
Title	Northern Lakes CMHA Policies
Part 106	Supports and Services – NLCMHA Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1003
Subject	Religious Practice and Treatment by Spiritual Means (RR)

Applicability

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all employees 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 provide mental health services in a non-discriminatory fashion with regard to a recipient's religious practice and preference.

STANDARDS:

Freedom of Religion:

The right of a recipient to access religious services, or to worship or engage in any other spiritual practice of choice, shall be honored with freedom from discrimination or constraint. Recipients shall not be required or coerced into engaging in and/or observing a religious activity, event, or practice [United States Constitution, First Amendment and Michigan Department of Health and Human Services Administrative Rule 7009(6)].

Treatment by Spiritual Means:

Upon the request by a recipient or his/her legally empowered representative, the recipient shall be permitted treatment by spiritual means within certain constraints allowed by law and in accordance with the procedures listed herein pursuant to the Michigan Mental Health Code (P.A. 258 of 1974, MCL 330.1704) and Administrative Rule 7135.

Treatment by spiritual means encompasses any spiritual discipline or school of thought upon which a resident wishes to rely to aid physical or mental recovery.

Treatment by spiritual means includes the right of recipients, guardians, or parents of a minor to refuse medication or other treatment on spiritual grounds that predate the current allegations of mental illness or disability, but does not extend to circumstances where either of the following applies:

1. A guardian or the provider has been empowered by a court to consent to or provide treatment and has done so.
2. A recipient poses harm to himself or herself or others and treatment is essential to prevent physical injury.

The right to treatment by spiritual means does not include the right to any of the following:

1. To use mechanical devices or chemical or organic compounds that are physically harmful.
2. To engage in activity prohibited by law.
3. To engage in activity that physically harms the recipient or others.
4. To engage in activity that is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.

Opportunities for contact with agencies providing treatment by spiritual means shall be provided in the same manner as recipients are permitted to see private physicians or mental health professionals. Requests for printed, recorded, or visual material essential or related to treatment by spiritual means, and to a symbolic object of similar significance shall be honored and made available at the recipient's expense.

When medication or any other treatment for a minor is refused based on a request for treatment for spiritual means, court proceedings shall be initiated and a court order obtained prior to administering the medication or implementing the treatment.

If the recipient disagrees with a request by his or her parent or guardian for treatment by spiritual means a treatment planning meeting shall be convened and the issue shall be resolved through a person-centered planning process.

If a request for treatment by spiritual means is denied, the denial and the rationale for the denial based upon criteria allowed by this policy shall be communicated to the consumer, both verbally and in writing, and justified in the consumer record. If denied, the recipient, and their guardian or parent shall be advised of their right to request a Person-Centered Planning Review, Supervisory Appeal, or to file a Recipient Rights complaint.

Procedures

RESPONDING TO A REQUEST FOR TREATMENT BY SPIRITUAL MEANS:

Title 1 Northern Lakes Policies, Part 106 Supports and Services – NLCMHA Provided and Contract, Subpart J Mental Health Code Protected Recipient Rights, Policy No. 106.1003, Subject Religious Practice and Treatment by Spiritual Means

1. A request for treatment by spiritual means may be made orally or in writing to any employee or contract employee.
2. Notification of the request is to be promptly given to the recipient's assigned Northern Lakes CMHA worker who shall assure that the request is documented in the record and shall assist the requesting party, if necessary, in making the request in writing.
3. Approval of the Request:
 - a. The recipient's assigned Northern Lakes CMHA worker is responsible for the decision to approve the request for treatment by spiritual means within 5 working days of receipt of the request, with subsequent modification of the recipient's individualized written plan of services, a copy of which is to be provided to the recipient and, if applicable, to his or parent or guardian.
 - c. The case manager is responsible for assuring the understanding and cooperation of providers involved in the provision of services to the recipient.
4. Denial of the Request:
 - a. If applicable, the recipient's assigned Northern Lakes CMHA worker is responsible for the decision to deny the request for treatment by spiritual means.
 - b. Denial is to be made only after examining the request in light of agency policies and consultation with the worker's immediate supervisor and the Recipient Rights Officer.
 - c. If the request is denied, written notice of the denial is to be provided in writing to the recipient and, if applicable, to his or her parent or guardian within 5 working days of the request. One copy is to be placed in the recipient's record and a second copy forwarded to the Office of Recipient Rights.
 - d. The written denial letter is to include an explanation of the reason for the denial based upon justifiable criteria allowed by law and clear notice to recipient, or if applicable the recipient parent or guardian of the right to request a review of the denial or to file a Recipient Rights complaint.

REVIEW, APPEAL, OR COMPLAINT PROCESS

1. A recipient or their guardian may make a request to the recipient's assigned Northern Lakes CMHA worker for a review of the recipient's individualized plan of services. The review will be conducted through the Person-Centered Planning Process no later than within 30 days of the request.
2. At any time after the denial and concurrent with the IPOS review, a formal appeal may be made orally or in writing to the assigned supervisor. The Supervisor will review the appeal and provide a written response to the appeal within 5 working days of the receipt of the notice of appeal.
 2. At any time after the denial, a recipient parent, or guardian may file a Recipient Rights Complaint alleging a denial of the right to treatment by spiritual means.

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