

NORTHEASTERN COUNSELING CENTER
MENTAL HEALTH RIGHTS AND PROTECTIONS
POLICY AND PROCEDURES

Revised March 2023

PURPOSE: NCC will maintain processes to ensure that each enrollee is treated with respect and with due consideration for his or her dignity and privacy and receive information on available treatment options and alternatives, presented in a manner appropriate to the enrollee's condition and ability to understand.

POLICY

1. NCC will comply with any applicable Federal and State laws that pertain to client mental health rights and protections and ensure that its employees and contracted providers observe and protect those rights, including Medicaid PMHP member rights, as outlined herein.
2. NCC complies with federal and State laws that pertain to member rights including Title VI of the Civil Rights Act of 1964 as implemented by regulations at 45CFR part 80; the Age Discrimination Act of 1975 as implemented by regulations at 45CFR part 91, the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 (regarding education programs and activities), Titles II and III of the Americans with Disabilities Act; and section 1557 of the Patient Protection and Affordable Care Act.
3. Client mental health rights and protections will be taken into account when furnishing services, and specifically, furnishing Covered Services to Medicaid PMHP members.
4. For the member's medical records and any other health and enrollment information that identifies a particular member, NCC will use and disclose individually identifiable health information in accordance with the privacy requirements in 45 CFR parts 160 and 164, subparts A and E (HIPAA), to the extent that these requirements are applicable.
5. NCC's Clinical Director and Site Supervisors will educate and train providers and certified case managers regarding client mental health rights and protections, including Medicaid PMHP member specific rights and protections, as outlined herein, at orientation as a new employee or subcontractor, at full staff trainings.

6. Clients will be given a copy of NCC's Mental Health Rights and Protections at intake and mental health rights and protections will be explained to the client by NCC staff. NCC will make available materials in alternative formats and in an appropriate manner that takes into consideration the special needs of those members who have limited access to them, members will also be informed that information is available in alternative formats and how to access those formats. Documentation that Medicaid members have received a copy of and have been explained these rights and protections will be maintained in the member's clinical record.
7. NCC will notify Medicaid of any intended change that would mean the information contained in NCC's Medicaid Member Handbook would no longer be accurate and up-to-date. Medicaid's Mental Health Department will then determine if the change is significant, if so,
 - A). NCC will give each member written notice of any change that Medicaid's Mental Health Department defines as significant. NCC will give written notice to each member 30 days prior to intended effective date of change;
 - B). NCC will make a good faith effort to give written notice of termination of a contracted provider, within 15 days after receipt or issuance of the termination notice, to each member who received primary care from that provider.
8. Annual client (consumer) surveys will encourage input from those enrolled in NCC services regarding mental health rights and protections.
9. Random Clinical Chart Record Reviews will include an assessment as to the provision of services that have taken into account the client's mental health rights and protections. Any deficiencies will be noted and reviewed at NCC's IQAPI meetings.
10. Client grievances will be monitored for complaints regarding violation of member rights.

PROVIDER-CLIENT COMMUNICATIONS

11. NCC's Providers, when acting within the lawful scope of their practice, will not be prohibited from advising or advocating on behalf of a client (and specifically on behalf of a Medicaid Prepaid Mental Health Plan member) for the following:

- The client's health status, medical care, or treatment options, including any alternative treatment that may be self-administered;
- Any information the client needs in order to decide among all relevant treatment options;
- The risks, benefits, and consequences of treatment or non-treatment; and
- The client's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions.

12. Client mental health rights and protections will be outlined in a handout that will be provided to each client of NCC at intake, as follows:

NORTHEASTERN COUNSELING CENTER MENTAL HEALTH RIGHTS AND PROTECTIONS STATEMENT

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As a client at Northeastern Counseling Center, you have the right to:

- Be informed of your rights and responsibilities at the first interview
- Be treated with respect and with due consideration for your dignity and privacy**
- Be furnished Behavioral health care services in accordance with requirements for timely access and medically necessary coordinated care**
- Get mental health care regardless of your race, color, national origin, disability (mental or physical), age, gender, or religion in the admission, treatment or participation in our programs, services and activities
- Have your rights taken into account when services are given to you**
- Be free to exercise your rights, and that the exercise of your rights will not adversely affect the way NCC and its Providers treat you**
- Get information on the Medicaid Prepaid Mental Health Plan**
- Have your privacy protected, to receive a copy of NCC Privacy Notice of Privacy Practices, to request and receive a copy of your medical records when allowed by law, and to request that they be amended and corrected**

- Get information on all treatment choices right for you in a way that you can understand, including alternative formatting and access to those formats**
- Take part in treatment decisions regarding your mental health care, including the right to refuse treatment including hospitalization, except in emergency situations or where a court order exists**
- Be asked for written authorization before any interview (audio or video) are recorded
- Be free from restraint or seclusion if it is used to coerce (force), discipline or used as a reaction (to retaliate), or for convenience, as specified in federal regulations on the use of restraint and seclusion**
- Get mental health services in accordance with access and quality standards**
- Discuss any dissatisfaction with the services received or if you feel you are being denied appropriate services with your therapist and/or the supervisor of the office where you are obtaining services
- Effective treatment that reflects current standards of care
- An individualized, written care plan and the right to choose and participate in planning the nature and goals of your treatment
- Not to participate in research
- Assert grievances and have them considered through an impartial grievance procedure**
- Obtain an advocate to protect and enforce your rights**

In addition to these rights, you have the right to complain or file a grievance if services are denied, discontinued, suspended, or reduced.**

If you have Medicaid and you are not satisfied with the decision of Northeastern Counseling Center regarding your grievance, you may request a hearing with Medicaid. You may also call Medicaid at any time to discuss your complaint or grievance by calling 1-800-662-9651.**

If you believe that you have been treated unfairly or your rights have been violated, please ask your therapist, the receptionist, or any staff member for an NCC Complaint-Grievance form.**

**** Specific Medicaid Prepaid Mental Health Plan Member Rights and Protections**