



# BEHAVIORAL HEALTH RIGHTS

Per WAC 388-877- 0600, these General Rights apply to **all individuals**, regardless of whether an individual is or is not a Medicaid recipient and include:

- All applicable statutory and constitutional rights;
- Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability;
- Practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment service. Individual participants have the right to refuse participation in any religious practice;
- Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences;
- Be treated with respect, dignity and privacy, except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises;
- Be free of any sexual harassment or exploitation, including physical and financial;
- Have all clinical and personal information treated in accord with state and federal confidentiality regulations;
- Review your clinical record in the presence of the administrator or designee and be given an opportunity to request amendments or corrections;
- Receive a copy of agency grievance system procedures upon request and to file a grievance with the agency, or behavioral health organization (BHO), if applicable, if you believe your rights have been violated;
- Lodge a complaint with the department when you feel the agency has violated a WAC requirement regulating; and
- Necessary supplemental accommodation (NSA) services are services provided to you if you have a mental, neurological, physical or sensory impairment or other problems that prevent you from getting program benefits in the same way that an unimpaired person would get them. NSA services include but are not limited to:
  - Arranging for or providing help to complete and submit forms to us;
  - Helping you give or get the information we need to decide or continue eligibility;
  - Helping you request continuing benefits;
  - If you miss an appointment or deadline, contacting you about the reason before we reduce or end your benefits;
  - Explaining to you the reduction in or ending of your benefits (see WAC 388-418-0020);
  - If we know you have a person who helps you with your applications, notifying them when we need information or when we are about to reduce or end your benefits;
  - Assisting you with requests for fair hearings;
  - Providing protective payments if needed; and
  - On request, reviewing our decision to terminate, suspend or reduce your benefits.

Per WAC 388-877- 0680, these Specific Rights apply only to **Medicaid Recipients**. As a Medicaid Enrollee, all rights – General and Specific apply to you and you have the right to:

- Be treated with dignity, privacy and respect, and to receive treatment options and alternatives in a manner that is appropriate to your condition.
- Be provided a certified interpreter and translated material at no cost to you.
- Receive the name, address, telephone number, and any languages offered other than English, of behavioral health providers in your BHO yearly or when you request it.
- Receive age and culturally appropriate services.
- Receive services in a barrier-free (accessible) location.
- Have available treatment options and alternatives explained to you.
- Receive medically necessary services in accordance with the early periodic screen, diagnosis and treatment (EPSDT) under WAC 182-534-0100, if you are twenty years of age or younger.
- Receive information and services you ask for, covered under Medicaid in the language or format of your choice.
- Receive medically necessary behavioral health services, consistent with access to care standards adopted by the department in its managed care waiver with the federal government. Access to care standards provide minimum standards and eligibility criteria for behavioral health services and are available on the behavioral health administration's (BHA) division of behavioral health and recovery (DBHR) website.
- Receive the amount and duration of services you need.
- Choose and/or change behavioral health care providers at any time for any reason for yourself and your child, if your child is under thirteen years of age.
- Request and receive a copy of your medical or behavioral health services records, and be told the cost for copying.
- Request and receive policies and procedures of the BHO and behavioral health agency as they relate to your rights.
- Participate in treatment decisions, including the right to refuse treatment.
- Receive a second opinion from a qualified health care professional within your network, or arranges for the enrollee to obtain one outside the network, at no cost to you.
- Receive an explanation of all medications prescribed and possible side effects.
- Receive post-stabilization services after you receive emergency or urgent care or crisis services that result in admission to a hospital.
- Receive emergency or urgent care or crisis services.
- Receive quality medically necessary behavioral health services outside of the BHO if those services cannot be provided adequately and timely within the BHO.
- Receive information about medical advance directives that states your choices and preferences for mental health care.
- Receive the services by the behavioral health Ombuds to help you in filing a grievance or appeal.
- Request an administrative (fair) hearing if your grievance or appeal is not resolved in your favor.
- Receive a notice of action so that you may appeal any decision by the BHO that denies or limits authorization of a requested service, that reduces, suspends, or terminates a previously authorized service, or that denies payment for a service, in whole or in part or fails to provide services in a timely manner as defined by the state, or act within the timeframes provided in 42 CFR § 438.408(b).
- Be free from retaliation.
- Be free from seclusion or restraint used as a means of coercion, discipline, convenience or retaliation.
- Receive information about the structure and operation of the BHO.
- Receive enrollment notices, informational materials, materials related to grievances, appeals, and administrative hearings, and instructional materials relating to services provided by the BHO, in an easily understood format and non-English language that you prefer.