
Title	Northern Lakes CMHA Policies
Part 106	Supports and Services – NLCMHA Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1023
Subject	Civil Rights (RR)

Applicability

Policy applies to all Northern Lakes CMHA 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 have elected to adopt and adhere to Northern Lakes CMHA policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMHA and its contracted providers shall promote and strictly honor the civil rights guaranteed to recipients, parents of minor consumers, guardians, and family members pursuant to the Constitution of the United States, the State of Michigan Constitution of 1963, and by all other applicable federal and state laws, rules, and regulations.

STANDARDS

As guaranteed by the Mental Health Code (PA 258 of 1974, MCL 330.1712 and MCL 330.1704] and the Michigan Department of Health and Human Services Administrative Rules (R7009), a violation of a recipient's civil rights shall be regarded as a violation of recipient rights and shall be subject to remedies established for recipient rights violations.

The receipt of mental health services, a determination that an individual meets the criteria of a person requiring treatment or for judicial admission, or any form of admission to a facility including by judicial order shall not be used to deprive an individual of his or her rights, benefits, or privileges, nor does it constitute a determination or adjudication that the individual is legally incompetent. Providers shall not prevent a recipient from engaging, to the maximum extent feasible and in any legal manner, in any personal or business affair and in otherwise exercising all rights, benefits, and privileges not divested or limited by a court.

Civil rights include, but are not limited to the following:

Freedom of Speech and other Expression

Providers shall not prevent or limit recipients and their legal representatives from self-expression either in substance or style. See Northern Lakes CMHA Policy 106.105 Dignity and Respect and Policy 106.1306 Communication Rights for further guidance.

Freedom of Religion

Providers shall not prevent a recipient from choosing to engage or not to engage in religious practice of their choice on a non-discriminatory basis. See Northern Lakes CMHA Policy 106.1003 Religious Practice for further guidance.

Freedom of Association

Providers shall not interfere with the right of a recipient to enter into relationships, a marriage contract, or to obtain or oppose divorce.

Property and Privacy Rights

Providers shall not infringe on the privacy of recipients with respect to their person, property, and their confidential and protected information. Recipients shall be protected from unlawful and unreasonable search and seizure. For further guidance, refer to Northern Lakes CMHA Policy 106.1020 Confidentiality, and, for residents of residential settings or in Supported independent Living Arrangements, to Northern Lakes CMHA Policy and Procedures.

Labor and Compensation Rights

A provider shall not require a recipient to engage in involuntary labor or to engage in labor without being compensated in accordance with law. For further guidance refer to Northern Lakes CMHA Policy 106.1010.

Voting Rights

The right of a recipient to participate in the electoral process shall not be abridged. Refer to Policy 106.1011, Registration and Voting for further guidance.

Equal Protection Under Law

Providers shall not discriminate against a recipient or his or her legal representative or family member on any basis. For all services, this includes the legally or contractually protected bases of religion, age, race, color, national origin, sex, disability, marital or familial status, sexual orientation, financial status, height, weight, or arrest record.

Recipients who meet eligibility criteria shall not be denied services, nor shall they be segregated or treated separately in any matter related to the receipt of any service on the basis of any of the above.

Accommodations for Disabilities

Providers shall consider and make reasonable accommodations for qualified individuals with disabilities, i.e., a person who meets service eligibility criteria AND has, or has a history of, a physical or mental impairment that substantially limits one or more major life activity.

1. Services will be provided in the most integrated setting appropriate to the needs of individuals with disabilities.
2. Reasonable accommodations will be made in policies, procedures, and practice to avoid discrimination on the basis of disability unless that modification would fundamentally alter the nature of the service.

3. Individuals with disabilities in all service settings will not be excluded from services, programs and activities because buildings are not accessible. All Northern Lakes facilities, and all provider sites under contract where necessary to meet the needs of consumers with physical disabilities, shall be free of any obstacles to physically disabled consumers. Such facilities shall have ramps, wide doorways, adequate restrooms, and other features which ensure accessibility by the handicapped
4. Auxiliary aids will be provided as necessary to accommodate a recipient's mental health services at no cost to a recipient with hearing, vision, or speech impairments necessary to assure effective communication.

Refer to Northern Lakes CMHA Policy 106.401 Accessibility and Accommodations, for further guidance.

Presumption of Competency

The receipt of mental health services, a determination that an individual meets the criteria of a person requiring treatment or for judicial admission, or any form of admission to a facility including by judicial order does it constitute a determination or adjudication that the individual is incompetent as that term is used in other statutes. An adult recipient, and a minor when state law allows consent by a minor, shall be presumed legally competent. A presumption of competency may be rebutted only by court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of that guardianship. Refer to Northern Lakes CMHA Policy and Procedures.

Due Process Rights

Providers shall not limit or restrict the rights or privileges of recipients except under the conditions and in the circumstances allowed by statute or rules, and through the processes enumerated in agency policy and procedure regarding each right. Refer to Northern Lakes CMHA Policy 106.1015 Least Restrictive Services for further guidance.

Right to Complain

Recipients and their legal representatives have the right to utilize without impediment, harassment, or retaliation all administrative complaint resolution options available by law or to pursue injunctive and other appropriate civil relief. See Northern Lakes CMHA Policy and Procedures.

Procedures

None.

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