

SHIAWASSEE COUNTY COMMUNITY MENTAL HEALTH AUTHORITY
POLICY AND PROCEDURE MANUAL

Section: Recipient Rights
Policy Number: 58
Subject: **Substance Use Disorder - Ensuring the
Rights of Persons Served - External
Contract Providers**

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Policy

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

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 Board.

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 nondetrimental 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

A. 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)).

B. 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)).

X. Fingerprints

Fingerprints may be taken and used in connection with treatment or research or to determine the name of a recipient only if expressed written consent has been obtained from the recipient. Fingerprints shall be kept as a separate part of the recipient's records and shall be destroyed or returned to the recipient when the fingerprints are no longer essential to treatment or research (AR325.14305, Rule 305 (6)).

XI. Communication

A recipient has the right to associate and have private communication and consultations with his or her physician and attorney (AR325.14306, Rule 306 (1)).

XII. Visitors

- A. A program shall post its policy concerning visitors in a public place (AR325.14306, Rule 306 (2)).
- B. Unless contradicted by program policy or individual treatment plan, a recipient is allowed visits from family members, friends, and other persons of his or her choice at reasonable times, as determined by the program director or according to posted visiting hours. A recipient shall be informed in writing of visitors' hours upon admission to the program AR325.14306, Rule 306 (3)).
- C. To protect the privacy of all other recipients, a program director shall ensure, to the extent reasonable and possible, that the visitors of recipients will only see or have contact with the individual they have reason to visit (AR325.14306, Rule 306 (4)).

XIII. Restraint

A recipient has the right to be free from physical and chemical restraints, except those authorized in writing by a physician for a specified and limited time. Written policies and procedures which set forth the circumstances that require the use of restraints and which designate the program personnel responsible for applying restraints shall be approved in writing by a physician and shall be adopted by the program governing authority. Restraints may be applied in an emergency to protect the recipient from injury to self or others. The restraint shall be applied by designated staff. Such action shall be reported to a physician immediately and shall be written in the client record within 24 hours (AR325.14306, Rule 306 (5)).

XIV. Labor

A recipient has the right to be free from doing work that the program would otherwise employ someone else to do, unless the work and the rationale for its therapeutic benefit are included in program policy or in the treatment plan for the recipient (AR325.14306, Rule 306 (6)).

XV. Property

A recipient has the right to a reasonable amount of personal storage space for clothing and other personal property. All such items shall be returned upon discharge (AR325.14306, Rule 306 (7)).

XVI. Money

A recipient has the right to deposit money, earnings, or income in his or her name in an account with a commercial financial institution. A recipient has the right to get money from the account and to spend it or use it as he or she chooses, unless restricted by program policy or by the treatment plan for the recipient. A recipient has the right to receive all money or other belongings held for him or her by the program within 24 hours of discharge (AR325.14306, Rule 306 (8)).

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

Approved by:	 Board Chairperson	<u>9-26-2016</u> Date
	 Chief Executive Officer	<u>9/28/16</u> Date

Review/Revision Dates:

Date:	By:
7/21/11	Reviewed by Recipient Rights Advisory Committee
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