



Wellplace

1333 Brewery Park, Blvd., Suite 140, Detroit, MI 48207



Standards: CARF: 1.E.1, 1.K.1, 1.K.2, 1.K.3

Revision Date: 3/28/10; 4/15/11; 10/4/12; 10/21/13. 11/15/2013, 9/4/2014, 8/27/2015, 6/21/2016; 1/5/17; 1/2/18

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Chapter: VII. Confidentiality

Subject: F. Consumer / Recipient Rights

I. **POLICY:**

Wellplace is committed to treating all consumers or family members of consumers in a manner that respects their rights. Wellplace shall ensure that any consumer or family member of a consumer receiving services from Wellplace has full access to the Recipient Rights process.

II. **PURPOSE:**

To describe the process that ensures all DWMHA consumers who receive services from Wellplace have access to a resource for Recipient Rights concerns/complaints.

III. **APPLICATION:**

This policy applies to all Access Center Administrators, Managers, Supervisors, Clinicians, Support Specialists, Credentialing Specialist, and Quality Staff.

IV. **DEFINITIONS:**

Community Mental Health Provider: An entity contracted to provide mental health services.

Detroit-Wayne Mental Health Authority (DWMHA): A community mental health services program established and administered pursuant to provision of the State Mental Health Code, for the purpose of providing a comprehensive array of mental health services appropriate to the condition of individuals who are residents of Wayne County or individuals in Wayne County requiring emergent or urgent services, regardless of the ability to pay.

Recipient Rights: legal specifications construed to protect and promote the dignity and respect to which a recipient of services is entitled.

V. **STANDARDS:**

1. **Consumers and Consumer Family Members Rights:**

- a. To receive information on benefits, services and instructional materials in a manner that may be easily understood.
- b. To receive information that describes the availability of supports and services and how to access them.
- c. To receive interpreter or bi-lingual services based their linguistic needs including; (see Cultural Competency / LEP policy)



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- i. To receive information in non-English languages
- ii. To receive interpreter services free-of-charge for non-English languages.
- iii. To be provided with written materials in alternative formats and how to obtain them for those who are visually and or are hearing impaired or have limited reading proficiency.
- d. To receive information within a reasonable time after enrollment.
- e. To be provided freedom of choice among Managed Care Provider Networks (MCPN's) and network providers.
- f. To receive information on the complaint / grievance, appeal and fair hearing processes with required time frames and to voice complaints.
- g. To receive information that provides information on how to obtain benefits from out-of-network providers.
- h. To be provided information on how to access 911, emergency, and post-stabilization services.
- i. To receive information on how to obtain referrals for specialty care and other benefits that is not provided by the primary care provider.
- j. To be made aware of services that are not covered or that may involve cost sharing if any.
- k. To be provided with information about enrollee rights, responsibilities and protections.
- l. To receive information on available treatment options.
- m. To receive information on available practitioners and service providers and any physician or provider incentives offered.
- n. To participate with practitioners in decisions about their care.
- o. To candid discussion of appropriate medically necessary treatment options for their conditions, regardless of cost or benefit coverage.
- p. To make recommendations regarding Wellplace member rights and responsibilities policy.



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- q. To not have dialogue restricted between them as a consumer and a practitioner or to have any information or communication of information regarding consumer treatment options restricted by Wellplace.
- r. To Freedom from abuse, financial or other exploitation, retaliation, humiliation or neglect.
- s. To access information needed to assist decision making about care and treatment including verbal information and written information and his or her own treatment records. (See Policy VIII. A - Protected Health Information and VIII.B Disclosure of PHI)
- t. To informed consent or refusal or expression of choice in regard to service delivery, release of information, concurrent services, composition of the service delivery team or practitioners and involvement in research projects if applicable.
- u. To referral to legal entities for appropriate representation if needed, self-help support services, and advocacy support services as needed or requested.
- v. To investigation and resolution of alleged infringements of rights.
- w. By **State Requirement**, Consumers / Recipients also shall have a right to the following:
 - i. Recipients have the right to a list showing where non-English languages about mental health services are spoken and by whom within the provider network.
 - ii. Recipients have the right to the rules that govern representation at hearings, requirements and timeframes and the toll free number, or information regarding continuation of benefits during the process of the hearing if requested.
 - iii. Recipients have the right to request the process by which benefits from out-of-network providers are obtained.
 - iv. Recipients have the right to be fully informed about emergency and post stabilization services (outpatient services received during follow-up after an episode of care) and prior authorization is not required to receive emergency care from any hospitalization.
 - v. Recipients have a right to request information on advance directives. All adult recipients must be provided written information on advance directives including any state laws that apply to advance directives.
 - vi. Recipients have the right to request additional information including information on the



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structure and the operation of the PIHP and whether the PIHP or its network providers use physician incentive plans. The PIHP is responsible for providing this information upon request.

- vii. Recipients have the right to request informational materials regarding their rights as a recipient of mental health services. DWMHA will also notify recipients annually of their rights to obtain informational materials.
- viii. Recipients have the right to be provided with timely written notice of any significant State and provider network related changes.
- ix. Recipients have the right to be provided with information annually about enrollee rights and protections. (Recipients shall receive a copy of the rights booklet for review as part of the Welcome packet and annually thereafter by their chosen provider and may bring questions for clarification at any time. Rights information is also available on the Wellplace Website)
- x. Recipients have the right to be treated with dignity and respect and the right to privacy.
- xi. Recipients have the right to receive information on available treatment options and alternatives presented in a manner appropriate to the recipient's condition and ability to understand.
- xii. Recipients have the right to participate in decisions regarding health care, the refusal of treatment and preferences for future treatment decisions.
- xiii. Recipients have the right to be provided with information on services that are not covered on a moral/religious basis.
- xiv. Recipients have the rights to be provided with information on the structure and operation of Wellplace and the Detroit Wayne Mental Health Authority.
- x. The Michigan Mental Health Code protects the rights of consumers who are eligible to receive mental health services. These rights include:
 - i. The right to be free from abuse and neglect
 - ii. The right to confidentiality
 - iii. The right to be treated with dignity and respect
 - iv. The right to treatment suited to condition
 - v. The right to a safe, sanitary, and humane treatment environment



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2. Consumer and Consumer Family Members Responsibilities:

- a. To supply information, to the extent possible, that Wellplace and DWMHA practitioners and providers need in order to provide care.
- b. To follow plans and instructions for care that they have agreed to with their practitioners.
- c. To understand their health problems and participate in developing mutually agreed upon treatment goals.

3. Wellplace Staff Rights Training

- a. All Wellplace employees shall acknowledge and demonstrate their knowledge of the above consumer rights and responsibilities.
- b. All Access Center and Customer Services Center staff will complete Recipient Rights training upon new hire and annually per DWMHA guidelines (See Staff Training Policy).

4. Consumer / Recipient Rights Referrals

Mental Health and Intellectual/Developmental Disabilities Consumers

- a. Consumers or family member of a consumer receiving services from Wellplace shall have access to the Recipient Rights process. Any caller having a complaint of a serious nature shall be given the DWMHA 24/7 Recipient Rights phone number (1-888-339-5595, 1-888-339-5588 or 313-833-2500). The caller shall be offered assistance with filing a complaint
- b. The Access Center will maintain copies of all Recipient Rights booklets and brochures for staff resource as well as to provide to consumers/callers upon request.
- c. All Access Center staff will ensure that recipient rights are taken into account when providing services to callers.
- d. When a caller indicates that they want to make a Recipient Rights complaint concerning care and services provided by Wellplace, or any provider, Wellplace staff will complete a warm transfer of the call to the DWMHA Office of Recipient Rights. The office may be reached during business hours; all calls after hours are provided an option to leave a message.



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- e. If the caller does not want to leave a message, the Wellplace staff can offer to assist the caller with completing a recipient rights referral. The Wellplace staff member will complete the DWMHA Recipient Rights Complaint Form on the caller's behalf. The Wellplace staff member will then forward the form to their direct supervisor for review and submission to the DWMHA Office of Recipient Rights by the next business day.

Substance Use Disorder Consumers

- a. Consumers or family member of a consumer receiving services from Wellplace shall have access to the Recipient Rights process. Any caller having a complaint regarding Wellplace or one of DWMHA's service providers shall be directed to the Substance Use Manager, who is Wellplace's Recipient Rights Advisor.
 - b. The Substance Use Manager will attempt to resolve the consumer's complaint in an informal manner and document the complaint and any resolution/action taken on the Recipient Rights log. The completed log will be sent to DWMHA's SUD Treatment Administrator on a monthly basis.
 - c. If the complaint is not able to be resolved in an informal manner or the consumer wishes to file a formal complaint, the consumer will be transferred to DWMHA's SUD Treatment Administrator in order to resolve the complaint.
 - d. The Access Center will maintain copies of all Recipient Rights booklets and brochures for staff resource as well as to provide to consumers/callers upon request.
 - e. All Access Center staff will ensure that recipient rights are taken into account when providing services to callers.
5. If a caller complains about services from a provider agency or Wellplace and does not wish to file a formal Recipient Rights complaint or refuses to contact the DWMHA Office of Recipient Rights or SUD Treatment Administrator; the staff will take their name, phone number and nature of complaint and complete a DWMHA Recipient Rights Complaint form and forward the form to their direct supervisor. The Program Director or designee will forward information to DWMHA Office of Recipient Rights and/or DWMHA SUD Treatment Administrator as appropriate.
 6. The Quality Improvement Team will review all documentation for Recipient Rights referrals regarding Wellplace staff

VI. QUALITY ASSURANCE:

The Quality Improvement Committee shall monitor adherence to the policy as one element of its overall



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quality processes. The Wellplace Policy and Procedure Manual is reviewed and revised on an annual basis and is approved annually by the Board of Managers. When applicable, the Wellplace subcontractor to whom this policy is applicable shall monitor adherence to this policy as part of a program of ongoing quality management.

VII. COMPLIANCE WITH ALL APPLICABLE LAWS

Wellplace, Inc. and its subcontractors are bound by all applicable federal, state and county laws, rules, regulations, policies and guidelines.

VIII. REFERENCES:

Mental Health Code Chapters 7 and 7A

Your Rights Booklet

Know Your Rights Brochure

IX. EXHIBITS:

VIII. F. 1. *Recipient Rights Complaint*