
Title	Northern Lakes CMH Policies
Part 106	Supports and Services – NLCMH Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1015
Subject	Least Restrictive Services (RR)

Applicability

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMH and its contracted providers shall promote maximum community inclusion of the persons served by providing services in the least restrictive setting that is appropriate and available and through minimization of restrictions or limitations of a recipient's rights in the treatment or supports environment.

STANDARDS:

1. Northern Lakes CMH is committed to the realization of the Americans With Disabilities Act of 1990 [28 CFR Section 35.130(d)] and the landmark U.S. Supreme Court decision "*Olmstead v. L.C.*," (U.S. 581, 1999), both of which guarantee that persons with disabilities have the right to integration and inclusion in the community with adequate supports provided. To this end, Northern Lakes CMH and its contracted providers will ensure that, in accordance with the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1780), mental health services are offered and provided in the least restrictive setting that is appropriate to each recipient's condition as is available within the service array.
2. Northern Lakes CMH also recognizes that there are still real barriers to community integration and inclusion and shall therefore actively seek to develop appropriate services in the community that allow recipients the opportunity to choose and receive lesser restrictive community-based treatment and support environments than may currently be available.

3. A recipient shall not be transferred to a more restrictive setting without the informed consent of the recipient or his or her legally empowered representative or under the specific conditions of a court order.
4. Providers shall actively coordinate with hospitals or facilities to return the recipient to the recipient's home community and to a lesser restrictive environment as soon as is clinically appropriate based on attainment of the recipient's treatment goals.
5. Any restrictions or limitations of rights made as a condition of participation in a program shall be included in writing in the program's rules and shall apply equally to all consumers in the program. Such restrictions or limitations shall not contradict law, rule of other Northern Lakes CMH policy and procedure and shall be clearly explained upon consent to participation in the program and posted in a visible location at the program site.
6. Person-Centered, and for minors Family-Focused, Planning about the feasibility of positive approaches and interventions must be attempted prior to consideration of any limitation of a recipient's rights, including any right protected by law or the filing of a petition for involuntary treatment or guardianship.
7. Interventions that restrict or limit a recipient's rights or those that are aversive or intrusive to the recipient shall only be implemented when allowed by law, rule, and Northern Lakes CMH Policy and Procedure and, if allowed, in a manner consistent with these. A recipient's rights or privileges shall not be taken away as punishment, for the convenience of staff, or used to coerce consumers into agreeing with treatment recommendations.
8. Any restriction or limitation of a recipient's rights shall be developed through a person-centered process and will be included in the recipient's Person-Centered Plan of Services with the voluntary written informed consent of the recipient or, when applicable, by the recipient's parent or guardian with authority to grant consent, unless the recipient is subject to court-ordered treatment and has refused an offer to consent.
9. Any plan that includes a restriction or limitation of the rights of recipients or that includes restrictive, aversive, or intrusive treatment strategies shall be referred to the Behavior Treatment Committee for review in accordance with the Section 3.3 of the Michigan Medicaid Provider Manual and Northern Lakes CMH Policy and Procedure.

Procedures

None.

Adoption Date: May 23, 2006

Review Dates:

June 8, 2009
May 14, 2010

Revision Dates:

August 31, 2010