POLICY TITLE: ENROLLEE RIGHTS	POLICY #	REVIEW DATES	
Topic Area: CUSTOMER SERVICES	**ISSUED BY:** LRE Customer Services	5/19/22	12/20/22
Applies to: LRE Staff, Member CMHSPs and Network Providers		2/8/2023	12/31/24
		2/2/26	
Developed and Maintained by: LRE CEO and Designee	**APPROVED BY:** Chief Executive Officer		
Supersedes: N/A	**Effective Date:** 4/18/2020	**Revised Date:** 2/8/2023	

I. PURPOSE

To ensure the legal authority and requirements for the rights and the protections for all recipients receiving community mental health and substance use disorder services authorized and/or delivered by the Lakeshore Regional Entity (LRE) Community Mental Health Program (CMHSP) Members and the LRE Provider Network.

II. POLICY

A. GENERAL RULE - Each Community Mental Health Service Program (CMHSP) Member and their contracted provider network shall comply with any applicable Federal and State laws that pertain to enrollee rights and ensures that its employees and contracted providers observe and protect those rights.

B. Each enrollee has the guaranteed right to:

1. Receive information in accordance with 42 CFR 438.10 - Information requirements.
2. Be treated with respect and with due consideration for their dignity and privacy.
3. Receive information on available treatment options and alternatives, presented in a manner appropriate to the enrollee's condition and ability to understand.
   a. The information requirements for services that are not covered under the contract because of moral or religious objections are set forth in 42 CFR 438.10(g)(2)(ii)(A) and (B).
4. Participate in decisions regarding their health care, including the right to refuse treatment.
5. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation, as specified in other Federal regulations on the use of restraints and seclusion.
6. If the privacy rule, as set forth in 45 CFR parts 160 and 164 subparts A and E, applies, request and receive a copy of their medical records, and request that they be amended or corrected, as specified in 45 CFR 164.524 and 164.526.

C. An enrollee of a CMHSP has the right to be furnished health care services in accordance with 42 CFR 438.206 through 438.210.

D. Free exercise of rights
The CMHSP ensures that each enrollee is free to exercise their rights, and that the exercise of those rights does not adversely affect the way the CMHSP/SUD Provider Network Participant treats the enrollee.

E. Compliance with other Federal and State laws.
Each CMHSP shall comply with any other applicable Federal and State laws (including: Title VI of the Civil Rights Act of 1964 as implemented by regulations at 45 CFR part 80; the Age Discrimination Act of 1975 as implemented by regulations at 45 CFR 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.

III. APPLICABILITY AND RESPONSIBILITY

This policy applies to LRE staff, Member CMHSPs, and their contracted providers.

IV. MONITORING AND REVIEW

This policy will be reviewed by the Chief Executive Officer and/or designee, on an annual basis.

V. DEFINITIONS

Enrollee: A Medicaid beneficiary who is currently enrolled in an MCO, PIHP, PAHP, PCCM, or PCCM entity in a given managed care program. 42 CFR 438.2.

Rights: Mandated and guaranteed state and federal entitlements offered to individuals receiving Medicaid-funded services through LRE and/or member CMHSPs (and their subcontracted providers) particularly in the areas of information/communication, and due process

VI. RELATED POLICIES AND PROCEDURES

N/A

VII. REFERENCE/LEGAL AUTHORITY

A. MDHHS/PIHP Master Contract
B. 42 CFR 438.10
C. 42CFR 438.100
D. 42 CFR 438.206
E. 42 CFR 438.207
F. 42 CFR 438.208
G. 42 CFR 438.210
H. 45 CFR Part 160

I. 45 CFR Part 164
J. MI Mental Health Code

VIII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
5/19/22	Revised/updated language	CEO and Designee
2/8/2023	Revised/updated language	LRE Customer Services