
Title	Northern Lakes CMH Policies
Part 106	Supports and Services – NLCMH Provided and Contract
Subpart I	Substance Abuse Services
Policy No.	106.901
Subject	Rights of Substance Abuse Recipients (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 shall adhere to the following recipient rights standards in the provision of substance abuse services in compliance with Administrative Rules for Substance Abuse Services Programs in Michigan, Public Act 368 of 1978 as amended Section 63231(1) and with Federal Law and rules found in 42 USC 290(d)(2) and 42 CFR Section 2.

The Northern Lakes CMH Recipient Rights Officer is designated as the Substance Abuse Program Recipient Rights Advisor.

The Rights of Substance Abuse program recipients include:

- A. **RIGHT TO NON-DISCRIMINATION:** A recipient as defined in the 1981 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, age, mental or physical handicap, marital status, sexual preference, or political beliefs.
- B. **CIVIL RIGHTS:** 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 or by the state or federal constitution.
- C. **GRIEVANCE RIGHTS:** 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. **RIGHT TO CONFIDENTIALITY:** A recipient has the right to receive treatment in confidence. The records of the identity, diagnosis, prognosis, and treatment of a recipient of substance abuse treatment services are confidential and may be disclosed only for the purposes and under the following circumstances authorized by the following sections:

1. A recipient may consent in writing to the disclosure of the content of the record to:
 - a. Health professionals for the purpose of diagnosis or treatment of the recipient
 - b. Governmental personnel for the purpose of obtaining benefits to which the individual is entitled.
 - c. Any other person specifically authorized by the individual
2. The recipient consenting under subsection (1.) may revoke the authorization for the disclosure at any time, unless expressly prohibited by federal legislation on confidentiality of alcohol and drug abuse patient record, by giving written notice to the licensee of the substance abuse service. The revocation shall be in a form specified by the United States Department of Health, Education, and Welfare, and the Special Action Office for Drug Abuse Prevention.
3. If a recipient who is the subject of a record maintained does not have written consent, the content of the record may be disclosed only as follows:
 - a. To medical personnel to the extent necessary to meet a bonafide medical emergency;
 - b. To qualified personnel for the purpose of conducting scientific statistical research, financial audits, or program evaluation, but the personnel shall not directly or indirectly identify an individual in a report of the research audit or evaluation or otherwise disclose an identity in any manner;
 - c. Upon application, a court of competent jurisdiction may order by subpoena, specific disclosure of whether a specific individual is under treatment by an agency. In all other respects the confidentiality shall be the same as the physician-patient relationship provided by law;
 - d. If necessary to comply with another provision of law, such as child or adult abuse and neglect reporting requirements per Michigan "Child Protection Law," Act 238, P.A. of 1975 or "Adult Protective Services Law," Act 519 of 1982;
 - e. If there is a compelling need for disclosure based upon a substantial probability of harm to the recipient or to other individuals.

E. **RIGHT TO ACCESS RECORD:** A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgment of the Alpha Center supervisor, 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 Access Center Supervisor 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 Alpha Center Supervisor.

All requests to review records will be directed to the Alpha Center Supervisor who is the only staff member authorized to grant such requests.

The Access Center Supervisor shall inform the Recipient Rights Officer when a decision has been made not to disclose any portion of a recipient's record.

- F. **RIGHT TO FREEDOM FROM ABUSE OR NEGLECT:** A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient as the term "abuse" and "neglect" are defined in the Substance Abuse Quality Assurance & Licensing Section Administrative Rules.
- G. **FINANCIAL RIGHTS:** A recipient has the right to review our written fee schedule. The CEO will approve any revisions of fees and all recipients will be notified at least two weeks in advance. The intake worker or his/her designee will give each applicant a summary of our fees during the intake process.

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

- H. **RIGHT TO INFORMED CONSENT TO TREATMENT:** A recipient 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, with the program director's written approval, upon reasonable notice. Reasons for termination will be recorded in the client's case file in the discharge summary.

Should Northern Lakes CMH 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.

The consent to the provision of substance abuse related medical or surgical care, treatment, or services by a hospital, clinic, or health professional authorized by law executed by a minor who is or professes to be a substance abuser is valid and binding as if the minor had achieved the age of majority (age 14). The consent is not subject to later disaffirmance by reason of minority. The consent of any other person, including a spouse, parent, guardian, or person in loco parentis, is not necessary to authorize these services to be provided to a minor.

- I. **RIGHT TO PERSON CENTERED PROCESS:** A recipient shall participate in the development of his or her person centered plan.
- J. **MEDICATION RIGHTS:** 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 prescribing physician is responsible for providing this explanation or for designating staff to do so. Any recipient prescribed medications must sign an informed consent form.

- K. RIGHTS REGARDING FINGERPRINTING: 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.
- L. RIGHT TO COMPLAINT AND APPEAL: A recipient has the right to complain to any Workforce Member or to the Recipient Rights Officer if he or she believes a right has been violated. The complaint may be resolved on an informal basis or the recipient may choose to file a formal complaint. The recipient has the right to a fair and timely investigation of the complaint and to remedial action taken regarding any substantial violation of a right (30 days). The recipient has the right to appeal within 15 working days of his/her receipt of the investigative report.

Procedures

This policy and procedure shall be provided to each Workforce Member engaging in Casefinding Activities. Each Workforce 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 procedures. It is the responsibility of the Workforce Member's Supervisor to insure that each Workforce Member fully comprehends the intent of the policy and procedure. A copy of the signed form will be maintained in the Workforce Member's personnel file; the Workforce Member will retain a second copy.

- 2. The Recipient Rights Officer shall:
 - a. Attend Substance Abuse Quality Assurance & Licensing training pertaining to recipient rights.
 - b. Receive and investigate all recipient rights complaints independent of interference or reprisals from program administration.
 - c. Communicate directly with the Substance Abuse Coordinating Agency Rights Consultant when necessary.
- 3. The Recipient Rights Officer shall not be a provider of counseling services.
- 4. The Poster: "Rights of Recipients of Substance Abuse Services" shall be displayed in a public place. The poster will indicate the designated Rights Officer's name and telephone number and the regional rights consultant's name, address and phone number.
- 5. As part of the intake process, each recipient will receive a brochure, which summarizes recipient rights. The brochure will either be provided or approved by the Bureau of Substance Abuse Services and by Northern Michigan Substance Abuse Services.

6. It is the responsibility of the intake worker or designee to explain each right listed on the brochure to the recipient. The recipient will then be asked to sign the rights acknowledgment form to indicate his/her understanding of the rights. If he or she refused to sign, then the refusal and reason given is noted in the client file by the intake worker.
7. If the recipient is incapacitated, he or she shall be presented with the previously mentioned brochure, explanation of rights, and opportunity to document understanding of the rights as soon as feasible, but not more than 72 hours after admission.
8. A Workforce Member should always try to ensure that recipient rights violations are prevented. A Workforce Member should offer to help a recipient resolve his/her concern through a person-centered approach. A Workforce Member may also refer the recipient to a supervisor or other administrative personnel, offer the use of member services, or by following the Grievance or Appeal procedures as appropriate to the recipient's status as outlined in Policy and Procedure IV-A-11. However, when a recipient contacts a staff member and believes his/her rights have been violated, the staff member shall give the recipient a recipient rights complaint form (or offer to assist the recipient in completing the form) and refer the recipient to the Recipient Rights Officer. In addition, any person may file a recipient rights complaint on the recipient's behalf.
9. When the rights advisor receives a formal complaint he/she shall follow the procedures described in detail in the January 1982 Recipient Rights Procedure Manual published by the Office of Substance Abuse Services.
10. This policy and procedure shall be reviewed annually by Northern Lakes CMH Recipient Rights Advisory Committee. Documentation of this annual review shall become a part of the administrative record, as shall other pertinent findings of the committee.

Adoption Date: May 23, 2006

Review Dates:
June 8, 2009
May 14, 2010

Revision Dates:
August 31, 2010