

## POLICIES AND PROCEDURE MANUAL

<b>Chapter:</b>	<b>Customer Service</b>		
<b>Title:</b>	<b>Enrollee Rights</b>		
<b>Policy:</b> <input checked="" type="checkbox"/>	<b>Review Cycle:</b> Annually	<b>Adopted Date:</b> 07.07.2020	<b>Related Policies:</b> Consumer Service Policy
<b>Procedure:</b> <input type="checkbox"/>	<b>Author:</b> Director of Quality, Compliance, and Customer Service; Customer Service Committee	<b>Review Date:</b>	
<b>Page:</b> 1 of 2		<b>Revision Eff. Date:</b>	

### **Purpose**

To ensure the legal authority and requirements for the rights and the protections for all recipients receiving community mental health and substance use disorder services authorized and/or delivered by the Mid-State Health Network (MSHN) Provider Network.

### **Policy**

1. General rule:
  - a. Each CMHSP/SUD Provider Network participant shall comply with any applicable Federal and State laws that pertain to enrollee rights and ensures that its employees and contracted providers observe and protect those rights.
2. Guaranteed enrollee rights -
  - a. Receive information in accordance with 42 CFR 438.10 - Information requirements.
  - b. Be treated with respect and with due consideration for his or her dignity and privacy.
  - c. Receive information on available treatment options and alternatives, presented in a manner appropriate to the enrollee's condition and ability to understand.
    - i. The information requirements for services that are not covered under the contract because of moral or religious objections are set forth in 42 CFR 438.10(g)(2)(ii)(A) and (B).
  - d. Participate in decisions regarding his or her health care, including the right to refuse treatment.
  - e. 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.
  - f. 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 his or her medical records, and request that they be amended or corrected, as specified in 45 CFR 164.524 and 164.526.
  - g. An enrollee of a CMHSP/SUD Provider Network Participant has the right to be furnished health care services in accordance with 42 CFR 438.206 through 438.210.
3. Free exercise of rights.
  - a. The CMHSP /SUD Provider Network Participant ensures that each enrollee is free to exercise his or her rights, and that the exercise of those rights does not adversely affect the way the CMHSP/SUD Provider Network Participant treats the enrollee.
4. Compliance with other Federal and State laws.
  - a. Each CMHSP /SUD Provider Network Participant shall comply with any other applicable Federal and State laws (including: 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.

**Applies to:**

- All Mid-State Health Network Staff
- Selected MSHN Staff, as follows:
- MSHN's Affiliates:  Policy Only                      Policy and Procedure
- Other: Sub-contract Providers

**Definitions:**

Enrollee: A Medicaid beneficiary who is currently enrolled in an MCO, PIHP, PAHP, PCCM, or PCCM entity in a given managed care program. 42 CFR 438.2.

MSHN: Mid-State Health Network

PIHP: Pre-paid Inpatient Health Plan

Provider Network: Refers to a CMHSP Participant and all Substance Use Disorder Providers that are directly under contract with the MSHN PIHP to provide services and/or supports through direct operations or through the CMHSP/SUD Provider subcontractors.

**Other Related Materials:**

None

**References/Legal Authority:**

1. 42 CFR 438.10 Information requirements
2. 42 CFR 438.100 Enrollee Rights
3. 42 CFR 438.206 Availability of services.
4. 42 CFR 438.207 Assurances of adequate capacity and services.
5. 42 CFR 438.208 Coordination and continuity of care.
6. 42 CFR 438.210 Coverage and authorization of services.
7. 45 CFR PART 160 – General Administrative Requirements
8. 45 CFR PART 164 – Security and Privacy

**Change Log:**

<u>Date of Change</u>	<u>Description of Change</u>	<u>Responsible Party</u>
03.16.2020	New policy	Director of Quality, Compliance, and Customer Service; Customer Service Committee