

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

Section: Recipient Rights  
Policy Number: 62  
Subject: **Substance Use Disorder -  
Safeguarding Recipient Rights**

Effective Date: 2/16/09  
Last Revision Date: 5/20/16  
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**Policy**

It is the policy of Shiawassee County Community Mental Health Authority (SCCMHA) to actively promote and ensure the safeguarding of recipients' rights during the provision of services.

**Purpose**

To establish policy and standards for the structure and operation of the Substance Abuse Rights system of Shiawassee County Community Mental Health Authority and to safeguard recipient's rights who are receiving mental health and substance abuse services.

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

**Application**

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

**Procedure: (A.R 325.14302)**

- A. The Shiawassee County Community Mental Health Authority shall, by formal vote of the governing authority, adopt written policies and procedures to assure compliance with recipient rights rules and procedures concerning the rights of recipients, protection of those rights, and for the operation of the local rights protection system including:
1. A mechanism for prompt reporting and investigating suspected violations of mental health and substance abuse rights;
  2. A grievance procedure for complaints concerning Section 504, Rehabilitation Act of 1973 P.L. 93-112; and grievances related to the Americans with Disabilities Act of 1990;

3. Policies and procedures which provide for non-retaliation and protection from harassment of complainants and rights staff. Rule 7037 (1); MCLA 15.361 et seq., the Whistleblowers Protection Act;
  4. Policies and procedures required by the Michigan Department of Health and Human Services Administrative Rules, R325.14301 through 325.14306
  5. Work rules requiring employee cooperation in recipient rights investigations.
- B. Copies of the recipient rights policies and procedures and any revisions thereto shall be submitted with the annual licensing renewal application or with the initial license application for transmittal to the office of recipient rights coordinator (AR325.14302, Rule 302 (1).
- C. The Shiawassee County Community Mental Health Authority shall review all recipient rights policies annually and consider any revisions that might be necessary. The review and approval process shall become part of the administrative record and recorded in the official SCCMHA Board minutes/record (AR325.14302, Rule 302, 2).
- D. The SCCMHA mental health and substance use disorder policies and procedures shall meet all of the following requirements (AR 325.14302, Rule 302, 3):
1. The Chief Executive Officer will designate a staff member to function as the program rights advisor who shall do all of the following (AR325.14302, Rule 302,3):
    - a. Attend training offered by the office concerning recipient right procedures (AR325.14302, Rule 302, 3ai)
    - b. Receive and investigate all recipient rights complaints independent of interference or reprisal from the program administration (AR325.14302, Rule 302, 3aii).
    - c. Communicate directly with the coordinating agency rights consultant when necessary (AR325.14302, Rule 302 3aiii).
    - d. Where staffing permits, the program rights advisor shall not be a provider of counseling services (AR325.14302, Rule 302 3).
    - e. Outline the method of filling recipient request to review, copy or receive a summary of recipient treatment or prevention service case records (AR325.14302, Rule 302, 3b).

- f. Provide simple mechanisms for notifying recipients of their rights, reporting apparent rights violations, determining whether in fact violations have occurred, and for ensuring that firm, consistent and fair remedial action is taken in the event of a violation of these rules (AR325.4302, Rule 302, 3c).
4. Copies of recipient rights policies and procedures will be provided via online training to each SCCMHA employee. Each SCCMHA employee shall review the policies and procedures and shall check the online acknowledgement that they have received and reviewed the policies. A form can be printed out by the office which indicates that the employee understands, and shall abide by, the policies and procedures. The online policy/acknowledgement form shall be explained to the staff by the program director. A copy of the acknowledged form shall be maintained in the employee's human resource training file and an acknowledged copy can be retained by the staff member (AR325.14302, Rule 302, 4).
5. A treatment program may choose to restrict specific rights of a recipient based on the program policies and procedures. For example, program policy may call for restricted access to money or visitors during the initial stage of treatment. Such restrictions are permissible only under the following circumstances (AR325.14302, Rule 302, 5):
  - a. The written policies and procedures developed by the program shall describe what rights are to be restricted, for what therapeutic purpose, and for what period of time (AR325.14302, Rule 302, 5a).
  - b. Further individual limitation of rights shall be based on individual treatment plans which are approved by the program director and which are included in the recipient's medical record. These limitations shall not be for more than 30 days without being renewed in writing in the case record. Such documentation shall be written by the program staff member who is designated in the treatment plan as having major responsibility for implementing the plan and shall be co-signed by the program director (AR325.14302, Rule 302, 5b).
  - c. The provisions for restrictions and limitations on recipient rights outlined in this subrule shall not be construed to permit any abuse or neglect as defined in these rules (AR325.14302, Rule 302 5c).

## **References and Legal Authority**

Department of Health and Human Services Administrative Rules

**Compliance**

External: Michigan Department of Health and Human Services Administrative Rules

Approved by:   
Board Chairperson

9-26-2016  
Date

  
Chief Executive Officer

9/28/16  
Date

