act).

PROCEDURE

Member Notification

Each member receiving services from an ACBHD program, contractor, or subcontractor, will be offered the Integrated Member Handbook, which outlines the member's guaranteed rights, at the onset of services, when there are significant changes to the material, and upon request.

ACBHD will mail each member, to the address on file, a Notice of Significant Change to inform them of changes to the Integrated Member Handbook at least 30 days before the change is to take effect.

Provider and Employee Notification

All ACBHD contractors, subcontractors, and employees will be informed of the guaranteed member rights and the requirement to make the following available to members upon first entry to services, when there are significant changes to the content and upon request by providing them with the following:

- Integrated Member Handbook which provides explicit details on the rights and services available to those who are receiving care with the ACBHD behavioral health plan (BHP).
- Notice of Significant Change provides members with details on changes to the rights and services outlined in the Integrated Member Handbook, when applicable.

All ACBHD contractors, subcontractors, and employees shall provide the above materials to members in their preferred threshold language and format and have the member complete and sign an Acknowledgement of Receipt and Consent to Services form. These steps shall be repeated if there is a substantial change to the content. All completed and signed versions of the Acknowledgement of Receipt and Consent to Services form shall be saved in the member's clinical record.

All contractors, subcontractors, and employees will be notified of updates to this policy and/or the Integrated Member Handbook. If a violation of member's rights occurs, an investigation will be carried out by ACBHD's Quality Assurance (QA) Department.

NON-COMPLIANCE

ACBHD's contract with providers and agencies requires compliance with this policy. See ACBHD [Policy #1302-1-1](#), Contract Compliance and Sanctions for ACBHD-Contracted Providers for consequences of non-compliance.

- I. Contractors not in compliance with contract provisions, or with State or Federal law and/or regulations, shall be immediately responsible for remedy.
- II. ACBHD may, at its discretion, issue a Corrective Action Plan (CAP) or Contract Compliance Plan (CCP), as appropriate.
- III. The cost to implement the CAP or CCP shall be borne by the Contractor.
- IV. Staff shall report incidents of non-compliance to their department manager, who shall submit those incidents of non-compliance to ACBHD Quality Management (QM).
- V. Incidents of non-compliance shall be submitted within 15 days of reasonable awareness of the non-compliance.
- VI. Failure to address identified issues may result in further action by ACBHD up to and including program termination, as specified in [ACBHD Policy # 1302-1-1](#), Contract Compliance and Sanctions for ACBHD-Contracted Providers.
- VII. Staff shall not face retribution for submitting incidents of non-compliance.
- VIII. Any communication that contains protected health information (PHI) or otherwise confidential information (e.g., as defined by the Health Insurance Portability and Accountability Act (HIPAA), 42 Code of Federal Regulations (CFR), Part 2, etc.) shall be sent through secure methods such as email with secure encryption.

CONTACT

ACBHD Office	Current As Of	Email
QA Division	4/27/26	qata@acgov.org

DISTRIBUTION

This policy will be distributed to the following:

- ACBHD Employees
- ACBHD Contracted and Subcontracted Providers
- Public

ISSUANCE AND REVISION HISTORY

Original Authors: ACBHD Staff, QA Division

Original Date of Approval: 3/10/10 by Dr. Marye Thomas, ACBHD Mental Health Director

Revision Author	Reason for Revision	Date of Approval by (Name, Title)
Tiffany Murphy, Administrative Specialist II, QA	Policy revised to align with current Federal and State regulations as well as adding cross reference section.	5/19/2026 by Dr. Karyn Tribble, Behavioral Health Director
David Woodland, LPCC, CRC, Clinical Review Specialist, QA	Policy updated to include regulation updates and updated member handbook.	4/28/23 by Karyn L. Tribble, PsyD, LCSW, Behavioral Health Director
David Woodland, LPCC, CRC, Clinical Review Specialist, QA	Policy updated to include regulation updates.	7/12/22 by Karyn L. Tribble, PsyD, LCSW, Behavioral Health Director

DEFINITIONS

Term	Definition
Member	An individual receiving behavioral health services through the ACBHD MHP.
Out-of-network provider	A provider who is not on the ACBHD list of providers.

APPENDICES

1. [Integrated Member Handbook](#)
2. [Notice of Significant Change](#)

OTHER RELEVANT POLICIES

Policy	Relevance	Authority
1704-1-1 Privacy and Security Incident Reporting	ACBHD's commitment to protecting member PHI.	45 CFR 164.524 -- Access of individuals to protected health information
100-2-3 Timely Access to Service Standards, and Tracking and Monitoring Requirements	ACBHD's commitment to assuring members' services in a timely and accessible manner.	42 CFR 438.210 -- Coverage and authorization of services. 42 CFR 438.208 -- Coordination and continuity of care. 42 CFR 438.207 -- Assurances of adequate capacity and services.
300-3-1 Client Right to Request Amendment of Health Records	ACBHD's commitment to members' access to their record and their ability to amend or correct it.	45 CFR 164.526 -- Amendment of protected health information
100-2-2 24/7 Language Assistance to Members	ACBHD's commitment to ensure members have access to services and receive materials in their preferred language.	42 CFR 438.10 (a-d) – Assurances around Language Access for services and materials