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North Sound Behavioral Health Administrative Services Organization, LLC

Section 1000 - Administrative: Individual Rights

Authorizing Source: WAC 246-341-0600

Approved by: Executive Director Date: 04/23/2024 Signature:

POLICY # 1023.00

SUBJECT: INDIVIDUAL RIGHTS

PURPOSE

To ensure that North Sound Behavioral Health Administrative Service Organization (North Sound BH-ASO) individuals are fully informed of their rights and responsibilities in accordance to applicable state and federal laws.

POLICY

North Sound BH-ASO Network Providers are required to provide individuals with information regarding their rights. Network Providers are responsible for ensuring each person requesting/receiving a service is informed of and has a complete understanding of their rights. Network Providers are expected to provide any accommodation necessary, at no cost to the individual, including translation in other language(s) for individuals who speak English as a second language; Network Providers must use an interpreter; alternative modalities for the visually impaired, hearing impaired and cognitive impaired individuals.

PROCEDURES

Individual Rights and Protections

North Sound BH-ASO individual rights include all rights as designated by the Washington Administrative Code (WAC) 388-246-341-0600, or its successor.

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 in chapter WAC 388-472-0010.

For both individuals not enrolled/enrolled in Medicaid the following rights apply, WAC 182-538-180:

Each agency licensed by the department to provide any behavioral health service must develop a statement of individual participant rights applicable to the service categories the agency is licensed for, to ensure an individual's rights are protected in compliance with RCW chapters 71.05, 71.12 and 71.34. In addition, the agency must develop a general statement of individual participant rights that incorporates at a minimum the following statements.

You have the right to:

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 182-538-110 upon request and to file a grievance with the agency, or BH-ASO, if applicable, if you believe your rights have been violated; and

Submit a report with the department when you feel the agency has violated a WAC requirement regulating behavior health agencies. Each agency must ensure the applicable individual participant rights described in this policy are:

1. Provided in writing to everyone on or before admission;
2. Available in alternative formats for individuals who are visually impaired;
3. Translated to the most commonly used languages in the agency's service area;
4. Posted in public areas; and
5. Available to any participant upon request.

Each agency must ensure all research concerning an individual whose cost of care is publicly funded is done in accordance with WAC chapter 388-04, protection of human research subjects, and other applicable state and federal rules and laws.

In addition to the requirements in this section, each agency providing services to Medicaid recipients must ensure an individual seeking or participating in behavioral health treatment services, or the person legally responsible for the individual is informed of their Medicaid rights at time of admission and in a manner, that is understandable to the individual or legally responsible person.

The grievance system rules in WAC 182-538-110 apply to an individual who receives behavioral health services funded through a federal Medicaid program or sources other than a federal Medicaid program.

Other specific rights are defined in the WAC for individuals who enter Triage/Crisis Stabilization units, residential facilities, inpatient treatment on a voluntary basis, individuals who are detained to inpatient or freestanding Evaluation and Treatment programs under the Involuntary Treatment Act, and individuals who enter outpatient treatment under a Less Restrictive Order.

Network Provider Responsibilities

Network Providers are responsible for ensuring a copy of the "Individual Rights Statement" detailing the rights will be given to each person at the intake evaluation or next subsequent appointment.

Network Providers are expected to verbally review the rights with individuals upon entry into services and as frequently as necessary after that time.

Network Providers are responsible for ensuring a copy of the “Individual Rights Statement” is signed by the individual documenting that the rights are understood and accepted. The signed “Individual Rights Statement” will be maintained in the individual’s clinical record.

The “Individual Rights Statement” will be posted in a conspicuous location in each building operated by a North Sound BH-ASO Network Provider.

Network Providers will ensure a copy of the “Individual Rights Statement” and Individual Rights Policy and Procedures are provided to individuals, family members or other interested persons upon request. Each North Sound BH-ASO and North Sound BH-ASO Provider Network employee will be apprised of this policy, the procedures set forth in this policy and educated in its implications within 10 days of hire. Documentation of this training will be maintained within each agency and each employee’s personnel file.

Each North Sound BH-ASO Network Provider will develop policies and procedures regarding individual rights that comply with the procedures set forth in this policy or will incorporate this policy into the agency’s policy and procedure manual.

In addition, to the requirements in 240-341-0600 WAC, any network agency providing services to Medicaid recipients must ensure an individual seeking or participating in behavioral health treatment services, or the person legally responsible for the individual, is informed of their Medicaid rights at time of admission and in a manner that is understandable to the individual or legally responsible individual.

Special Situations

If a person is under the age of 13, both the individual and his/her parent, legal guardian, or other authorized person will be asked to read and sign the same “Individual Rights Statement” acknowledging understanding of their rights.

If an individual does not understand any aspect of the rights form, any Provider Network staff member has the responsibility of explaining this to the individual.

In behavioral health crisis situations, it is the responsibility of the Provider Network Designated Crisis Responder (DCR) to ensure the individual will be verbally advised of the pertinent rights, such as the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. A written copy of the “Individual Rights Statement” and verbal explanation will be delayed to the first subsequent meeting with the individual once the crisis is stabilized.

ATTACHMENTS

None