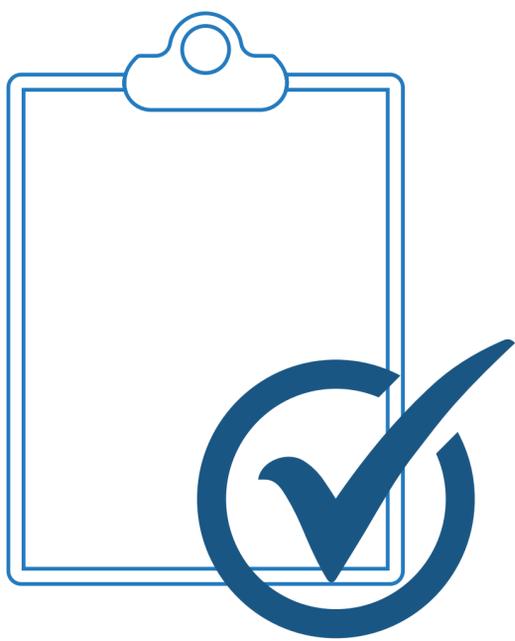


Know Your Rights

Mental health and substance use care is health care.

Are you afraid your health insurance won't cover mental health or substance use care? Or that it will cost too much money?



Know your rights!

Federal and state laws require health insurance carriers to cover mental health and substance use (MH/SU) care in the same way they do for physical health conditions.

This is called parity. It means that access to behavioral health services should be similar to/no more difficult to access than physical health services.



What violates parity?

When access to MH/SU services is more restrictive than other medical services, this could be a parity violation. Parity is supposed to reflect sameness.

When comparing MH/SU care to other medical care, look for differences.

- Separate deductibles
- Higher copays
- More restrictive time limits on treatment
- Different coinsurance requirements
- Higher prescription costs
- Different residential treatment or partial hospitalization coverage
- Time delay for care
- Different authorization requirements prior to care or for continuation of care
- Different geographical limitations
- Provider availability within a reasonable distance
- Resistance to covering doctor recommended treatment

What if I suspect my parity rights are being violated?

If you suspect a violation, there are organizations that can help you:

IF YOU HAVE PRIVATE INSURANCE
Contact Colorado Division of Insurance

☎ 303-894-7490

☎ 800-930-3745

✉ DORA_Insurance@state.co.us

IF YOU HAVE MEDICAID OR MEDICARE

Contact Behavioral Health Ombudsman Office of Colorado

☎ 303-866-2789

✉ ombuds@bhoco.org

Know Your Rights

As a patient, you have a right to:

- Be given information about your rights before admission, when possible
- Be involved in all decisions involving your care
- Receive care that matches your needs
- Give informed consent for all treatment and services
- Refuse any drug, test, procedure, or treatment
- Be free of abuse and neglect
- Care that is free from discrimination
- Be free from the improper application of restraints or seclusion
- Expect the facility to which you are admitted to be able to meet your care needs
- Be notified when any referrals have financial benefit for current care facility
- Receive care in the least restrictive setting that meets your needs
- Receive care in a safe setting
- Be informed about any teaching programs involved in your care and to choose whether to consent to or refuse involvement of students or trainees
- Know the names and credentials of those providing services
- Expect compliance with any prior directives you have developed and shared with providers related to your medical and psychiatric care
- Expect prior directives you have shared to become part of your patient record
- Receive, upon request, the estimated cost of care
- Confidentiality of all records
- Know who to contact with complaints related to your care

If you feel your patient rights have been violated:

You can file a complaint with any of the following.

BEHAVIORAL HEALTH ADMINISTRATION

- 🌐 [Online Form](#)
- 🌐 [Online Form \(en Español\)](#)
- ✉️ CDHS_BHA_complaint@state.co.us
- 📞 303-866-7191

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

- ✉️ cdphe.hfdintake@state.co.us
Subject line: [Relevant health care entity type], Complaint Intake
- 📞 See entity below

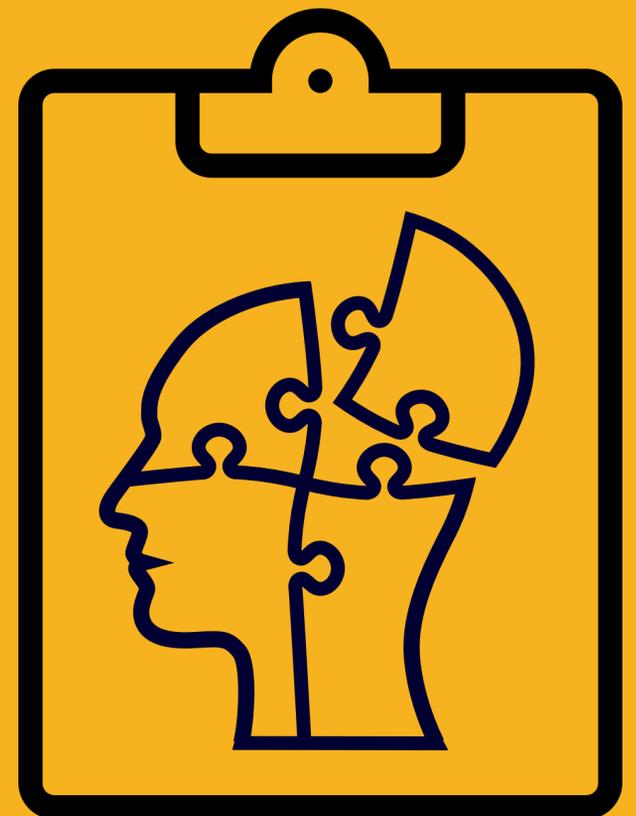
DEPARTMENT OF REGULATORY AGENCIES (DORA) COLORADO CIVIL RIGHTS DIVISION

- 🌐 [Online Form](#)
- ✉️ DORA_CCRDInvestigations@state.co.us
- 📞 303-894-2997

DEPARTMENT OF REGULATORY AGENCIES (DORA) DIVISION OF PROFESSIONS AND OCCUPATIONS

- 🌐 [Online Form](#)
- ✉️ dora_dpo_licensing@state.co.us
- 📞 303-894-7800

Ambulatory Surgical Center 303-692-2827	Assisted Living Residence 303-691-4045 1-800-886-7689, ext. 4045	Dialysis Center 303-692-2827	Home Care Agency and Hospice 303-692-2910 1-800-842-8826
Hospital 303-692-2827 1-800-886-7689, ext. 2827	Nursing Home 303-692-2442 1-800-886-7689, ext. 2442	Providers and facilities that serve people with intellectual and developmental disabilities 303-692-2926, 1-800-886-7689, ext. 2926	



Know Your Rights

Children and Minors

“Children” is anyone under the age of eighteen.



Minors who are 12 and older

- Can seek psychotherapy services from a licensed mental health professional without the consent of their parent/guardian.

Minors who are 15 and older

- Can consent to behavioral health services, including medications, without the consent of a parent or legal guardian
- Can consent to voluntary hospitalization, object to hospitalization, and consent to release of information



Minors under 15

Minors under 15 have the right to object to hospitalization and have a guardian ad litem appointed.

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CHILDREN'S HOSPITAL COLORADO

- [Online Form](#)
- 720-777-1010 for Denver Metro locations
- 719-305-1010 for Colorado Springs location

DEPARTMENT OF REGULATORY AGENCIES (DORA) COLORADO CIVIL RIGHTS DIVISION

- [Online Form](#)
- DORA_CCRDInvestigations@state.co.us
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For minors and people under the age of 21 on Medicaid:

Starting July 1, 2024, a clinical diagnosis is NOT NECESSARY for coverage of some behavioral health services.

Mental health professionals can notify parents of psychotherapy services without the child's consent if deemed necessary.

Know Your Rights

Children and Minors

“Children” is anyone under the age of eighteen.



As a minor receiving care you, along with your parent/guardian, have the right to:

- Be involved in all decisions involving your care
- Screenings and assessments that are understood by and considerate of you
- Service planning that involves you and supports transition to other services or settings, as needed
- Give informed consent for all treatment and procedures
- Care that is free from discrimination
- Know the members of the team providing your care
- Know who to contact with complaints related to your care and the freedom to do so without fear of it affecting your care
- Sign an advance directive (living will), if allowed by law, and expect it to be followed by your healthcare team, if legal to do so
- Receive, upon request, the estimated cost of care
- Be informed about any teaching programs involved in your care and consent to or refuse involvement
- Receive care in a safe setting that is free of abuse
- Be free from the improper application of restraints or seclusion
- Be notified when any referrals have financial benefit for current care facility



If you feel your patient rights have been violated:

You can file a complaint with any of the following.

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Providers and facilities that serve people with intellectual and developmental disabilities 303-692-2926 1-800-886-7689, ext. 2926		



Know Your Rights

Involuntary Mental Health Services

Are you being told by a provider that you can't leave and you are on an involuntary emergency mental health hold or an "M1" hold? Are you being told you are being placed on a certification?

As a person on emergency mental health hold or an "M1" hold, you have a right to:

- Be told the reason you are being detained and the limitations of the detention
- Request a change to voluntary status
- Be treated fairly, with respect and recognition of the person's dignity and individuality
- Continue the practice of religion
- Request to see and receive the services of a patient representative within 24 hours of your request who has no direct or indirect clinical, administrative, or financial responsibility for you
- Reasonable access to telephones or other communication devices and to make and to receive calls or communications in private
- Keep and use your cell phone. They can only take away your cell phone if it's causing you to destabilize or you are using it in a way that is a danger to yourself or others.
- Have appropriate access to adequate water, hygiene products, and food

- Have your information and records disclosed or remain confidential to family members and any other person of your choice
- Have personal privacy to the extent possible during the course of treatment
- Contact an attorney and consult with an attorney at any time
- Have the ability to meet with visitors in accordance with the facility's current visitor guidelines
- Wear your own clothes, keep and use your own personal possessions, and keep and be allowed to spend a reasonable sum of your own money
- Have the ability to meet with visitors in accordance with the facility's current visitor guidelines
- Not be fingerprinted, unless required by law
- Not be photographed, except upon admission for identification and administrative purposes
- Not be discriminated against on the basis of age, race, ethnicity, religion, culture, spoken language, physical or mental disability, socioeconomic status, sex, sexual orientation, gender identity, or gender expression

A person's rights outlined above may only be denied if access to the item, program, or service causes the person to destabilize or creates a danger to the person's self or others, as determined by a licensed provider involved in the person's care. Denial of any right must be entered into the person's treatment record and must be made available, upon request, to the person, the person's legal guardian, or the person's attorney.

A facility shall not intentionally retaliate or discriminate against a detained person or employee for contacting or providing information to any official or to an employee of any state protection and advocacy agency or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized pursuant to this section. Any facility that violates this subsection (10) commits an unclassified misdemeanor and shall be fined not more than one thousand dollars.

If you feel your patient rights have been violated:

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Know Your Rights

Substance Use Emergency and Involuntary Commitment

These two processes are involuntary processes that take away someone's civil liberties. Due to these restrictions, Colorado has specific laws for rights that cannot be taken from you and specific protections afforded to you.



Emergency Commitment (EC)

When a person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, law enforcement authorities or an emergency service patrol, acting with probable cause, shall take the person into protective custody in an approved treatment facility. If no such facilities are available, the person may be detained in an emergency medical facility or jail. (Colo. Rev. Stat. §27-81-111, (1) (a)). An EC may last up to **5 days**.

Involuntary Commitment (IC)

A civil court process where a court may order a person to substance use treatment and they are committed to the custody of the Behavioral Health Administration for **up to 270 days**. The involuntary commitment is a legal proceeding that requires the documentation and filing of a petition.

No one can be committed because they are using substances. A threat or act of physical harm, or incapacitation to the point of inability to care for self that presents as dangerous to self/others is absolutely required before the court has the authority to deprive an individual of personal rights and place them under the custody of the BHA. (Colo. Rev. Stat. §27-81-112, (1)) (Behavioral Health Administration, 2024)

Under an EC or an IC, you have the right to:

- Be evaluated to determine the person's behavioral health treatment needs
- If under an emergency commitment, refuse to be examined by a licensed physician for certification
- Receive timely medical and behavioral health care and treatment
- Contest a commitment proceeding or to enter into a stipulated order of the court for committed treatment
- Retain and consult with an attorney at any time and to have an attorney appointed by or provided by the court in a timely manner in any proceedings relating to commitment or recommitment if the person wants the assistance of an attorney and is unable to obtain an attorney
- At any time seek to be discharged from commitment by an order in the nature of habeas corpus
- Sign in and seek voluntary substance use disorder treatment once no longer under the influence of drugs or intoxicated by alcohol
- If in committed treatment, receive 24 hour notice prior to being transferred to another facility
- Have reasonable access to mail and writing materials, including postage, as well as the assistance of facility staff if the person is unable to write, prepare, or mail correspondence
- Have reasonable opportunities for continuing visitation and communication with the person's family and friends
- Have reasonable access to telephones or other communication devices, and to make and to receive calls or communications in privacy
- Wear his or her own clothes, keep and use personal possessions, and keep and be allowed to spend a reasonable sum of the person's own money
- Have access to medical records
- Have treatment records remain confidential, except as required by law
- Not be fingerprinted, unless required by law
- Refuse to be photographed, except for treatment facility identification purposes
- Have the opportunity to register and vote by absentee ballot with the assistance of facility staff
- Have appropriate access to adequate food, water, and hygiene products
- Have physical privacy in showering, changing, and using the restroom
- Be treated fairly and to receive the same consideration and access to appropriate services as others, regardless of race, color, national origin, age, gender identity, gender expression, sexual orientation, political affiliation, religious beliefs, financial status, or disability

If you feel your patient rights have been violated:

BEHAVIORAL HEALTH ADMINISTRATION

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