



## Salish Behavioral Health Organization (SBHO) Individual & Enrollee Rights

General rights that apply to all individuals, regardless of whether an individual is or is not a Medicaid recipient include:

1. All applicable statutory and constitutional rights;
2. The participant rights provided under WAC 246-341-0600; and
3. Applicable necessary supplemental accommodation services listed in chapter [388-472](#) WAC.

### **INDIVIDUAL RIGHTS**

1. Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability;
2. 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;
3. Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited-English proficiency, and cultural differences;
4. 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;
5. Be free of any sexual harassment;
6. Be free of exploitation, including physical and financial exploitation;
7. Have all clinical and personal information treated in accord with state and federal confidentiality regulations;
8. Review your clinical record in the presence of the administrator or designee and be given an opportunity to request amendments or corrections;
9. Receive a copy of agency grievance system procedures (according to WAC 182-538D-0654 through 182-538D-0680) 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; and
10. Submit a report to the department when you feel the agency has violated a WAC requirement regulating behavioral health agencies.

### **MEDICAID ENROLLEE RIGHTS**

In addition to the above individual rights, Medicaid enrollees also have the following rights:

1. 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.
2. Receive the name, address, telephone number, and any languages offered other than English, of behavioral health providers in your BHO.
3. Receive information about the structure and operation of the BHO.
4. Receive emergency or urgent care or crisis services.
5. Receive post-stabilization services after you receive emergency or urgent care or crisis services that result in admission to a hospital.
6. Receive age and culturally appropriate services.
7. Be provided a certified interpreter and translated material at no cost to you.

8. Receive information you request and help in the language or format of your choice.
9. Have available treatment options and alternatives explained to you.
10. Refuse any proposed treatment.
11. Receive care that does not discriminate against you.
12. Be free of any sexual exploitation or harassment.
13. Receive an explanation of all medications prescribed and possible side effects.
14. Make a mental health advance directive that states your choices and preferences for mental health care.
15. Receive information about medical advance directives.
16. Choose a behavioral health care provider for yourself and your child, if your child is under thirteen years of age.
17. Change behavioral health care providers at any time for any reason.
18. Request and receive a copy of your medical or behavioral health services records, and be told the cost for copying.
19. Be free from retaliation.
20. Request and receive policies and procedures of the BHO and behavioral health agency as they relate to your rights.
21. Receive the amount and duration of services you need.
22. Receive services in a barrier-free (accessible) location.
23. Receive medically necessary services in accordance with the early periodic screening, diagnosis, and treatment (EPSDT) under WAC [182-534-0100](#), if you are twenty years of age or younger.
24. 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.
25. Be treated with dignity, privacy, and respect, and to receive treatment options and alternatives in a manner that is appropriate to your condition.
26. Participate in treatment decisions, including the right to refuse treatment.
27. Be free from seclusion or restraint used as a means of coercion, discipline, convenience, or retaliation.
28. Receive a second opinion from a qualified professional within your BHO area at no cost, or to have one arranged outside the network at no cost to you, as provided in 42 C.F.R. Sec. 438.206 (b)(3)(2015).
29. Receive medically necessary behavioral health services outside of the BHO if those services cannot be provided adequately and timely within the BHO.
30. File a grievance with the behavioral health agency or BHO if you are not satisfied with a service.
31. Receive a notice of adverse benefit determination 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.
32. File an appeal if the BHO fails to provide services in a timely manner as defined by the state.
33. Request an administrative (fair) hearing if your appeal is not resolved in your favor or if the BHO does not act within the grievance or appeal process time frames described in WAC 182-538D-0660 and 182-538D-0670.
34. Request services by the behavioral health Ombuds office to help you file a grievance or appeal or request an administrative hearing

The SBHO ensures the Medicaid rights described above are provided in writing to each Medicaid individual and if appropriate, the recipient's legal representative, on or before admission. Upon request, the aforementioned Medicaid rights are given to the Medicaid individual in an alternative format or language appropriate to the recipient and, if appropriate, the recipient's legal representative. These rights are translated to the most commonly used languages in the agency's service area and posted in public areas.