



WAC 388-877-0600 Clinical—Individual rights.

(1) 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 chapters 70.96A, 71.05, 71.12, and 71.34 RCW. 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:

- (a) Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability;
- (b) 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;
- (c) Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences;
- (d) 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;
- (e) Be free of any sexual harassment;
- (f) Be free of exploitation, including physical and financial exploitation;
- (g) Have all clinical and personal information treated in accord with state and federal confidentiality regulations;
- (h) Review your clinical record in the presence of the administrator or designee and be given an opportunity to request amendments or corrections;
- (i) 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; and
- (j) Lodge a complaint with the department when you feel the agency has violated a WAC requirement regulating behavior health agencies.

(2) Each agency must ensure the applicable individual participant rights described in subsection (1) of this section are:

- (a) Provided in writing to each individual on or before admission;
 - (b) Available in alternative formats for individuals who are blind;
 - (c) Translated to the most commonly used languages in the agency's service area;
 - (d) Posted in public areas; and
 - (e) Available to any participant upon request.
- (3) Each agency must ensure all research concerning an individual whose cost of care is publicly funded is done in accordance with chapter 388-04 WAC, protection of human research subjects, and other applicable state and federal rules and laws.
- (4) 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.
- (5) The grievance system rules in WAC 388-877-0654 through WAC 388-877-0675 apply to an individual who receives behavioral health services funded through a federal medicaid program or sources other than a federal medicaid program.

WAC 388-877-0680 Individual rights specific to medicaid recipients.

- (1) Medicaid recipients have general individual rights and medicaid-specific rights when applying for, eligible for, or receiving behavioral health services authorized by a behavioral health organization (BHO).
- (a) General rights that apply to all individuals, regardless of whether an individual is or is not a medicaid recipient, include:
 - (i) All applicable statutory and constitutional rights;
 - (ii) The participant rights provided under WAC 388-877-0600; and
 - (iii) Applicable necessary supplemental accommodation services in chapter 388-472 WAC.
 - (b) Medicaid-specific rights that apply specifically to medicaid recipients include the following. You have the right to:

- (i) 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.
- (ii) Receive the name, address, telephone number, and any languages offered other than English, of behavioral health providers in your BHO.
- (iii) Receive information about the structure and operation of the BHO.
- (iv) Receive emergency or urgent care or crisis services.
- (v) Receive post-stabilization services after you receive emergency or urgent care or crisis services that result in admission to a hospital.
- (vi) Receive age and culturally appropriate services.
- (vii) Be provided a certified interpreter and translated material at no cost to you.
- (viii) Receive information you request and help in the language or format of your choice.
- (ix) Have available treatment options and alternatives explained to you.
- (x) Refuse any proposed treatment.
- (xi) Receive care that does not discriminate against you.
- (xii) Be free of any sexual exploitation or harassment.
- (xiii) Receive an explanation of all medications prescribed and possible side effects.
- (xiv) Make a mental health advance directive that states your choices and preferences for mental health care.
- (xv) Receive information about medical advance directives.
- (xvi) Choose a behavioral health care provider for yourself and your child, if your child is under thirteen years of age.
- (xvii) Change behavioral health care providers at any time for any reason.
- (xviii) Request and receive a copy of your medical or behavioral health services records, and be told the cost for copying.
- (xix) Be free from retaliation.
- (xx) Request and receive policies and procedures of the BHO and behavioral health agency as they relate to your rights.

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- (xxi) Receive the amount and duration of services you need.
 - (xxii) Receive services in a barrier-free (accessible) location.
 - (xxiii) 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.
 - (xxiv) 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.
 - (xxv) Be treated with dignity, privacy and respect, and to receive treatment options and alternatives in a manner that is appropriate to your condition.
 - (xxvi) Participate in treatment decisions, including the right to refuse treatment.
 - (xxvii) Be free from seclusion or restraint used as a means of coercion, discipline, convenience or retaliation.
 - (xxviii) 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. § 438.206(3).
 - (xxix) Receive medically necessary behavioral health services outside of the BHO if those services cannot be provided adequately and timely within the BHO.
 - (xxx) File a grievance with the BHO if you are not satisfied with a service.
 - (xxxi) 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.
 - (xxxii) File an appeal if the BHO 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).
 - (xxxiii) Request an administrative (fair) hearing if your grievance or appeal is not resolved in your favor.
 - (xxxiv) Services by the behavioral health ombuds office to help you in filing a grievance or appeal, or to request an administrative hearing.
- (2) A behavioral health agency licensed by the division of behavioral health and recovery (DBHR) and certified by DBHR to provide mental health and/or substance use disorder services must ensure the medicaid rights described in subsection (1)(b) of this section are:

- (a) Provided in writing to each medicaid recipient, and if appropriate, the recipient's legal representative, on or before admission;
- (b) Upon request, given to the medicaid recipient in an alternative format or language appropriate to the recipient and, if appropriate, the recipient's legal representative;
- (c) Translated to the most commonly used languages in the agency's service area; and
- (d) Posted in public areas.

For information about your rights or to file a complaint, contact:

<http://www.hhs.gov/ocr/civilrights/complaints/index.html>



To request this information in an alternative format, please contact Mindsource Center 253-639-7146. We will work with individuals requesting alternate formats, to ensure it is effective. Relay users please dial 711.