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## 22. RIGHTS AND RESPONSIBILITIES

### A. Members' Rights and Responsibilities

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#### **APPLIES TO:**

A. This policy applies to all IEHP Medi-Cal Members and Providers.

#### **POLICY:**

- A. IEHP has policies and procedures that set forth the Member's rights and responsibilities and communicate its policies to its Members, Providers and upon request, potential Members. IEHP Members' rights include:<sup>1</sup>
1. To be treated with respect and recognition of their dignity, giving due consideration to their right to privacy and the need to maintain confidentiality of the Member's Protected Health Information (PHI) and Private Information (PI);<sup>2</sup>
  2. To be provided with information about the Plan's organization, its services available to Members, and Member rights and responsibilities;<sup>3</sup>
  3. To be able to choose their Primary Care Provider (PCP) within the Plan's network unless the PCP is unavailable or is not accepting new patients;
  4. To participate in decision making regarding their health care, including the right to refuse treatment;<sup>4</sup>
  5. To submit grievances, either verbally or in writing, about the Plan, its Providers, care received, and any other expression of dissatisfaction not related to an Adverse Benefit Determination;<sup>5</sup>
  6. To request an appeal of an Adverse Benefit Determination within 60 calendar days from the date on the Notice of Adverse Benefit Determination and how to continue benefits during the appeal process through the State Fair Hearing, when applicable;<sup>6</sup>
  7. To request a State Fair Hearing, including information on the circumstances under which an expedited State Fair Hearing is available;
  8. To receive interpretation services and written translation of critical informing materials in their preferred threshold language, including oral interpretation and American Sign Language;
  9. To have a valid Advance Directive in place, and an explanation to Members of what an Advance Directive is;

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<sup>1</sup> Department of Health Care Services (DHCS)-IEHP Primary Operations Contract, Exhibit A, Attachment III, Provision 5.1.1, Members Rights and Responsibilities

<sup>2</sup> National Committee for Quality Assurance (NCQA), 2023 Health Plan (HP) Standards and Guidelines, Member Experience) ME 1, Element A, Factor 2

<sup>3</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 1

<sup>4</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 3

<sup>5</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 5

<sup>6</sup> Ibid.

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10. To receive care coordination.
  11. To receive free legal help at your local legal aid office or other groups.
  12. To have access to family planning services, sexually transmitted disease services, from a Provider of their choice without referral or Prior Authorization, either in or outside of the Plan's network;
  13. To have emergency services provided in or outside the Plan's network, as required pursuant to the federal law;
  14. To have access to Federally Qualified Health Centers, Rural Health Clinics, Indian Health Service Programs outside of the Plan's network, pursuant to federal law;
  15. To have access to and receive a copy of their medical records, and request that they be amended or corrected.<sup>7</sup>
  16. To change Medi-Cal managed care plans upon request, if applicable;
  17. To access Minor Consent Services.
  18. To receive written Member-informing materials in alternative formats (such as braille, large-size print no smaller than 20 point font, accessible electronic format, and audio format) upon request;
  19. To be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation;
  20. To receive information on and have a discussion of available and appropriate treatment options and alternatives presented in a manner appropriate for the Member's condition, regardless of cost or benefit coverage, and ability to understand available treatment options and alternatives;<sup>8</sup>
  21. Freely exercise these Member rights without retaliation or any adverse conduct by the Plan, its Delegates, Providers, or the State;
  22. To make recommendations about the Plan's Member rights and responsibilities policy.<sup>9</sup>
- B. IEHP's Members responsibilities include:
1. Being familiar with and ask questions about their health plan coverage;
  2. Following the advice and care procedures provided by their Provider, the Plan, and the program;
  3. Requesting interpreter services at least five (5) working days before their scheduled appointment;
  4. Calling their Provider or Pharmacy at least three (3) days before they run out of medicine;

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<sup>7</sup> Title 45 Code of Federal Regulations (CFR) § 164.524 and 164.526

<sup>8</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 4

<sup>9</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 6

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5. Cooperating with their Provider and staff and treat them with respect, which includes being on time for their visits or calling their Provider if they need to cancel or reschedule an appointment;
6. Understanding that their Provider's office may have limited seating for patients and caregivers only;
7. Giving accurate information to the Plan, their Provider, and any other Provider to help receive better care;<sup>10</sup>
8. Understanding their health needs and being a part of their health care decisions as well as asking the Provider questions if they do not understand, and participating in the development of treatment goals;<sup>11</sup>
9. Working with their Provider to make plans for their health care;
10. Following the plans and instructions for care that they have agreed on with their Provider;<sup>12</sup>
11. Notifying the Plan and their Provider if they want to stop the plans and instruction they have agreed on or want to stop participating in health management programs;
12. Immunizing their children by age 2 years and always keeping their children's immunizations up to date;
13. Calling their Provider when their need routine or urgent health care;
14. Caring for their own health - living a healthy lifestyle, exercising, eating a good diet, and not smoking;
15. Avoiding knowingly spreading disease to others;
16. Using the Plan's grievance process to file a complaint.
17. Reporting any wrongdoing or fraud to the Plan by calling the Compliance Hotline or the proper authorities;
18. Understanding that there are risks in receiving health care and limits to what can be done for them medically; and
19. Understanding that it is the Provider's duty to be efficient and fair in caring for them as well as other patients.

#### **DEFINITION:**

- A. Delegate – For the purpose of this policy, this is defined as a medical group, IPA or any contracted organization delegated to provide services to IEHP Members.

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<sup>10</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 7

<sup>11</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 9

<sup>12</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element A, Factor 8

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### A. Members' Rights and Responsibilities

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#### **PROCEDURES:**

- A. Delegates and Providers are encouraged to help Members understand their rights and responsibilities as outlined in this policy, appropriately utilize their covered benefits, and to contact IEHP Member Services at 1-800-440-IEHP (4347)/TTY 1-800-718-4347 if they have questions concerning their benefits.
- B. Members are informed of their rights and responsibilities through the following methods. Potential Members are provided this information, upon their request.<sup>13</sup>
1. New Members – IEHP sends to its new Members their post-enrollment kit along with the Member Handbook with established regulatory timeframes.<sup>14</sup>
  2. Existing Members – On an annual basis, IEHP sends the Member Handbook Guide is mailed to all heads of household, and upon request.<sup>15</sup>
  3. Information is also available through the IEHP website at [www.iehp.org](http://www.iehp.org). Any updates to the Member's rights and responsibilities are communicated through Member newsletters.
- C. Providers are informed of Members' rights and responsibilities through the following methods:<sup>16</sup>
1. New Providers - IEHP sends its Provider Policy and Procedure Manual to new Providers within the first month of their joining IEHP.<sup>17</sup>
  2. Existing Providers – IEHP publishes its Provider Policy and Procedure Manual on an annual basis and also makes this available upon request.<sup>18</sup>
  3. Information is also available through the IEHP website at [www.iehp.org](http://www.iehp.org). Providers are informed of any updates to Plan policies and procedures.
- D. IEHP Team Members are trained and knowledgeable on Members' rights and responsibilities, including the grievance system.<sup>19</sup>
- E. Member and Provider rights and responsibilities specific to the Grievance and Appeal Resolution System are described in Section 16, "Grievance and Appeals Resolution System" and IEHP Medi-Cal Member Handbook.

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<sup>13</sup> DHCS-IEHP Primary Operations Contract, Exhibit A, Attachment III, Provision 5.1.1, Members Rights and Responsibilities

<sup>14</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element B, Factor 1

<sup>15</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element B, Factor 2

<sup>16</sup> DHCS-IEHP Primary Operations Contract, Exhibit A, Attachment III, Provision 5.1.1, Members Rights and Responsibilities

<sup>17</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element B, Factor 3

<sup>18</sup> NCQA, 2023 HP Standards and Guidelines, ME 1, Element B, Factor 4

<sup>19</sup> DHCS-IEHP Primary Operations Contract, Exhibit A, Attachment III, Provision 5.1.1, Members Rights and Responsibilities

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### A. Members' Rights and Responsibilities

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| INLAND EMPIRE HEALTH PLAN           |  |  |
|-------------------------------------|--|--|
| Regulatory/ Accreditation Agencies: | <input checked="" type="checkbox"/> DHCS | <input type="checkbox"/> CMS             |
|                                     | <input checked="" type="checkbox"/> DMHC | <input checked="" type="checkbox"/> NCQA |
| Original Effective Date:            | September 1, 1996                        |  |
| Revision Effective Date:            | January 1, 2024                          |  |

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## 22. RIGHTS AND RESPONSIBILITIES

### B. Providers' Rights and Responsibilities

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#### APPLIES TO:

A. This policy applies to all IEHP Medi-Cal Providers.

#### POLICY:

A. All Network Providers, including those contracted directly with IEHP, are obligated to participate in and work with IEHP programs, services, standards, policies and procedures required by IEHP.

B. Providers have the right to know what they can expect when working with IEHP.

C. It is IEHP policy to respect and recognize all Providers' rights as follows:

1. As a Provider within the IEHP network, you have the right to:

- a. Receive information about IEHP, including available programs and services, its staff and its staff qualifications, operational requirements, and any contractual relationships;
- b. Receive information about how IEHP coordinates its interventions with treatment plans for individual Members;
- c. Receive support from IEHP to make decisions interactively with Members regarding their health care;
- d. Receive contact information for staff responsible for managing and communicating with the Provider's Members;
- e. Receive clinical performance data and Member experience data or results, as applicable when requested;
- f. Receive courteous and respectful treatment from IEHP staff; and,
- g. Complain about IEHP, including but not limited to: staff, policies, processes and procedures utilizing IEHP Provider Grievance and Appeal Resolution Process.

2. It is IEHP policy that all Providers directly contracting with IEHP have the following credentialing rights:

- a. Review information submitted to support your credentialing application;
- b. Correct erroneous information during the credentialing process;
- c. Be informed of the status of your credentialing or recredentialing application upon request; and
- d. Be notified of these credentialing rights.

D. It is IEHP policy that Providers' have certain responsibilities.

1. As a Provider contracting with the IEHP network, you have the responsibility to:

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### B. Providers' Rights and Responsibilities

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- a. Be familiar with, ask questions about and comply with all IEHP Policies and Procedures; and
- b. Comply with all regulations and medical standards set forth by the appropriate regulatory agencies to ensure appropriate medical care is provided to all IEHP Members.

#### **PROCEDURES:**

- A. Providers are notified of their rights and responsibilities as follows:
  1. Provider's rights and responsibilities are communicated in the Provider's contractual agreement with IEHP and/or other Provider entities within the IEHP network;
  2. New Providers receive training and how to access the IEHP Policy and Procedure Manual at [www.iehp.org](http://www.iehp.org) within the first month of joining IEHP;
  3. Providers can access on the IEHP website at [www.iehp.org](http://www.iehp.org) interim Manual updates as changes to existing policies and procedures and/or new policies and procedures arise throughout the year;
  4. Providers receive bi-annual Provider Newsletters (Heartbeat) to communicate new ideas, information, program, benefit, policies or regulatory changes; and
  5. Changes to policies and programs as well as new policies and programs are communicated to Providers through written correspondence, such as letters and memos, are also posted on the IEHP website, as applicable.
- B. Providers may communicate with IEHP regarding any complaints, issues or concerns they may have in relation to the above rights and responsibilities, as outlined in Section 16B, "Dispute and Appeal Resolution Process for Providers" of the IEHP Provider Policy and Procedure Manual. Ways to communicate with IEHP may include:
  1. IEHP Provider Call Center (PCC) at (909) 890-2054.
  2. IEHP Website – [www.iehp.org](http://www.iehp.org)
  3. Provider Services Representative (PSRs)
  4. [providerservices@iehp.org](mailto:providerservices@iehp.org)
- C. Providers are informed of the consequences of failing to comply with the above rights and responsibilities within the IEHP Provider Policy and Procedure Manual in addition to their contractual agreement.

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### B. Providers' Rights and Responsibilities

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| INLAND EMPIRE HEALTH PLAN                  |                               |                               |
|--|-------------------------------|-------------------------------|
| <b>Regulatory/ Accreditation Agencies:</b> | <input type="checkbox"/> DHCS | <input type="checkbox"/> CMS  |
|  | <input type="checkbox"/> DMHC | <input type="checkbox"/> NCQA |
| <b>Original Effective Date:</b>            | August 1, 2002                |                               |
| <b>Revision Effective Date:</b>            | January 1, 2024               |                               |