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

Applicability

Policy applies to all NLCMHA 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 NLCMHA 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 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 CMHA 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 CMHA and its contracted providers will ensure that, in accordance with the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1708), 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 CMHA shall 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, rules, or other Northern Lakes CMHA policy and procedure. The restriction or limitation shall be clearly explained upon consent to participation in the program and posted in a visible location at the program site.
6. Person Centered Planning that employs positive supports and other specific interventions must be utilized 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 CMHA Policy and Procedure. A recipient's rights or privileges shall not be taken away as punishment, for the convenience of employees, 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 an approved Behavior Treatment/Support Plan and in the recipient's Individual Plan of Service. An identified restriction or limitation must have the voluntary, written informed consent of the recipient or, when applicable, by the recipient's parent or guardian with authority to 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 Michigan Medicaid Provider Manual and Northern Lakes CMHA Policy and Procedure.

Procedures

None.

Adoption Date: May 23, 2006

Review Dates:

June 8, 2009
May 14, 2010
March 27, 2012
April 17, 2015

Revision Dates:

August 31, 2010
March 21, 2018
May 4, 2020
August 19, 2021 PK

January 28, 2020
July 14, 2021