

**MADERA COUNTY
BEHAVIORAL HEALTH SERVICES**

POLICY NO.: MHP 07:00

SUBJECT: Beneficiary Rights

POLICY:

Beneficiaries, employees and providers will be informed of the guaranteed rights of beneficiaries, including assurance that treatment will not be adversely affected as a result of the exercise of these rights (Title 42, CFR Part 438, Section 438.100).

PURPOSE:

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

PROCEDURE:

- I. Definition of Rights
 - A. The Title 42, CFR, Section 438.100 beneficiary rights requiring written MHP policies are as follows. Every beneficiary has the right to:
 1. Be treated with respect and with due consideration for his or her dignity and privacy;
 2. Receive information on available treatment options and alternatives, presented in a manner appropriate to his or her condition and ability to understand;
 3. Participate in decisions regarding his or her health care, including the right to refuse treatment;
 4. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation;
 5. Request and receive a copy of his or her medical records and request that they be amended or corrected. (Refer also to PRV 07:00)
 6. Receive information in accordance with Title 42, CFR, Section 438.10, which describes information requirements; that all enrollment notices, informational materials, and instructional materials relating to enrollees and potential enrollees will be provided in a manner and format that may be easily understood.
 7. Be furnished health care services in accordance with Title 42, CFR, Sections 438.206 through 438.210, which cover requirements for availability of services, assurances of adequate capacity and services,

Approved by BHS Director: Signature on File	Date: 11-16-07	Effective Date: 10/01/03	Revision Dates: 5-1-04,10-4-06, 9-17-07
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coordination and continuity of care, and coverage and authorization of services.

II. Notification of Beneficiaries

- A. The State Department of Mental Health will initially notify all beneficiaries of their rights as listed above.
- B. The Mental Health Plan (MHP) will provide information regarding rights to all beneficiaries who enroll for services.
 - 1. Each beneficiary receiving specialty mental health services from a BHS program will receive a "Consumer Rights and Problem Resolution Guide" upon admission to services.
 - 2. Each beneficiary referred to a Network Provider for specialty mental health services will be mailed or given a "Consumer Rights and Problem Resolution Guide" within two (2) working days of referral.
 - 3. Each beneficiary admitted to a contracted acute psychiatric facility will be given a "Consumer Rights and Problem Resolution Guide" upon admission.
 - 4. The "Consumer Rights and Problem Resolution Guide" will inform beneficiaries that treatment will not be adversely affected as a result of their exercising these rights.

III. Notification of Employees and Contractors

- A. Annually, all employees and contractors will receive a copy of the "Consumer Rights and Problem Resolution Guide" with a cover letter from the Behavioral Health Services Director outlining beneficiary guarantee of rights and assurance that treatment will not be adversely affected as a result of their exercising these rights.
- B. Employee or contractor abuse of beneficiary rights will be subject to disciplinary action or termination of contract.

CONSUMER RIGHTS

Madera County mental health consumers are entitled to:

- ◆ Respectful treatment with consideration for privacy by all Behavioral Health Services staff.
- ◆ Service provided in a safe environment.
- ◆ Receive information on treatment options.
- ◆ Request and receive a copy of medical records and request corrections.
- ◆ Participate in decisions regarding health care including the right to refuse treatment.
- ◆ Request a change in the level of care, change of provider, and a second opinion regarding any treatment issue.
- ◆ Be free from restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.

Mental Health Plan	(559) 675-7850
Toll free	(888) 275-9779
Patients' Rights Advocate	(559) 661-5194
Toll free	(888) 275-9779
State Ombudsman	(800) 452-4042
TTY	(800) 896-2512

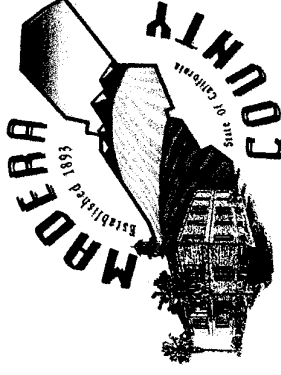
Behavioral Health Director

Janice Melton, LCSW

(559) 675-7926

Toll free (888) 275-9779

CONSUMER RIGHTS AND PROBLEM RESOLUTION GUIDE



MADERA COUNTY BEHAVIORAL HEALTH SERVICES

GRIEVANCES

When a mental health consumer has a problem, complaint, or grievance regarding mental health services, we encourage him/her to discuss those concerns with their therapist or program staff. They may also talk to the Quality Management Coordinator at (559) 675-7850 or (888) 275-9779; or call the Patients' Rights Advocate at (559) 661-5194, or the California Department of Mental Health Ombudsman at (800) 896-4042, or TTY (800) 896-2512.

If you are unable to resolve a concern about any aspect of service, you may at any time, for any reason file a grievance with the Quality Management Coordinator. A grievance may be filed verbally by calling (559) 675-7850 or (888) 275-9779, or by completing a Grievance Form. Formal Grievance forms and pre-addressed envelopes are available in the reception area of all clinics and provider offices. The completed Grievance Form may be given to a Consumer Representative, mailed in the envelope provided, or mailed to the following address:

Madera County
Behavioral Health Services
Mental Health Plan
P.O. Box 1288
Madera, CA 93639-1288



The Quality Management Coordinator will notify you within five working days that your grievance has been received. A written response notifying you of the final resolution will be sent within sixty calendar days.

You may designate someone to act on your behalf at any time. A consumer representative is also available to assist you by calling (559) 675-7850 or (888) 275-9779.

The Patients' Rights Advocate may be contacted at (559) 661-5194 to assist in resolving grievances.

APPEALS

If you wish to appeal an "Action" by the Mental Health Plan, you may call the Quality Management Coordinator at (559) 675-7850 or (888) 275-9779 – toll free. An "Action" is when the MHP:

- Denies or limits authorization of a requested service.
- Reduces, suspends, or terminates a previously authorized service.
- Denies, in whole or in part, payment for a service.
- Fails to provide services in a timely manner, as determined by the MHP.
- Fails to act within the timeframes for disposition of Standard Grievances, the resolution of Standard Appeals, or the resolution of Expedited Appeals.

An Expedited Appeal may be used when a decision must be made quickly to protect the beneficiary's life, health, or ability to function at a maximum level

Beneficiaries may request a State Fair Hearing after the Appeal process has been completed. You may contact the Patients' Rights Advocate or the State Ombudsman listed below to assist in filing for a State Fair Hearing. All State Fair Hearing decisions are final.

YOUR MENTAL HEALTH SERVICES WILL NOT BE AFFECTED IN ANY WAY BY FILING A GRIEVANCE OR APPEAL, OR REQUESTING A STATE FAIR HEARING.

SUGGESTIONS

Consumer suggestions are important in providing quality, effective services. Providers have (green) Suggestion Forms in service areas. Consumer suggestions are welcome and can be placed in designated boxes or given directly to a staff member or Patients' Rights Advocate.

DERECHOS DEL CONSUMIDOR

Consumidores de salud mental del Condado de Madera tienen derecho de:

- ◆ Ser tratados con respeto por todo el personal de salud mental.
- ◆ Recibir servicio en un ambiente seguro.
- ◆ Recibir información o opciones de tratamiento.
- ◆ Solicitar y recibir una copia de expedientes médicos y solicitar correcciones.
- ◆ Participar en decisiones con respecto a cuidado médico incluyendo el derecho de rechazar el tratamiento.
- ◆ Pedir un cambio en el nivel del cuidado, un cambio del proveedor, y una segunda opinión con respecto a cualquier problema del tratamiento.
- ◆ Derecho a estar libre del alojamiento o del aislamiento usado como los medios de la coerción, de la disciplina, de la conveniencia, o de la venganza.

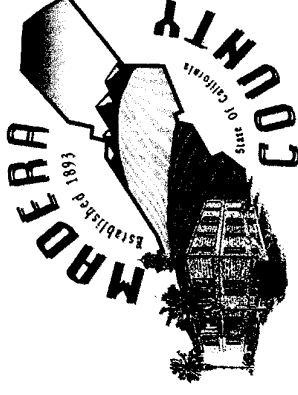
Plan De Salud Mental (559) 675-7850
Llamada Gratis (888) 275-9779
Partidario de Derechos de Paciente
(559) 661-5194
(888) 275-9779
Mediador Estatal (800) 896-4042
TTY (800) 896-2512

Director De Salud Mental
Janice Melton, LCSW
(559) 675-7926
Llamada Gratis (888) 275-9779

DERECHOS DE CONSUMIDOR

Y

GUÍA DE RESOLUCIÓN DE PROBLEMAS



SERVICIOS MÉDICOS DEL COMPORTAMIENTO DEL CONDADO DE MADERA

QUEJAS

Cuando un consumidor de los servicios de salud mental tiene un problema o una queja acerca de los servicios de salud mental, lo animamos que hable sobre sus preocupaciones con su terapeuta o el personal del programa. También pueden platicar con el Terapeuta del Manejo de Calidad al (559) 675-7850 o (888) 275-9779 o llame al Partidario de Derechos del Paciente al (559) 661-5194 o al Mediador de California del Departamento de Salud Mental al (800) 896-4042 o TTY (800) 896-2512.

Si no es capaz de resolver su preocupación sobre cualquier aspecto del servicio, usted puede a cualquier tiempo, por cualquiera razón someter una queja al Terapeuta del Manejo de Calidad. Puede someter una queja verbal al llamar al (559) 675-7850 o (888) 275-9779 o al llenar una Forma de Queja Formal. Formas de Queja Formal y sobres dirigidos son disponibles en la área de recepción en todas las clínicas y oficinas del proveedor. Las formas completas de Queja Formal pueden entregarse al Representante del Consumidor, mandarlas por correo en el sobre dirigido y estampillado o mande por correo al la siguiente dirección:

Madera County
Behavioral Health Services
Managed Care Coordinator
P.O. Box 1288
Madera, CA 93639-1288



El Terapeuta del Manejo de le dará notificación que su queja fue recibida dentro de 5 días. Una respuesta escrita que le notifica de la resolución final será enviada dentro de sesenta días de calendario.

Puede designar a alguien que actúe en su nombre a cualquier tiempo. Un representante de consumidores también esta disponible para asistirle al llamar al (559) 675-7850 o (888) 275-9779.

El Abogado de Los Derechos del Paciente puede ser llamado al (559) 661-5194 para asistirle en resolver los agravios.

SUPLICAS

So usted desea suplicar una "Acción" por el Plan de Salud Mental, puede llamar al Terapeuta del Manejo de Calidad al (559) 675-7850 o (888) 275-9779 – llamada gratis. Una "Acción" es cuando el Plan de Salud Mental:

- Le niega o limita la autorización de un servicio solicitado.
- Reduce, suspende, o termina un servicio previamente autorizado.
- Niega, en entero o en parte, pago por un servicio.
- Falla de proporcionar servicios de una manera oportuna, según lo determinado por el Plan de Salud Mental.
- Falla de actuar dentro de la marca del tiempo para la disposición de agravios estándares, la resolución de suplicas estándares, o la resolución de suplicas apresuradas.

Una suplica apresurada puede ser utilizada cuando una decisión se debe tomar rápidamente para proteger la vida, salud, o la capacidad de funcionar de un nivel máximo de los beneficiarios.

Beneficiarios tienen el derecho de solicitar una audiencia Justa del Estado después que el proceso de Apelación ha sido completado. Usted puede ponerse en contacto con el Abogado de los Derechos del Paciente o al Mediador del Estado enumerado abajo para asistirle a archivar una Audiencia Justa del Estado. Todas las decisiones de la Audiencia Justa del Estado son finales.

SUS SERVICIOS DE SALUD MENTAL NO SERÁN AFECTADOS DE NINGUNA MANERA AL SOMETER UNA QUEJA, SUPLICA, O UNA AUDIENCIA JUSTA DEL ESTADO.

SUGESTIONES

Sugestiones y opiniones son una parte importante al proveer cuidado de calidad e efectivos. Proveedores tienen Formas de Sugestiones en áreas de servicios. Sugestiones de consumidores son bienvenidos y pueden ser puestas en las cajas designadas o entregarlas directamente al miembro personal o al Partidor de Derechos de Pacientes.