

**SHIAWASSEE COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**  
**POLICY AND PROCEDURE MANUAL**

Section: Recipient Rights  
Policy Number: 57  
Subject: **Substance Use Disorder - Ensuring the Rights of Persons Served**

Effective Date: 2/16/09  
Last Revision Date: 5/20/16  
Page: 1 of 5

---

**Policy**

It is the policy of the Shiawassee County Community Mental Health Authority (SCCMHA) that it shall protect the rights of individuals receiving mental health and substance use disorder services in compliance with the Michigan Department of Health and Human Services (MDHHS) Administrative Rules.

**Purpose**

To establish standards for the structure and operation of the Substance Use Disorder Rights System of Shiawassee County Community Mental Health Authority and the protection of substance use disorder rights of recipients of the agency, and

To recognize and respect each recipient in the provision of substance use disorder and/or co-occurring disorder care in accordance with fundamental human, civil, constitutional, and statutory rights.

To ensure the right of recipients of the Shiawassee County Community Mental Health Authority to be free from physical, sexual or mental abuse and/or neglect under those circumstances for which the Board has responsibility for their protection.

To ensure compliance with the Michigan Department of Health and Human Services Administrative Rules.

**Application**

This policy applies to all employees, independent contractors, and contract agencies of the Shiawassee County Community Mental Health Authority.

**Policy and Procedures (A.R. 325.14304 & A.R. 325.14305)**

I. Admission

- A. A recipient shall not be denied appropriate services on the basis of race, color, national origin, religion, sex, age, marital status, mental or physical

handicap, sexual preference or political beliefs. (AR325.14304 Rule 304 (1)).

- B. The admission of a recipient to a treatment program or receipt of prevention services shall not result in the recipient being deprived of any rights, privileges, or benefits which are guaranteed to individuals by state or federal law or by the state or federal constitution (AR325.14304 Rule 304 (2)).

## II. Grievances

A recipient may present grievances or suggest changes in program policies and services to the program staff, to governmental officials, or to another person within or outside of the program. In this process, the program shall not in any way restrain the recipient (AR325.14304, Rule 304 (3)).

## III. Record Review

- A. A recipient has the right to review, copy or receive a summary of his/her program records, unless in the judgment of the Program Director such action will be detrimental to the recipient or to others for either of the following reasons (AR325.14304, Rule 304 (4)):
  - 1. Granting the request for disclosure will cause substantial harm to the relationship between the recipient and the program or to the program's capacity to provide services in general (AR325.14304, Rule 304 (4a)).
  - 2. Granting the request for disclosure will cause substantial harm to the recipient (AR325.14304, Rule 304 (4b)).
- B. If the Program Director determines that such action will be detrimental, the recipient is allowed to review non-detrimental portions of the record or a summary of the non-detrimental portions of the record. If a recipient is denied the right to review all or part of his/her record, the reason for the denial shall be stated to the recipient. An explanation of what portions of the record are detrimental and for what reasons, shall be stated in the client record and shall be signed by the Program Director (AR325.14304, Rule 304 (4)).

## IV. Abuse and Neglect

A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient (AR325.14304 (5)).

## V. Fees/Bills

1. A recipient has the right to review a written fee schedule in programs where recipients are charged for services. Policies on fees and any revision thereto shall be approved by the governing authority of the program and shall be recorded in the administrative record of the program (AR325.14304, Rule 304(6)).
2. A recipient is entitled to receive an explanation of his or her bill regardless of the source of payments (AR325.14304, Rule 304 (7)).

#### VI. Research

A recipient has the right to information concerning any experimental or research procedure proposed as part of his or her treatment or prevention services and has the right to refuse to participate in the experiment or research without jeopardizing his or her continuing services. A program shall comply with state and federal rules and regulations concerning research which involves human subjects (AR325.14304, Rule 304 (8)).

#### VII. Treatment

- A. Treatment Planning – A recipient shall participate in the development of his or her treatment plan (AR325.14305 Rule 305 (1)).
- B. Refusal – A recipient has the right to refuse treatment and to be informed of the consequences of the refusal. When a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated upon reasonable notice (AR325.14305 (2)).

#### C. Discharge

1. A recipient shall be informed if a program has a policy for discharging recipients who fail to comply with program rules and shall receive, at admission and thereafter upon request, a notification form that includes written procedures which explain all of the following (AR325.14305, Rule 305 (3)):
  - a. The types of infraction that can lead to discharge (AR325.14305, Rule 305 (3a)).
  - b. Who has the authority to discharge recipients (AR325.14305, Rule 305 (3b)).

- c. How and in what situations prior notification is to be given to the recipient who is being considered for discharge (AR325.14305, Rule 305 (3c)).
- d. The mechanism for review or appeal of discharge decision (AR325.14305, Rule 305 (3d)).

- 2. A copy of the notification form signed by the recipient shall be maintained in the recipient's case file (AR325.14305, Rule 305 (3)).

**VIII. Medication**

A recipient shall have the benefits, side effects, and risks associated with the use of any drugs fully explained in language that is understood by the recipient (AR325.14305, Rule 305 (4)).

**IX. Informed Consent**

A recipient has the right to give prior informed consent, consistent with federal confidentiality regulations, for the use and future disposition of products of special observation and audio visual techniques, such as 1-way vision mirrors, tape recorders, television, movies, or photographs (AR325.14305, Rule 305 (5)).

**References and Legal Authority**

Department of Health and Human Services Administrative Rules 325.14304 - 325.14306

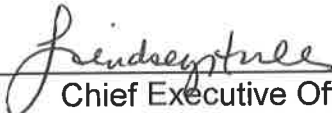
**Compliance**

External: Michigan Department of Health and Human Services Administrative Rules

/rsb

Approved by:   
 Board Chairperson

9-26-2016  
 Date

  
 Chief Executive Officer

9/28/16  
 Date

