




United Behavioral Health

Ombuds Service		Policy Identifier/Number: CR-06	
Annual Review Completed Date: February 2018			
Policy Category: Government – Pierce Regional Support Network	Applicable Lines of Business: Medicaid	Entity/Plan: Optum Pierce Behavioral Health Organization	State: Pierce County, Washington
Approved by: Bea Dixon, Executive Director		Signature: 	

Policy Statement and Purpose

Optum Pierce Behavioral Health Organization (BHO) provides for an Ombuds Service that ensures that the rights of state-funded and Medicaid-eligible individuals applying for or enrolled in behavioral health services are respected and services are responsive to their needs. Optum Pierce BHO provides unencumbered access to and maintains the independence of the Behavioral Health Ombuds Service.

To address the requirements for the Ombuds Service for the Optum Pierce BHO. The Optum Pierce BHO Ombuds Service is established pursuant to contractual requirements between the Optum Pierce BHO and the Department of Social and Health Services (DSHS) and in accordance with applicable *Washington Administrative Code* requirements.

Policy Audience and Applicability

This policy is applicable to the Optum Pierce BHO and benefits administered through the Washington State Department of Social and Health Services (DSHS) current Prepaid Inpatient Health Plan (PIHP).

Policy Definitions

N/A

Policy Provisions

1. Optum Pierce BHO ensures that the Behavioral Health Ombuds Service is functionally independent of Optum Pierce BHO and its contracted behavioral health care providers by:
 - 1.1. Contracting with an independent contractor to provide the Behavioral Health Ombuds Service;
 - 1.2. Maintaining a separation of duties in the grievance process regarding grievances presented to the Behavioral Health Ombuds Service and those filed with Optum Pierce BHO;

Optum is responsible for adhering to all applicable state and/or federal laws governing activities within the scope of this policy, including the Mental Health Parity and Addiction Equity Act (MHPAEA) and the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements, as well as the applicable requirements, standards and regulations as set forth by the Employee Retirement Income Security Act (ERISA), the Center for Medicare and Medicaid Services (CMS), the Department of Labor (DoL), and any applicable accrediting organizations.

- 1.3. Facilitating access to a separate, independent, toll free phone line; and
- 1.4. Facilitating Ombuds Service representatives' access to service sites and records relating to the individual (with appropriate releases) so as to reach out to individuals and issues, or assist them in filing or resolving grievances.
2. The Behavioral Health Ombuds Service representative is either a current consumer of the behavioral health system, a past consumer, or a family member.
3. In accordance with WAC 388-865, Optum Pierce BHO is to post information about Ombuds Services in public places and distribute information about Ombuds Services to local advocacy organizations that may assist individuals in understanding their rights.
4. In accordance with WAC 388-865, the Ombuds Service is to:
 - 4.1. Be responsive to the age of the individual and demographic character of the region, and assist and advocate for individuals in resolving issues and grievances at the lowest possible level;
 - 4.2. Function independently from service providers;
 - 4.3. Receive and investigate complaints and assist individuals, family members, and other interested parties to formulate grievances prior to filing with an agency or Pierce BHO if needed;
 - 4.4. Access service sites and records relating to the individual (with appropriate releases) so as to reach out to individuals and assist them in resolving complaints or formulating grievances, should that be their desire;
 - 4.5. Be accessible to individuals, including via a toll-free, independent phone line for access;
 - 4.6. Receive training and adhere to confidentiality requirements consistent with the *Washington Administrative Code (WAC), Revised Code of Washington (RCW), 42 CFR 438 and HIPAA*;
 - 4.7. Be available to investigate, advocate for, and assist individuals with grievance, appeal, and administrative hearing processes;
 - 4.8. Involve other persons at the individual's request;
 - 4.9. Assist individuals in pursuing grievance resolution;
 - 4.10. If necessary, continue to assist the individual through the Fair Hearing processes;
 - 4.11. Coordinate and collaborate with allied systems to improve the effectiveness of advocacy and to reduce duplication of effort for shared individuals;
 - 4.12. Provide information on grievance experience to Optum Pierce BHO and the Department of Social and Health Services (DSH) quality management processes; and
 - 4.13. Provide reports and formalized recommendations at least quarterly to DSHS and the Optum Pierce BHO Advisory Board and Governing Body, Quality Review Team (QRT), local individual and family advisory groups, and behavioral health care provider network.
5. Optum Pierce BHO monitors the contract with the Ombuds Service in a way that does not compromise the independence and integrity of the Ombuds Service function as required by the WAC, and referenced above. Contract monitoring is conducted in accordance with the Optum Pierce BHO policy.
6. Optum Pierce BHO Recovery & Resiliency staff and Grievance staff provides consultation and support for the Behavioral Health Ombuds Service representatives by participating in a face-to-face meeting quarterly, or as needed.

7. The Behavioral Health Ombuds Service representative is a member of the Quality Assurance/Performance Improvement Committee and participates on other Optum Pierce BHO Subcommittees, including the Consumer and Family Advisory Subcommittee.
8. The Ombuds Service submits a monthly report to the Optum Pierce BHO and QRT, and reports quarterly to the Behavioral Health Advisory Board, QA/PI Committee, and Consumer and Family Advisory Subcommittee.
9. The Ombuds Service provides Optum Pierce BHO with feedback about the grievance process from individuals' perspectives. In addition, records of assistance with grievances will be collected for inclusion in the Optum Pierce BHO data reported to the State of Washington DSHS.
10. The Ombuds provides reports and formalized recommendations at least quarterly to the Division of Behavioral Health and Recovery, local individual and family advocacy groups, and the contracted behavioral health care providers.
11. Optum Pierce BHO ensures that contracted behavioral health care providers cooperate fully with the Ombuds Service representative in the performance of his or her duties and that no retaliation occurs from the performance of such duties.

Related Policies, Procedures & Materials

- Pierce Behavioral Health Organization Policy: CR-01 - *Consumer Rights and Responsibilities*
- Pierce Behavioral Health Organization Policy: CR-02A - *Grievance and Appeal System: Grievance Process*
- Pierce Behavioral Health Organization Policy: CR-02B - *Grievance and Appeal System: Medicaid Enrollee's Right to Appeal Notices of Adverse Benefit Determination*
- Pierce Behavioral Health Organization Policy: CR-02C - *Grievance and Appeal System: Medicaid Enrollee's Adverse Benefit Determination Notice*

Attachments

N/A

Approval History

- Policy created and effective: 07/2009
- Policy and Procedure Committee review and approval: 08/23/2010
- Policy and Procedure Committee review and approval: 09/26/2011
- Policy and Procedure Committee review and approval: 08/27/2012
- Policy and Procedure Committee review and approval: 12/02/2013
- Policy and Procedure Committee review and approval: 09/22/2014
- Policy and Procedure Committee review and approval: 09/28/2015
- Policy and Procedure Committee review and approval: 02/24/2016
- Operation Procedures and Standards Committee reviewed and accepted: 01/25/2017
- Optum Pierce BHO reviewed and accepted: January 2018