



7.1.25 MEMBER RIGHTS IN BEHAVIORAL HEALTH SERVICES

Issue Date: 03/15/2004

Revision History: 10/21/2025, 02/22/2017

References: MHP State Contract, Exhibit A, Attachment 11;; Title 42, CFR, Section 438.100, 438.10(f)(6) and (g); CCR 9 1810.360; W&I Code section 5352, CCR., tit. 9, sections 862 through 868; Behavioral Information Notice 24-007

Policy Owner: Behavioral Health Quality Assurance and Program Improvement (QAPI),
Quality Assurance Manager

Director Signature: **Signature on File**

I. Policy Statement

It is the policy of Sonoma County Department of Health Services, Behavioral Health Division (DHS-BHD), Mental Health Plan (MHP), and Drug Medi-Cal Organized Delivery System (DMC-ODS), to ensure compliance with Federal and State regulations regarding the rights of Medi-Cal members receiving behavioral health services. For the purposes of this policy, DHS-BHD will refer to both the MHP and the DMC-ODS plan, unless otherwise indicated.

II. Scope

This policy applies to all DHS-BHD Covered Persons including employees (full-time, part-time, extra-help), unpaid interns, paid interns, temporary agency workers, registered volunteers, and all individual providers contractually designated as covered persons. Covered Persons do not include Community Based Organization (CBO) staff.

III. Definitions

Informing Materials: Include, but are not limited to, program literature that is critical to assisting members in accessing mental health services, explaining the member problem resolution and fair hearing process, and identifying member rights and protections.

Members: Individual(s) who are enrolled in the Medi-Cal (state Medicaid program), receiving free or low-cost health insurance coverage.

Pronoun Usage: Throughout this policy, the singular "they/their" is used as a gender-neutral pronoun to promote clarity, readability, and inclusivity.

IV. Policy

A. DHS-BHD is committed to ensuring that members are not adversely affected when exercising their rights. DHS-BHD staff and affiliated providers are expected to respect and incorporate these rights into the services they deliver. Member rights are outlined in the following resources:

1. Sonoma County Behavioral Health Member Handbook
2. Member Rights & Grievance/Appeal Process and Form (BHD 406)
3. Member Rights Poster (MHS 400)
4. Substance Use Disorder (SUD) Member Rights Poster (SUD 400)

V. Procedures

A. DHS-BHD staff provide information on the rights of Medi-Cal members upon admission for services and upon request.

B. These documents are available to members in English and Spanish (Sonoma County's threshold languages), without the need to make a verbal or written request.

C. DHS-BHD staff ensure that every Medi-Cal member has the right to:

1. Receive informing materials related to members and potential members in a manner and format that is easy to understand. The Sonoma County Behavioral Health Member Handbook is available in English and Spanish, including large print versions of both, and can be accessed online at: <https://sonomacounty.ca.gov/health-and-human-services/health-services/divisions/behavioral-health/contractor-resources/medi-cal-informing-materials>.
2. Be treated with personal respect and respect for your dignity and privacy.

3. Receive information on available treatment options and alternatives (Provider Directory for Specialty Mental Health Services and Provider Directory for Substance Use Treatment Services), presented in a manner appropriate to their condition and ability to understand. Each Provider Directory is available in English and Spanish and online: <https://sonomacounty.ca.gov/health-and-human-services/health-services/divisions/behavioral-health/contractor-resources/medi-cal-informing-materials>
4. Get clear and understandable explanations of available treatment options.
5. Participate in decisions related to your behavioral health care. This includes the right to refuse any treatment that you do not wish to receive.
6. Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
7. Request and receive a copy of their medical records (costs may apply) and request an amendment or correction.
8. Receive timely access to care 24/7 for emergency, urgent, or crisis conditions when medically necessary.
9. Request and receive oral interpretation services free of charge, as outlined in policy 7.1.24 Linking Non-English-Speaking Members to Behavioral Health Services, Effective Communication, and Alternative Formats for Individuals with Disabilities.
10. File a grievance without retaliation. Refer to policy 7.1.2 Member Grievances and Discrimination Grievances, for more information.
11. For Medi-Cal members; the right to file an appeal, an expedited appeal, or request a State Fair Hearing without retaliation. Refer to policy 7.1.4 Appeals and Notice of Adverse Benefit Determinations (NOABDS), for more information.
12. Authorize a person to act on their behalf during the grievance, appeal, or State Fair Hearing process.
13. Request a second opinion, or change their treatment provider.
14. Receive services from the Sonoma County MHP that follow the contract requirements of the State in the areas of availability of services, assurances of adequate capacity and services, coordination and continuity of care, and coverage and authorization of services.

VI. Forms

- A. Member Rights & Grievance/Appeal Process and Form, BHD 406, BHD 406 SP (Spanish)

VII. Attachments

Attachment #1: Member Rights Poster, MHS 400, MHS 400 SP (Spanish)

Attachment #2: Substance Use Disorder (SUD) Member Rights Poster, SUD 400 (English & Spanish)

Attachment #3: Sonoma County Behavioral Health Member Handbook