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<b>Title 1</b>	<b>Northern Lakes Policies</b>
<b>Part 106</b>	<b>Supports and Services – NLCMHA Provided and Contract</b>
<b>Subpart J</b>	<b>Mental Health Code Protected Recipient Rights</b>
<b>Policy No.</b>	<b>106.1017</b>
<b>Subject</b>	<b>Right to Second Opinion (RR)</b>

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## **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.

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## **Policy**

Northern Lakes CMHA and its contracted providers shall notify recipients and their legal representatives of their right to a responsive, fair, and timely mechanism for requesting and receiving a second opinion services in the event requested services are denied.

### **1. Denial of Initial Request for Services**

In accordance with the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1705) and Michigan Department of Health and Human Services Administrative Rule 330.7005, if an applicant to Northern Lakes CMHA services has been denied a request for mental health services, the applicant, his or her guardian if one has been appointed, or the applicant's parent or parents if the applicant is a minor shall be informed, both orally and in writing, of their right to request a second opinion of the Chief Executive Officer.

If an applicant or his or legal representative requests a second opinion the Chief Executive Officer or his or her designee shall secure a second opinion from a physician, licensed psychologist, registered professional nurse, or master's level social worker, or master's level psychologist. The decision shall be confirmed in writing to the individual requesting the second opinion and documented in the applicant's record.

If the individual providing the second opinion determines that the applicant has a serious mental illness, serious emotional disturbance, or a developmental disability, or is experiencing an emergency situation or urgent situation, services shall be provided to the applicant.

### **2. Denial of Request for Hospitalization - Adults**

In accordance with Sections 409 and 409e of the Mental Health Code, if the Northern Lakes CMHA preadmission screening unit denies a request for psychiatric hospitalization, the individual shall be informed of their right to, and may request a second opinion from the Chief Executive Officer or his or designee as described in the procedures section.

The Chief Executive Officer or designee shall arrange for an additional evaluation by a psychiatrist, other physician, or licensed psychologist to be performed within 3 days, excluding Sundays and legal holidays, after receipt of the request. If the conclusion of the second opinion is different from the conclusion of the preadmission screening unit, the Chief Executive Officer or designee, in conjunction with the Medical Director, shall make a decision based on all clinical information available. The Chief Executive Officer's decision shall be confirmed in writing to the individual who requested the second opinion, and the confirming document shall include the signatures of the Chief Executive Officer and Medical Director or verification that the decision was made in conjunction with the Medical Director and be documented in the recipient's record.

If an individual is assessed and found not to be clinically suitable for hospitalization, the preadmission screening unit shall provide appropriate referral services.

If an individual is assessed and found not to be clinically suitable for hospitalization, the preadmission screening unit shall provide information regarding alternative services and the availability of those services, and make appropriate referrals.

### **3. Denial of Request for Hospitalization - Minors**

In accordance with Section 498e of the Mental Health Code, if a minor requesting hospitalization or for whom a request for hospitalization was made has been evaluated by the NLCMHA diagnostic and treatment service and is determined by to not to be suitable for hospitalization, the parent or guardian of the minor shall be notified of the right to request a second opinion from the Chief Executive Officer.

Upon receipt of a request for a second opinion, the Chief Executive Officer shall arrange for an additional evaluation by a psychiatrist, other physician, or licensed psychologist to be performed within 3 days, excluding Sundays and legal holidays, after the Chief Executive Officer receives the request.

If the conclusion of the second opinion is different from the conclusion of the children's diagnostic and treatment service, the Chief Executive Officer, in conjunction with the medical director, shall make a decision based on all clinical information available.

The Chief Executive Officer's decision shall be confirmed in writing to the individual who requested the second opinion, and the confirming document shall include the signatures of the Chief Executive Officer and medical director or verification that the decision was made in conjunction with the medical director and be documented in the minor recipient's record.

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## **Procedures**

None.

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**Adoption Date:** May 23, 2006

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June 8, 2009  
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March 27, 2012  
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