

<b>Community Mental Health Partnership of Southeast Michigan/PIHP</b>	<b><i>Policy and Procedure</i></b> <b>Recipient Rights for Substance Use Disorder Recipients</b>
<b>Department: Substance Use Disorder Services</b> <b>Author:</b>	<b>Local Policy Number (if used)</b>
<b>Regional Operations Committee Approval Date</b> <b>8/4/2021</b>	<b>Implementation Date</b> <b>8/4/2021</b>

## I. PURPOSE

This policy establishes that a Recipient Rights Advisor shall be designated to oversee recipient rights activities for individuals seeking substance abuse/use services through the Community Mental Health Partnership to ensure compliance with R325.1391 to R325.1399 of the Administrative Rules for Substance Abuse Service Programs in Michigan and the following policies and procedures. It shall also be the responsibility of the Rights Advisor to annually review these policies and procedures and consider necessary revisions. Documentation of this annual review and the majority approval of the governing body shall become a part of the administrative record.

## II. REVISION HISTORY

<b>DATE</b>	<b>REVISION NUMBER</b>	<b>MODIFICATION</b>
11/21/2006	1.0	Original document
08/01/2016	2.0	Adopted by CMHPSM
12/05/2019	3.0	Language updates
08/04/2021	4.0	Inclusion of Administrative Rules for Substance Use Disorders Service Program Requirements adopted December 17, 2018

## III. APPLICATION

This policy applies to all staff, students, volunteers, and contractual organizations receiving any funding directly or sub-contractually, within the provider network of the Community Mental Health Partnership of Southeast Michigan (CMHPSM) who provide Substance Use Disorder (SUD) services.

## IV. DEFINITIONS

Community Mental Health Partnership Of Southeast Michigan (CMHPSM): The Regional Entity that serves as the PIHP for Lenawee, Livingston, Monroe and Washtenaw for mental health, developmental disabilities, and substance use disorder services.

Community Mental Health Services Program (CMHSP): A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Regional Entity: The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports.

Regional Rights Consultant: Individual designated by the CMHPSM to conduct recipient rights activities according to procedures outlined by the administrative rules and Michigan Department of Health and Human Services for the Regional Entity.

Recipient: An individual who receives services from a licensed substance abuse program in the State of Michigan.

Recipient Abuse: An intentional act by a staff member which inflicts physical injury upon a recipient, or which results in sexual contact with a recipient, or a communication made by a staff member to a recipient, the purpose of which is to curse, vilify, intimidate or degrade a recipient or to threaten a recipient with a physical injury.

Recipient Neglect: A recipient suffers injury, temporarily or permanently, because the staff or other person responsible for the recipient's health or welfare has been found negligent.

Sexual Contact: The intentional touching by a staff member of the recipient's intimate parts or the intentional touching of clothing covering the immediate area of the recipient's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

## **V. POLICY**

- A.** A recipient as defined in the 2018 Administrative Rules for Substance Abuse Services Programs in Michigan shall not be denied appropriate service on the basis of race, color, national origin, religion, sex, age, mental or physical handicap, marital status, sexual orientation, sexual identity or political beliefs.
- B.** The admission of a recipient to the program, or the provisions 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.
- C.** A recipient may present grievances or suggested changes in program policies and services to the program staff, to governmental officials, or to another person within or outside the program. In this process, the program shall not in any way restrain the recipient.
- D.** A recipient shall participate in the development of his or her treatment plan.
- E.** A client has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents the program from providing services according to ethical and professional standards, the relationship with the

recipient may be terminated, with the Program Director's written approval and upon reasonable notice. The reason for termination will be recorded in the recipient's record.

- F.** Upon admission, each recipient is provided with program rules, which are also posted in public places in the program. These rules inform new recipients of the infractions which can lead to discharge. The rules also describe the mechanism for appealing a discharge decision and which staff have authority to discharge. The recipient shall sign a form that documents that a written copy of the program rules has been received and questions about it answered. This form shall be maintained in the recipient's record.
- G.** A recipient shall have the benefits, side effects and risks associated with the use of any medication fully explained in language which is understood by the recipient. Recipients receiving medication shall sign an informed consent form.
- H.** A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgment of the Executive Director, such actions will be detrimental to the recipient or to others for either of the following reasons:
  - a. 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.
  - b. Granting the request for disclosure will cause substantial harm to the recipient.

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 record. If a recipient is denied the right to review all or part of his or 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.

- I.** A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient as the terms "abuse" and "neglect" are defined in the Substance Abuse Quality Assurance and Licensing Section of the Administrative Rules.
- J.** A recipient has the right to review the written fee schedule. Any revisions of fees will be approved by the governing authority and posted at least two weeks in advance.
- K.** A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
- L.** Should the program engage in any experimental or research procedure, any or all recipients will be advised as to the procedures to be used and have the right to refuse participation in the experiment or research without jeopardizing their continuing services. State and federal rules and regulations concerning research involving human subjects will be reviewed and followed.
- M.** 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 audiovisual techniques, such as one-way vision mirrors, tape recorders, television, movies or photographs.

- N.** 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 record and shall be destroyed or returned to the recipient when the fingerprints are no longer essential to treatment or research.
- O.** These policies and procedures shall be provided to each member of the program staff. Each staff member shall review and sign a form, which indicates that he or she understands, and shall abide by this program's recipient rights policy and procedures. A copy of the signed form will be maintained in the staff member's personnel file; a second copy will be retained by the staff member.
- P.** The Program Director shall designate one staff member to function as the program rights advisor. The rights advisor shall:
  - a. Attend all Substance Abuse Quality Assurance & Licensing training pertaining to recipient rights
  - b. Receive and investigate all recipient rights complaints independent of interference or reprisal from program administration
  - c. Communicate directly with the CMHPSM Regional Rights Consultant when necessary.
- Q.** Rights of recipients shall be displayed in a public place on a poster to be provided by the Michigan Department of Health and Human Services (MDHHS). The poster will indicate the designated rights advisor's name and phone number, as well as the contact information for the Regional Rights Consultant.
- R.** As part of the intake or admission process, each recipient will receive a brochure which summarizes recipient rights.
- S.** Staff from the program shall explain each right listed on the brochure to the recipient. The recipient will then be given the brochure. The recipient is asked to sign a rights acknowledgement form upon receipt of the brochure by the program. Program staff shall indicate that the recipient was given information on recipient rights and any questions regarding those rights were explained by indicating on the Recipient Rights checkbox in the medical record. Refusal to acknowledge rights information will be noted in the medical record.
- T.** If the recipient is incapacitated, he or she shall be presented with the brochure, explanation of rights, and opportunity to document understanding of the rights as soon as feasible, but not more than 72 hours after admission.
- U.** The procedure to be followed when the Rights Advisor receives a formal complaint is described in detail in the January 1982 Recipient Rights Procedure Manual. It is this program's policy that the Program Rights Advisor follows the procedures outlined in that manual.

- a. In addition to procedures above, the CMHPSM will require the provider rights advisor to submit a copy of *any* rights complaint upon receipt.
- b. The provider shall follow up as indicated and submit a copy of the investigation and resolution response to the CMHPSM upon completion.

**VI. EXHIBITS**

- A. Staff Acknowledgement Form
- B. Recipient Rights Complaint Log

**VII. REFERENCES**

- A. Administrative Rules for Substance Use Disorders Service Program Requirements December 17, 2018
- B. Michigan Model Recipient Rights Policy & Procedure Manual, May 2013
- C. Substance Abuse Recipient Rights, "Know Your Rights" Pamphlet
- D. Community Mental Health Partnership of Southeast Michigan (CMHPSM) Confidentiality & Access to Consumer I Records Policy (8-20-18)
- E. Community Mental Health Partnership of Southeast Michigan (CMHPSM) Consumer Appeals Policy (6/4/2018).