



Rights and Responsibilities of Individuals in Service Policy

Purpose:

CenterPointe recognizes the rights that are afforded to all individuals in service, regardless of which program(s) they are enrolled in. Participating in programming does not alter any constitutional rights or civil liberties, and attempts to provide an exhaustive list of rights to individuals enrolled in any service.

Policy:

It is the policy of CenterPointe that all individuals in service are entitled to each and every legal and civil right granted by Federal and State Constitutions and Laws while in service at CenterPointe. In addition, **all individuals in service have the right:**

- to be free of discrimination regardless of race, color, ethnicity, national origin, age, disability, sexual orientation, gender, or gender identity;
- to be free of physical and sexual abuse, harassment, neglect, and physical punishment;
- to be free of psychological abuse, including humiliation, threats, exploitation, and retaliation;
- to be free of financial abuse or misuse of personal funds;
- to be treated with dignity and respect;
- to be free from restraint or seclusion;
- to receive prompt and professional services;
- to receive access to information pertinent to them in sufficient time to facilitate their decision making;
- to know any and all charges prior to, or at the time of, admission and during your stay;
- to know the credentials and training of CenterPointe staff providing services in programs enrolled in, along with a composition of the staff;
- to request for an interpreter who understands the individual's language and culture;
- to request and receive reasonable accommodations for any disability;
- to expect staff to abide by confidentiality and privacy regulations, including to allow or refuse the release of information, except when release is required by law;
- to receive a copy of the Privacy Practices at CenterPointe;
- to participate in treatment/recovery planning and decision making with the interdisciplinary team;
- to express preferences and expected outcomes, and have those honored by the interdisciplinary team;
- to request a written explanation within ten (10) working days, and to expect a written response within five (5) working days, if services are refused;
- to receive due process when addressing complaints and grievances, as outlined in the "Individual in Service Grievance Policy," a copy of which is provided at intake;
- to create a Mental Health Advance Directive;
- to review information contained in the electronic health record; requests can be made verbally or in writing to any CenterPointe staff member, who will ensure timely access;
- to get a second opinion from an outside provider, when appropriate;
- to be free from arbitrary transfer or discharge;
- to be informed in advance of any changes in care or treatment/recovery plan;
- to refuse or terminate part of, or all, services offered, although refusal of significant portions of services may lead to discharge from the program;
- to maintain access to legal entities for appropriate representation, self-help support services, and advocacy support services;
- to examine results of most recent survey of the facility conducted by representatives of the Nebraska Department of Health and Human Services (DHHS); AND,
- to be free of involuntary program participation, unless there is an active involuntarily commitment issued by appropriate court order, and except in cases of civil protective custody.

Nebraska Medicaid Managed Care enrollees have the following additional rights:

- to request and receive information about Medicaid Managed Care Services
- to choose an accessible service from Medicaid Managed Care network for Behavioral Health
- to file an appeal or grievance about a Medicaid Managed Care action or decision; AND,
- to request a fair hearing from DHHS if you are not satisfied with the outcome of the appeal.



All individuals in service at CenterPointe have the following responsibilities:

- to treat agency staff and individuals in service with dignity and respect;
- to work cooperatively and directly with staff;
- to participate in all scheduled program activities, or to communicate any refusal to participate;
- to uphold the terms of the financial agreement;
- to submit a urine sample for analysis upon request;
- to undergo medical, psychiatric, psychological, or other therapeutic examinations as requested;
- to authorize the program to secure medical services in the event of medical emergency;
- to pay the cost of all medical services, including urinalysis;
- to pay for any damage deemed to be intentionally inflicted upon agency staff or other individual in service's property;
- to follow all program rules, expectations, and the mutually agreed upon treatment/recovery plan;
- to participate in outcome surveys at admission, during services, and after services, as part of the quality improvement program;
- to refrain from the unauthorized use of tobacco products, alcohol, illicit drugs, or medications on CenterPointe property and/or at CenterPointe supervised activities;
- to refrain from possession of any contraband, including weapons (i.e. guns, knives, etc.), tobacco, alcohol, illicit drugs, unauthorized medications, and drug paraphernalia;
- to refrain from direct or indirect verbal threats, harassment, and physical violence;
- to refrain from sexual contact, unwanted sexual advances, and/or sexual harassment; AND,
- to respect the rights of other individual's in service, including their right to confidentiality.

Additional rules and expectations shall be outlined in the participant welcome packet for each Program.

Nebraska Medicaid Managed Care enrollees have the following additional responsibilities:

- to take your Nebraska Medicaid ID card to all appointments;
- to learn about your mental health and substance use services and receive those services from a Medicaid Managed Care service provider;
- to tell your service provider about symptoms and to ask questions;
- to be part of the treatment team;
- to tell your service provider if you do not agree with recommendations;
- to tell your doctor or therapist if you want to end program participation;
- to tell your service provider about your medical doctor;
- to be at appointments on time and to call ahead if you must cancel;
- to learn about Medicaid Managed Care procedures and follow them;
- to take medication as prescribed and to tell your doctor if there is a problem;
- to pay for mental health and/or substance use treatment services that are not covered under the Nebraska Medicaid Managed Care Program; AND
- to take part in Medicaid program services.

Procedures:

In order to carry out the above policy, CenterPointe will implement the following procedures:

1. The "Rights and Responsibilities of Individuals in Service" is reviewed with individuals in service during the admission process. Understanding of these rights and responsibilities is documented within the "Intake" service in Credible. A copy of the "Rights and Responsibilities of Individuals in Service" is also posted prominently and publicly in each Program.
2. In order to monitor and ensure for individual's rights are maintained, all individuals are encouraged to file an official Grievance any time they feel their rights have been violated. A copy of the "Individual in Service Grievance Policy" is also posted prominently and publicly in each Program. All Grievances filed by individuals in service are reported within Credible in the "Incident Report" service, and all grievances are automatically elevated to the level of being considered to be critical in nature. As such, they require not only follow-up by the Program Director, but also require a Critical Incident Review Meeting to be held, which requires the Chief Clinical Officer, along with the Senior Director and Program Director to review all the details surrounding the situation and make recommendations to address the grievance.