



WELCOME



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Office of Behavioral Health Advocacy (OBHA)

(Formerly Office of Behavioral Health Ombuds)

History of Behavioral Health Ombuds

- Before October 1, 2022, the Behavioral Health-Administrative Service Organizations (BH-ASO) provided the oversight and ensured their regions had a Behavioral Health Ombuds service.
- Services were provided in accordance with WAC 182-538D-0262 (repealed January 2023).
- Behavioral Health Ombuds services had to be independent of the BH-ASO.
- BH-ASOs contracted out the Behavioral Health Ombuds service:
 - Four regions were operated by non-profit organizations.
 - Three regions were operated by an out-of-state Behavioral Health organization.
 - Two regions were operated under independent contract with a Behavioral Health Ombuds Specialist.
 - One region brought the Behavioral Health Ombuds in-house but set it up independently with safeguards.



Overview: History of OBHA

- May 2021, HB 1086 passed (chapter 202, Laws of 2021). This bill transferred oversight of the Ombuds services from HCA to the Department of Commerce to create the OBHA
- July 2022, Peer Washington was awarded the OBHA contract from the Department of Commerce. We started building the program according to the Revised Code of Washington (RCW) 71.40
- On October 1, 2022, the behavioral health ombuds services transitioned from the Behavioral Health Administrative Service Organization (BH-ASO) to the OBHA

What is the Office of Behavioral Health Advocacy (OBHA)?

- The Office of Behavioral Health Advocacy (OBHA) is an independent body protecting the interests of Washingtonians engaged in behavioral health services throughout the state.
- OBHA directly upholds the rights of individuals who are experiencing challenges in the public and private behavioral health systems in any of the **ten regions** established across Washington State.
- OBHA uses a trauma-informed approach to enhance behavioral health awareness, promote self-empowerment, and increase access to services. We assist individuals, families, and communities across WA State with behavioral health needs and concerns. All team members have lived experience.
- OBHA envisions the Washington State Behavioral Health Systems connected by compassionate support of one another by eliminating barriers to access and services. All persons are honored with the same rights through advocacy, inclusion, and collaboration. All voices are heard, and all concerns are addressed according to federal and state laws.



OBHA Responsibilities

- Provide oversight of the services and operations of the Behavioral Health Advocate (formerly Behavioral Health Ombuds)
- Educate the community and service providers about the services of Behavioral Health Advocates (BHA)
- Ensure there are BHA services in each of the ten managed care regions and accessible to anyone receiving or seeking behavioral health service regardless of funding.
- Provide recommendations to local, regional, and statewide community and governmental entities to bring about changes in laws, rules, regulations, policies, and procedures that will improve the quality of behavioral health services for Washington's residents.



OBHA Responsibilities

- Centralized website and toll-free phone number (no wrong door)
- Statewide uniform reporting system
 - Analyze data relating to complaints and conditions provided by behavioral health providers and facilities
 - Monitor, develop, and recommend improvements in the implementation of Federal, State, and local laws, rules, regulations, and policies.
- Establish a statewide advisory council that meets monthly
- Oversee the services BHAs provide in all 10 regions
- Certification training for BHAs

OBHA Responsibilities continued

- Development and delivery of education programs and information on topics on but not limited to:
(some virtual and some in person)
 - Mental Health Advance Directives (MHAD)
 - Wellness Recovery Action Plans (WRAP)
 - Crisis services and contacts
 - Peer services and supports
 - Family advocacy and rights
 - Family-initiated treatment and other behavioral health service options for minors
 - Involuntary treatment
 - Telling your story to the legislature



OBHA Responsibilities Continued

- Will refer and track grievances that fall out of the Behavioral Health Advocates jurisdiction (Note: all services are still self directed by the individual)
 - Department of Health
 - Department of Corrections Ombuds
 - Developmental Disabilities (DD) Ombuds
 - Long Term Care (LTC) Ombuds
 - Office of the Family and Children's Ombuds
 - State Hospitals (Western State, Eastern State, and Child Study)
 - Community Hospitals



OBHA Access to providers and facilities

- **RCW 71.40.070 Access to behavioral health providers and facilities**

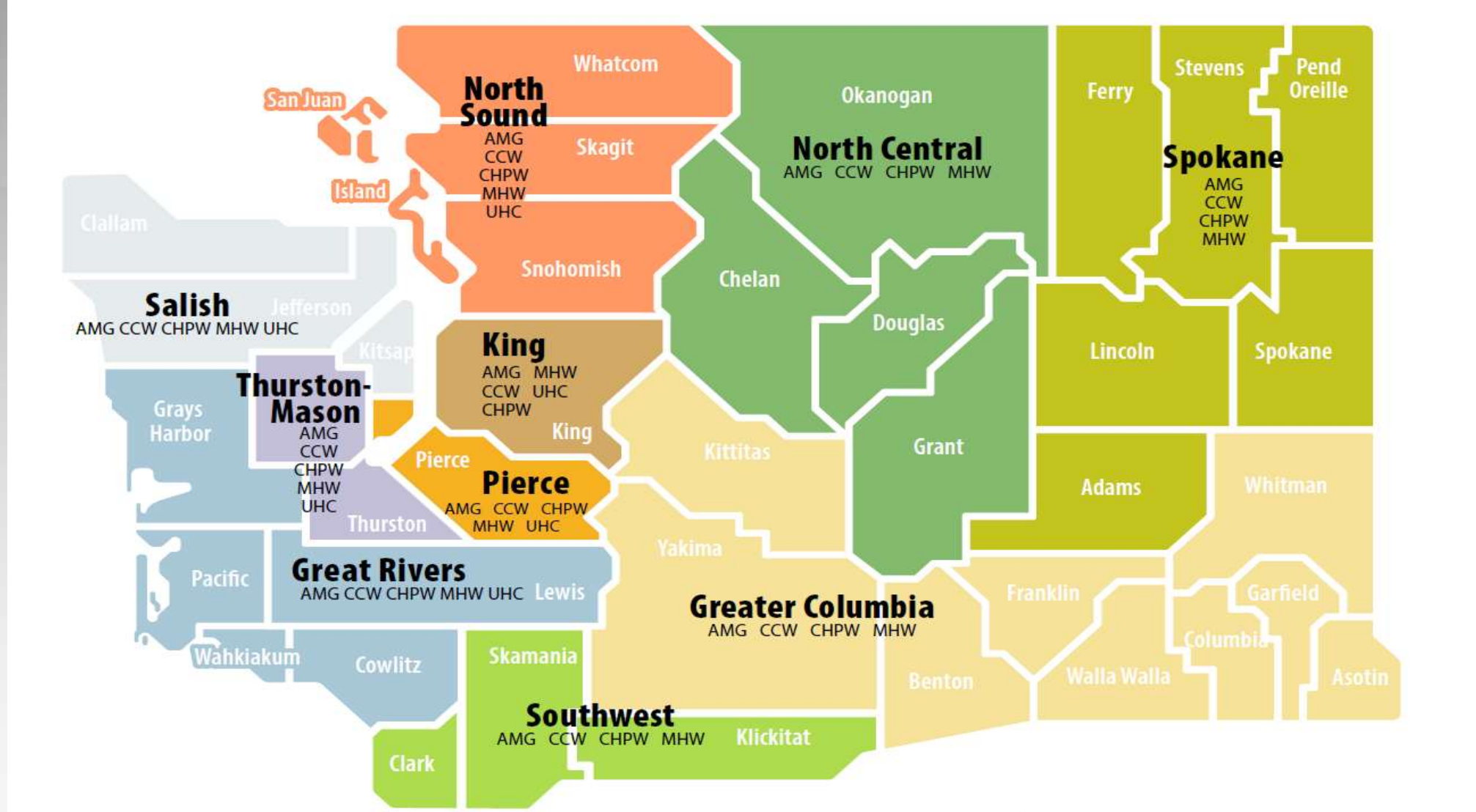
- 1) The certified behavioral health consumer advocates shall have appropriate access to behavioral health providers or facilities to effectively carry out the provisions of this chapter, with provisions made for the privacy of patients, residents, and clients according to the rules, policies and procedures developed under RCW 71.40.030.
- 2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients, residents, and clients of behavioral health providers or facilities.
- 3) Nothing in this chapter restricts any right or privilege of a patient, resident or client of a behavioral health provider or facility to receive visitors of their choice.

OBHA Access to Contact Information

- **RCW 71.40.080 Office contact information – Access**

- 1) Every behavioral health provider or facility shall post in a conspicuous location a notice providing the toll-free phone number and website of the contracting advocacy organization (now OBHA), as well as the name, address and phone number of the office of the appropriate local behavioral health consumer advocate and a brief description of the services provided by the contracting advocacy organization. The form of the notice must be approved by the office. This information must also be distributed to patients, residents, and clients of behavioral health providers or facilities, upon application for behavioral health services and upon admission to a behavioral health provider or facility. The information shall also be provided to the family members and legal guardians of the patients, residents, or clients of a behavioral health provider or facility, allowed by state and federal privacy laws.
- 2) Every behavioral health provider or facility must provide access to a free telephone for the express purpose of contacting the contracting advocacy organization.

Service Locations



What is a Behavioral Health Advocate?

- Formerly known as Behavioral Health Ombuds.
- Peer Washington employee with lived experience within the behavioral health system.
- Will assist individuals and their supports with concerns they may have with:
 - Services they are receiving
 - Services previously received or are seeking services from a behavioral health service provider
 - Barriers to accessing behavioral health care

Behavioral Health Advocates



- Promote self-advocacy, empowering individual voice, and assist with developing not only confidence in their own voice but a sense of empowerment through promoting ownership of their individual recovery plan and goals.
- Support individuals with the information, tools, and resources they need to advocate on their own behalf, or when requested by the individual, to step in to mediate or advocate on an individual's behalf with a service provider.
- Work collaboratively with the individual receiving services, their supports, providers, and funders of the behavioral health services with resolving complaints, grievances, appeals, and administrative hearings

Individual and Client Rights

You have the right to:

- Receive information about your behavioral health status.
- Receive all information about behavioral health treatment options including alternatives.
- Receive information about the risks, benefits, and consequences of behavioral health treatment (including the option of no treatment).
- Participate in decisions regarding your behavioral health care, including the right to refuse treatment.
- Choose a qualified behavioral health service provider when available and medically necessary.
- Receive age and culturally appropriate services.
- Practice the religion of your choice as long as the practice does not infringe on the rights and treatment of others or the treatment service.
- Refuse participation in any religious practices
- Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age, or disability.
- Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency and cultural differences.
- Be treated with respect and dignity regardless of race, gender, veteran status, religion, marital status, national origin, disability, age, identity or ancestry

Individual and Client Rights

You have the right to:

- Be free of any sexual harassment or exploitation including physical exploitation
- Be treated with consideration of your privacy to the extent required by law
- Exercise rights regarding your personal and health information in accord with the state and federal confidentiality regulations
- Request and receive a copy of your medical record and be given an opportunity to request amendments or corrections
- Review your record in the presence of the administrator or designee
- Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
- Access emergency care 24 hours a day, 7 days a week, regardless of insurance status, income level, ability to pay and county of residence
- Be free to exercise your rights and to ensure that to do so does not adversely affect the way you are treated (retaliation)
- Receive a copy of complaint or grievance procedures
- Submit a complaint or concern (or a designee on your behalf), verbally or in writing, about any aspect of care or service other than a Notice of Action
- Submit a report to the Department of Health when you feel a provider has violated a rule for behavioral health agencies
- Appeal a Behavioral Health Administrative Services Organization (BH-ASO) or Managed Care Organization (MCO) decision resulting in denial of services and to receive help in filing it.
- Receive information about the Office of Behavioral Health Advocacy for help regarding your rights regardless of insurance status, income level, ability to pay and county of residence.
- Be informed of your right to create and maintain a mental health advance directive (MHAD).

OBHA Categories of Complaints and Grievances

- Access
- Dignity and respect
- Quality/Appropriateness
- Individual rights
- Phone calls not returned
- Service intensity, not available or coordination of services
- Participation in treatment/voice
- Physicians, ARNPs, and medications
- Financial and administrative services
- Residential
- Housing
- Emergency services
- Violation of confidentiality
- Other rights (interpreters, cultural differences, Mental Health Advance Directive)

Behavioral Health Advocate Services

- Services are provided to adults, youth, and families with minors
- Investigate and resolve behavioral health concerns at the lowest level possible
- Support individuals receiving behavioral health services
 - Complaint (Agency Level)
 - Grievance (Formal process at the funder level)
 - Appeal
 - Administrative Hearing process
 - Will include family members and their supports at the request of the individual receiving behavioral health services
- Provide information and resources.
- Provide information and training about writing and completing Mental Health Advanced Directives.
- Educate individuals, advocates, and providers and the community about the behavioral health advocacy process and services



Behavioral Health Advocate's Responsibilities

- Stays accessible to individuals, families and other interested parties to investigate complaints and grievances related to behavioral health services.
- Adheres to Federal confidentiality regulations and laws (CFR 42 PART 2).
- Participates in training and adheres to confidentiality standards of the Health Insurance Portability and Accountability Act (HIPAA).
- Adheres to all state confidentiality laws (WAC, RCW).
- Facilitate Regional Behavioral Health Forums.
- Attend their regional BH-ASO Advisory Board and FYSPRT (Family Youth System Partnership Roundtable) meetings.
- Be available to attend provider and quality meetings when invited



Who is Eligible?

- Any person applying for, eligible for, has received or is receiving behavioral health services
- Family members and their supports (with permissions)
- All services are FREE of charge and CONFIDENTIAL

*Eligibility
Criteria*



Behavioral Health Advocates do not:

- Provide behavioral health therapy or case management.
 - That's not in our scope of work.
- Disclose information without written consent.
 - It's against the law.
- Ensure any specific outcome.
 - We don't control the agency or insurance company.
- Give legal advice.
 - We are not trained. We may recommend free services to refer you to, but that is up to you.
- Enforce a recommendation.
 - It is up to the other party to accept recommendations or not. But we can help you move it up the chain depending on what the issues are.



What is a Mental Health Advance Directive?



A Mental Health Advance Directive:

- Allows the person to state what they want to happen if their mental health problems become so severe that they need help or treatment or both.
- Informs their decision makers and care providers about what medical care and mental health treatments have worked or haven't worked for them in the past.
- Informs staff, agencies and hospitals about what types of treatment or care they would like to get.
- The Mental Health Advance Directive form includes information about who to care for pets, who might have keys to their apartment, who will bring in the mail and/or pay the bills.
- Talk with your regional Behavioral Health Advocate for more information.

Question 1

- OBHA has how many regions (when combined) cover all of Washington State?

Answer:

- OBHA has 10 regions that cover all of Washington State

Question 2

- At what age in Washington State are youth able to make their own decisions regarding care?

Answer:

- In Washington State the age is 13

Question 3

- Behavioral Health Advocates are formally known as what?

Answer:

- BHA's are formally known as Ombuds

Question 4

- Who is eligible for our services?

Answer:

- Any person applying for, eligible for, has received or is receiving behavioral health services

Thank
you!!