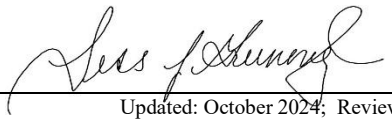
COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **28**
Subject **Rights of Recipients of Substance Abuse Services**	**Authorization** 		**Approved: 03/26/19** **Replaces: 09/30/14**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: As required by R 325.14302 of the Administrative Rules for Substance Abuse Service Programs in Michigan, the following policies and procedures were considered and adopted by majority vote of our Gogebic Community Mental Health Authority (GCMHA) in order to ensure compliance with statutes governing the provision of substance abuse services. These policies supersede the Rights policies of GCMHA when applied to individuals receiving Substance Abuse Services operated by or under contract with GCMHA only when Substance Abuse Regulations require a higher standard of care.

GCMHA will perform the oversight function to ensure compliance with R 325.14301 to R 325.1406 of the Administrative Rules for Substance Abuse Service Programs in Michigan and the following policies and procedures. It shall be the responsibility of GCMHA to annually review these policies and procedures to consider necessary revisions. Documentation of this annual review and the majority approval of the governing body shall become a part of the administrative record, as shall other pertinent findings of the Board.

II. APPLICATION: All programs operated directly by or under contract with the Community Mental Health Authority for the provision of Substance Abuse Services.

III. DEFINITIONS: None

IV. POLICY: A recipient, as defined in the 1981 OSAS Administrative Rules for Substance Abuse Service Programs in Michigan, shall not be denied appropriate service on the basis of race, color, national origin, religion, sex, gender identity, age, disability, marital status, sexual orientation, or political beliefs. In addition, GCMHA will not discriminate in the provision of services to an individual (1) because the individual is unable to pay or (2) because payment for those services would be made under Medicare, Medicaid, or the Children's Health Insurance Program (CHIP).

GCMHA will comply with all regional provisions pertaining to the rights of recipients as directed by NorthCare policies.

V. PROCEDURE: The recipient rights subcommittee shall annually review and comment on all program policies and procedures with the goal of identifying any that are discriminatory in nature.

A. The admission of a recipient to this 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, by the state or federal constitution, or by the provisions of GCMHA Recipient Rights Policies and Procedures.

B. 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.

C. A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgement of the Program Director such actions will be detrimental to the recipient or to others for either of the following reasons:

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.

2. 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 the 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 reason, shall be stated in the client record and shall be signed by the program director. All requests to review records will be directed to the program director who is the <u>only</u> staff member authorized to grant such requests.)

D. 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 OSAS Administrative Rules.

E. A recipient has the right to review our written fee schedule. Any revisions of fees will be approved by the governing authority. The program intake worker will give each applicant a summary of our fees during the Intake Interview.

F. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.

G. Should this 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.

H. A recipient shall participate in the development of his or her treatment plan. Primary case coordinator will inform recipients that development of a treatment plan is a cooperative effort between primary case coordinator and recipient. It is the policy of this program that both the recipient and primary case coordinator sign the treatment plan and any major revisions of that plan.
(*NOTE – Recipient signature on the treatment plan is not required by licensing rules.)

I. A client has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents this program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated upon reasonable notice. Reasons for termination will be recorded in the client's case file in the discharge summary.

(*NOTE - Prior to utilizing confrontational therapy, the therapist shall inform the recipient that confrontation will be part of the treatment plan and that clients may refuse services and be informed of the consequences of their refusal.)

J. Upon admission, each client/resident is provided with program rules, which are also posted in public places in the program. These program rules inform new client/s residents of the infractions which can lead to discharge. The rules also describe the mechanism for appealing a discharge decision and which staff has authority to discharge. The client signs a form that documents that a written copy of program rules has been received and questions about it answered. This form is maintained in the client's file. Discharge is for a period of at least 30 days.

K. A recipient shall have the benefits, side effects, and risks associated with the use of any drugs fully explained in language which is understood by the recipient. The Program Medical Director has designated the out-patient nurse, who conducts health screenings, to provide this explanation. All clients receiving medication must sign an informed consent form.

L. 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.

M. A recipient has the right to associate and have private communications and consultations with his or her physician and attorney.

N. A recipient has the right to be free from physical and chemical restraints. Physical and chemical restraints are not authorized for use with substance abuse recipients.

O. A recipient has the right to be free from doing work, which 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.

P. A recipient has the right to a reasonable amount of personal storage space for clothing.

Q. These policies and procedures shall be provided to each member of the program staff. Each staff member shall review this material and shall sign a form which indicates that he or she understands and shall abide by this program's recipient rights policy and procedure. It is the responsibility of the Program Director to ensure that each staff member fully comprehends the intent of the policies and procedures. A member fully comprehends the intent of the policies 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.

R. GCMHA's Rights Office staff shall function as the Substance User Rights staff. The Rights staff shall:

1. Attend relevant substance use/co-occurring training pertaining to recipient rights.

2. Receive and investigate all recipient rights complaints independent of interference or reprisal from program administration.

3. Communicate directly with the NorthCare SA Rights consultant when necessary.

S. The staff member designated as rights advisor shall not be a provider of services to recipients.

T. A summary of the rights of recipients of substance abuse services shall be conspicuously displayed. The poster will indicate the designated Rights Officer/Advisor's name and telephone number and the regional rights consultant's name, address, and phone number.

U. It is the responsibility of the primary case coordinator to explain each right listed on the brochure to the recipient. The recipient will then be requested to sign the rights acknowledgment form to indicate understanding of the rights. If he or she refused to sign, then the refusal and reason given is noted in the recipient file by the primary case coordinator.

VI. REFERENCES AND LEGAL AUTHORITY: Administrative Rules for Substance Abuse Service Programs in Michigan R. 325.14302; MDHHS Policy, Planning and Legislative Services

VII. EXHIBITS: None