

Attachment R

Consumer Rights Policy and Procedure

The Consumer Handbook may be downloaded from the
CAMHD website:

<http://www.hawaii.gov/health/mental-health/camhd/library/pdf/a6218.pdf>

**CHILD AND ADOLESCENT MENTAL HEALTH DIVISION
POLICY AND PROCEDURE MANUAL**

SUBJECT: Consumer Handbook	Number:	80.601
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REFERENCE: 45 C.F.R. Parts 160 and 164 (HIPAA); 42 C.F.R. 438.10, 42 C.F.R. 438.100 (Medicaid); 34 C.F.R. Part 99 (FERPA); HRS §92F-21, §622-51	APPROVED:	
	<i>Signature on File</i>	12/01/04
	Chief	Eff. Date

PURPOSE

To ensure that consumers accessing CAMHD behavioral health services are aware of their rights and responsibilities, and to assure that the consumer's rights are upheld by all CAMHD staff and providers of services.

DEFINITIONS

"Consumer" - Youth with emotional and/or behavioral challenges receiving intensive mental health services from CAMHD. For the purposes of this policy the definition of *"consumer"* shall include the **youth**, parent(s), legal guardian or designated third party representative.

"Enrollee" - Consumers who are enrolled in the CAMHD-Quest behavioral health plan

"Prevalent Non-English Languages" -- means a non-English language spoken by a significant number or percentage of potential consumers and consumers in the State.

POLICY

1. The CAMHD shall inform all consumers of their rights and responsibilities at the first face-to-face meeting following registration through a review of the Consumer Handbook (Handbook). The CAMHD shall provide each consumer and family a copy of the Handbook (See Attachment A) including alternative formats upon request. The alternative formats are translated versions of the Handbook in Ilocano, Tagalog, Chinese, or Korean, and large print or audio for visually or hearing impaired consumers.
2. The rights of consumers who receive services from CAMHD shall be addressed in the Handbook using the following terminology:
 - A. You have the right to be treated with respect no matter who you are. You also have the right to your privacy.
 - B. You have the right to treatment no matter what your situation is. You have this right regardless of your:
 - Age
 - Race
 - Sex
 - Religion
 - Culture

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- Lifestyle
 - Ability to communicate
 - Disability
3. You have the right to know about the CAMHD, the services you can receive and who will provide the services. You also have the right to know what your treatment and service choices are.
- A. You have the right to know all your rights and your responsibilities.
 - B. You have the right to get help from CAMHD in understanding your services.
 - C. You are free to use your rights. Your services will not be changed nor will you be treated differently if you use your rights.
 - D. You have the right to receive information and services in a timely way.
 - E. You have the right to be a part of all choices about your treatment. You have the right to have your treatment plan in writing.
 - F. You have the right to disagree with your treatment or to ask for changes in your treatment plan.
 - G. You have the right to ask for a different provider. If you want a different provider, CAMHD will work with you to find another provider in its provider network.
 - H. You have the right to refuse treatment.
 - I. You have the right to get services in a way that respects your culture and what you believe in.
 - J. You have the right to look at your records, and add your opinion when you disagree. You can ask for and get a copy of your records. You have the right to expect that your information will be kept private within the law.
 - K. You have the right to complain about your services and to expect that no one will try to get back at you. If you complain, your services will not stop unless you want them to.
 - L. You have the right to be free from being restrained or secluded unless an allowed doctor or psychologist approves, and then only to protect you or others from harm. They can never be used to punish you or keep you quiet. They can never be used to make you do something you don't want to do. They can never be used to get back at you for something you have done.
4. The Handbook includes the responsibilities of the consumer. The consumer's responsibilities shall be addressed in the Handbook using the following terminology:

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- A. Your responsibility is to make sure you keep your child's scheduled appointments. If you are going to miss an appointment call the person involved as soon as possible. Ask them to make a new appointment with you.
 - B. Your responsibility to answer all questions about your child and family in an honest way. This is important so CAMHD can give good care to the your child.
 - C. Your responsibility is to be a part of your child's assessment and Treatment Plan.
 - D. Your responsibility is to be a part of your child's Coordinated Service Plan.
 - E. Your responsibility is to know what is going on with your child's treatment and do your part. This means doing the work that you are assigned to do as part of helping your child.
 - F. Your responsibility is to treat all people who provide services with respect.
5. The Handbook shall address the following:
- A. Written materials that are in easily understood language (sixth grade level) and format
 - B. Information on interpretive services and how to access the Bilingual Access Line in the native language of the user
 - C. Information on TTY Access (Text Telephone) and toll-free voice line access
 - D. Consumers are informed that alternate Handbook formats (e.g. audio and large print) are available and how they can obtain the alternate format information
 - E. Information that includes basic features of managed care
 - F. Which populations are excluded from enrollment
 - G. Populations that are subject to mandatory enrollment
 - H. CAMHD responsibilities for coordination of consumer's care
 - I. Summary of service information specific to CAMHD
 - J. Summary of benefits covered
 - K. Information about benefits covered under the CAMHD but are not covered under contracts with providers and information on how to access these services
 - L. Disenrollment rights
 - M. Providing and informing consumers about Oral Interpretation Services and how to access these services as applicable to all non-English languages
 - N. Handbook availability in the following languages: Tagalog, Chinese, Ilocano, and Korean

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- O. A mechanism to help consumers understand the requirements and benefits of their plan, both in writing and via toll-free telephone contact
- P. Toll-free access availability twenty-four (24) hours a day, seven (7) days a week
- Q. Any restrictions on the consumer’s freedom of choice among network providers
- R. Rights, requirements and timeframes for filing a grievance and/or appeals
- S. The availability of assistance with the grievance filing process
- T. The toll-free number that the consumer may use to initiate a grievance or an appeal, or request information
- U. Written information on the CAMHD’s structure and operation
- V. The amount, duration and scope of benefits available under CAMHD in sufficient detail to enable the enrollee to understand their benefits
- W. Procedures for obtaining services, including the requirements for receiving an authorization for services
- X. The extent to which and how consumers may obtain services from out-of-network providers if applicable
- Y. The extent to which and how after-hours and emergency coverage are provided
- Z. Information on emergency services, telephone numbers and contacts, and what constitutes emergency medical conditions
- AA. The fact that an authorization is not necessary for an emergency service
- BB. Procedures for obtaining emergency services to include use of the 911-telephone system, as applicable
- CC. Information on post-stabilization service rules covered at §422.113(c), as applicable
- DD. Information on how to access the referral system for specialty care and for other benefits not furnished by the consumer’s primary provider
- EE. Information on how to access services covered under the State plan but are not covered under the CAMHD contract
- FF. Information on transportation services
- GG. Making an appointment
- HH. Reporting changes in status and family composition
- II. Reporting of a third party liability

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- JJ. Information regarding use of the membership card
 - KK. Penalties for fraudulent activities
 - LL. Out-of-state or off-island medical services
 - MM. Confidentiality of member information
 - NN. To be treated with dignity and privacy
 - OO. Receive information on available treatment options
 - PP. Participate in decisions
 - QQ. To be free from restraint or seclusion
 - RR. To a copy of their medical records
 - SS. Freedom to exercise their rights
 - TT. Rights to refuse treatment
6. The Handbook shall address the following as applicable to consumers who are identified as Quest enrollees:
- A. Information on how to file for a State Fair Hearing
 - B. Information on how a physician or other representative can represent them when filing for a grievance, appeal, or State Fair Hearing
 - C. Continuation of benefits during an appeal or State Fair Hearing to include: If a recipient requests continuation of benefits during an appeal or State Fair Hearing, they may be required to pay the cost of services furnished while the appeal or hearing is pending, if the final decision is adverse to the recipient
 - D. Information that the enrollee, the enrollee’s provider, or an appointed representative may file a request for an external review of a managed care plan’s final internal determination with the State of Hawaii’s Insurance Commissioner
 - E. The right to use any hospital in the State for emergency care, as applicable
 - F. Information on “significant” changes in the health plan that affect access, timeliness and/or quality of care affecting enrollee's understanding of procedures for receiving care thirty (30) days before the intended effective change
 - G. Failure to pay for non-covered services will not result in loss of Medicaid benefits
7. The Handbook shall contain a list of services available to consumers along with a brief description of these services:
- A. 24-Hour Crisis Telephone Stabilization

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- B. Mobile Crisis Outreach
- C. Crisis Stabilization
- D. Psychosexual Assessments
- E. Intensive Home and Community Based Interventions
- F. Multisystemic Therapy (MST)
- G. Foster Homes with Therapeutic Services
- H. Therapeutic Group Homes
- I. Individualized High-Risk Therapeutic Group Homes
- J. Respite Homes
- K. Community-based Residential Programs
- L. Community-based Residential Programs (High Risk Level)
- M. Hospital-based Residential Programs
- N. Emergency Services
- O. Transportation
- P. Non-covered Services (determined on a case by case basis, pursuant to the recommendation of the consumer’s treatment team)

PROCEDURE

1. The CAMHD Quality Operations Supervisor (QOS) shall assure the correctness of the Handbook, that it meets all requirements of the Balanced Budget Amendment and is approved by QUEST.
2. The QOS shall oversee and assure the distribution of the Handbook to all CAMHD Family Guidance Centers (FGC), CAMHD Central Administration for ready availability to consumers at registration and on request. All CAMHD staff have the responsibility to know and uphold the rights and responsibility of consumers listed in the Handbook.
3. The Handbook shall be placed on the CAMHD website to allow providers and other interested parties ready access to it. The QOS shall ensure that providers include the Handbook in their quality assurance training. All providers have the responsibility to know and uphold the rights and responsibility of consumers listed in the Handbook
4. All CAMHD FGC Care Coordinators (CC) will receive training from their Quality Assurance Specialist or staff designated by the FGC Branch Chief on the full content of the Handbook including the consumer rights and responsibilities.

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5. The FGC CC shall ensure that all consumers receive a copy of the Handbook and any subsequent editions. At the first face-to-face meeting with the consumer following registration, the CC will review and inform the consumers of their rights and responsibilities. The CC will:
 - A. Provide consumers with a copy of the rights handbook titled, “Consumer Handbook”.
 - B. Review and explain the contents of the Handbook and, if necessary, offer to obtain an interpreter to give assistance in the explanation.
 - C. The CC will inform the consumer of CAMHD’s array of services, benefits coverage, CAMHD’s practices regarding the range of services, issues relative to confidentiality of information, procedural information, service information, specific information about family support and advocacy agencies and accessibility to services.
 - D. Provide responses to any questions the consumer may have about their rights and about the CAMHD program.
 - E. Upon completion of the review, have the consumer complete and sign the Consumer Handbook Acknowledgement Form (See Attachment B) indicating the receipt of the Handbook
 - F. Place the signed Consumer Handbook Acknowledgement Form in the consumer's chart including the date of review with the consumer and the date of their receipt of the Handbook.

6. The Handbook will have an edition dated designation on the lower left-hand side of the cover page, *e.g.*, 1st, 2nd, 3rd edition, etc.

ATTACHMENT:

- A. Consumer Handbook (www.hawaii.gov/health/mental-health/camhd/resources/)
- B. Consumer Handbook Acknowledgement Form (A6218-B)

Child and Adolescent Mental Health Division

Consumer Rights

1. The Child and Adolescent Mental Health Division (CAMHD) has written policies on enrollee rights that recognizes the following rights of members:
 - a. The right to a humane environment, free from unlawful discrimination.
 - b. The right to a written individualized treatment plan and the right to on-going participation in the treatment planning process.
 - c. The right to a clinical record and access to that record.
 - d. The right to have access to his/her Clinical/Education records in accordance with applicable Federal and State laws.
 - e. The right to confidentiality of treatment records.
 - f. The right to agree to treatment except in emergency situations where the client presents a danger for him/herself or to others.
 - g. The right to refuse participation in treatment which includes experimental treatment plans or procedures.
 - h. The right to be informed of and fully understand one's rights in accordance with applicable Federal and State laws and regulations. This right includes:
 - 1) The right to be provided with all enrollment notices, informational materials and instructional materials relating to enrollees and potential enrollees in each prevalent non-English language.
 - 2) The right to oral interpretation services free of charge in all non-English languages.
 - 3) The right to be informed on how to access these services.
 - i. The right to file a complaint and to be able to do so without fear of retaliation.
 - j. The right to service in a manner sensitive to the cultural and spiritual differences of the recipients.
 - k. The right to have services provided in a timely manner with reasonable waiting times.
2. Consumer Responsibilities are as follows:
 - a. Attending scheduled appointments or giving advance notification of appointment cancellation.
 - b. Participating with providers in the assessment, planning, and treatment process.
 - c. Taking responsibility for participating in the development of the coordinated service plan.
3. Treat providers of service with respect.
 - a. Giving complete and accurate information.
4. Right to suggest changes as follows:
 - a. A consumer shall have an opportunity to offer suggestions for changes to CAMHD policies and procedures relating to consumer rights and responsibilities.