



Monterey County Behavioral Health Member Rights

Monterey County Behavioral Health persons in care are entitled to:

- Be treated with personal respect and respect for your dignity and privacy.
- To be accorded dignity in personal relationships with staff and other persons.
- To be free from intellectual, emotional, verbal and/or physical abuse, exploitation, prejudice, or inappropriate sexual behavior.
- To be informed by the program of the provisions of law regarding complaints including but not limited to the address and phone number of the Department.
- To be afforded access to emergency medical or dental care.
- To be free from discrimination based on race, color, ancestry, national origin, religion, creed, age, disability, sex, sexual orientation, gender identify or expression, marital status, medical condition, or military or veteran status.
- To be afforded access to their client records.
- To be treated for the life-threatening, chronic disease of substance use disorder with honesty, respect, and dignity, including privacy in treatment and in care in personal needs.
- To be informed by the treatment provider of all the aspects of treatment recommended to the client, including the option of no treatment, risk of treatment, and expected result or results.
- To be treated by treatment providers with qualified staff.
- To receive evidence-based treatment.
- To be treated simultaneously for co-occurring behavioral health conditions, when medically appropriate and when the treatment provider is authorized to treat co-occurring conditions.
- To receive an individualized, outcome-driven treatment plan or progress notes.
- To remain in treatment for as long as the treatment provider is authorized to treat the client.
- To receive support, education, and treatment for their families and loved ones, if the treatment provider is authorized to provide these services.
- To receive care in a treatment setting that is safe and ethical.
- To be free from mental and physical abuse, exploitation, coercion, and physical restraint.
- To be informed of these rights once enrolled to receive treatment, as evidence by written acknowledgment or by documentation by staff in the clinical record that a written copy of these rights was given.
- To receive ethical care that covers and ensures full compliance with the requirements set forth in Chapter 5 (commencing with Section 10500) of Division 4 of Title 9 of the California Code of Regulations and the alcohol and other drug program certification standards adopted in accordance with Section 11832, as applicable.
- All clients shall be personally advised of, and given at admission, a copy of these rights.
- Any program conducting research using clients as subjects shall comply with all standards of the California Research Advisory Panel and the federal regulations for protection of human subjects (Part 46 of Title 45 of the Code of Federal Regulations).
- Get clear and understandable explanations of available treatment options.
- Participate in decisions related to your behavioral health care. This includes the right to refuse any treatment that you do not wish to receive.
- Ask for a copy of the Monterey County Behavioral Health Member Handbook to learn about

county services, county obligations, and your rights.

- Ask for a copy of your medical records and request changes, if necessary.
- Be free from any form of restraint or seclusion that is imposed as a means of coercion, discipline, convenience, or retaliation.
- Receive timely access to care 24/7 for emergency, urgent, or crisis conditions when medically necessary.
- Upon request, receive written materials in alternative formats such as Braille, large-size print, and audio format in a timely manner.
- Receive behavioral health services from the county that follows its state contract for availability, capacity, coordination, coverage, and authorization of care. The county is required to:
 - Employ or have written contracts with enough providers to make sure that all Medi-Cal eligible members who qualify for behavioral health services can receive them in a timely manner.
 - Cover medically necessary services out-of-network for you in a timely manner, if the county does not have an employee or contract provider who can deliver the services
 - Note: The county must make sure you do not pay anything extra for seeing an out-of-network provider. See below for more information:
 - Medically necessary behavioral health services for individuals 21 years of age or older are services that are reasonable and necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain. Medically necessary behavioral health services for individuals under 21 years of age are services that sustain, improve, or make tolerable a behavioral health condition.
 - Out-of-network provider is a provider who is not on the county's list of providers.
 - Upon your request, provide a second opinion from a qualified health care professional within or outside of the network at no extra cost.
 - Make sure providers are trained to deliver the behavioral health services that the providers agree to cover.
 - Make sure that the county's covered behavioral health services are enough in amount, length of time, and scope to meet the needs of Medi-Cal eligible members. This includes making sure that the county's method for approving payment for services is based on medical necessity and that the access criteria is fairly used.
 - Make sure that its providers conduct thorough assessments and collaborate with you to establish treatment goals.
 - Coordinate the services it provides with services being provided to you through a managed care plan or with your primary care provider, if necessary.
 - Participate in the state's efforts to provide culturally competent services to all, including those with limited English proficiency and diverse cultural and ethnic backgrounds.
- Express your rights without harmful changes to your treatment.
- Receive treatment and services in accordance with your rights and with all applicable federal and state laws such as:
 - 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).
 - Title II and III of the Americans with Disabilities Act.
 - Section 1557 of the Patient Protection and Affordable Care Act.
 - Title 42 Chapter 1, Subchapter A, Part 2 Sections 2.1 through 2.67, Code of Federal Regulations (regarding confidentiality).
- You may have additional rights under state laws regarding behavioral health treatment. To contact your county's Patients' Rights Advocate, please call 831-755-4518.