



Section: <b>Substance Use Treatment &amp; Prevention</b>	Policy Name: <b>Recipient Rights of Substance Abuse Consumers</b>	Policy Number: <b>11.11</b>
Owner: <b>Substance Use, Prevention and Treatment Director</b>	Reviewed By: <b>Joel Smith</b>	Total Pages: <b>4</b>
Required By: <input type="checkbox"/> BBA <input checked="" type="checkbox"/> MDHHS <input type="checkbox"/> NCQA <input checked="" type="checkbox"/> <b>Other (please specify):</b> State Admin Rules for SUD	Final Approval By: <u>Joel Smith, LMSW</u> <small>Joel Smith, LMSW (Jan 21, 2026 11:35:38 EST)</small>	Date Approved:  01/21/26
Application: <input checked="" type="checkbox"/> <b>SWMBH Staff/Ops</b> <input checked="" type="checkbox"/> <b>Participant CMHSPs</b> <input checked="" type="checkbox"/> <b>SUD Providers</b> <input type="checkbox"/> <b>MH/IDD Providers</b> <input type="checkbox"/> <b>Other (please specify):</b> _____	Line of Business: <input type="checkbox"/> <b>Medicaid</b> <input type="checkbox"/> <b>Other (please specify):</b> _____ <input checked="" type="checkbox"/> <b>Healthy Michigan</b> <input checked="" type="checkbox"/> <b>SUD Block Grant</b> <input checked="" type="checkbox"/> <b>SUD Medicaid</b>	Effective Date:  <b>3/20/14</b>

**Policy:** It is the policy of Southwest Michigan Behavioral Health (SWMBH) that the rights of all recipients will be protected in accordance with R 325.1301 to R 325.1391 of the Administrative Rules for Substance Abuse Programs in Michigan and all other applicable laws and/or provisions.

Each agency or direct operated program providing services to customers will adopt and implement the policies and procedures to protect the rights of substance abuse customers as approved by SWMBH.

**Purpose:** To communicate the rights of substance use disorder recipients as adopted by this program.

**Scope:** This policy applies to all substance use disorder programs providing services to customers.

**Responsibilities:** All programs providing services to customers will adopt and implement the policies and procedures to protect the rights of substance abuse customers as approved by SWMBH and in accordance with the State of Michigan Administrative Rules.

**Definitions:** None

#### **Standards and Guidelines:**

- A. 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. The admission of a recipient to this program, or the provision 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. 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 without program interference.
- D. A recipient has the right to review, copy, or receive a summary of his or her program records. unless, in the judgment of the program director, this action will be detrimental to the recipient or to others as outlined in R 325.139.
- E. A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient as the terms "abuse" and "neglect" are defined in the Substance Abuse Licensing Administrative Rules.
  - 1. Recipient abuse means an intentional act by a staff member which inflicts physical injury upon a recipient or which results in sexual contact with a recipient that includes the intentional touching of the recipient's intimate parts, such as primary genital area, groin, inner thigh, buttock, or female breast or the intentional touching of the clothing covering the immediate area of the recipient's intimate parts, and if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.
  - 2. A communication made by a staff member to a recipient, the purpose of which is to curse, vilify, intimidate, or degrade a recipient or to threaten a recipient with physical injury.
  - 3. Recipient neglect means that a recipient suffers injury, temporarily or permanently because the staff or other person responsible for the recipient's health or welfare has been found negligent.
- F. A recipient has the right to review the program's written fee schedule. The governing authority will approve any revisions of fees and all recipients will be notified at least two weeks in advance. The program intake worker will give each applicant a summary of the fees during the intake interview.
- G. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment. This responsibility has been assigned to the claims manager.
- H. Should this program 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.
- I. A recipient has the right to give prior informed consent, consistent with federal confidentiality regulations, for the use and future disposition of products of special observation and audiovisual techniques, such as one-way vision mirrors, tape recorders, television, movies, or photographs.
- J. If a program is a faith-based program, they have contractual obligations regarding the Code of Federal Regulations (42 CFR Part 54/54a) Charitable Choice. The model template is as follows:
  - 1. *No provider of substance abuse services receiving Federal funds from the U.S. Substance Abuse and Mental Health Services Administration, including this organization, may discriminate against you on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice. If you object to the religious character of this organization, Federal law gives you the right to a referral to another provider of substance abuse services. The referral, and your receipt of alternative services, must occur within a reasonable period of time after you request them. The alternative provider must be accessible*



*to you and have the capacity to provide substance abuse services. The services provided to you by the alternative provider must be of a value not less than the value of the services you would have received from this organization.*

- K. These policies and procedures shall be provided to each member of the program staff. Each staff 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 program director to ensure that each staff member fully comprehends the intent of these policies and procedures. A copy of the signed form will be maintained in the staff member's personnel file; the staff member will retain a second copy.
- L. The program director shall designate one staff member to function as the program rights advisor. The rights advisor shall:
1. Attend all of the Substance Abuse Licensing training pertaining to recipient rights.
  2. Receive and investigate all recipient rights complaints independent of interference or reprisal from program administration.
  3. Communicate directly with the SWMBH Rights Consultant when necessary.
- M. As part of admission process, each recipient will receive all the following:
1. 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.
  2. A brochure or written description, which summarizes recipient rights. The brochure must have been approved by MDHHS.
  3. A written description of any restrictions of the rights based on program policy.
  4. An oral explanation of the rights in language that is understood by the customer.
  5. A form that indicates that the recipient understands the rights and consents to specific restrictions of rights based on program policy. The recipient shall sign this form. A copy of the form shall be provided to the recipient and also become a part of the recipient's record. If he or she refuses to sign, then the refusal and reason given is noted in the client file by the provider.
  6. A recipient rights complaint violation form shall be provided to the recipient after completing the consent form.
  7. Rights of recipients shall be displayed in a public place on a poster to be provided by Michigan Department of Health and Human Services (MDHHS). The poster will indicate the designated rights advisor's name and telephone number and the regional rights consultant's name, address, and phone number.
- N. The procedure to be followed when the rights advisor receives a formal complaint is described in detail in R 325.1399. It is this program's policy that the Program Rights Advisor follow the procedures outlined in this section.

**Procedures:** None

**Effectiveness Criteria:** NA



**References:** State of Michigan, Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Substance Use Disorders Service Programs (R 325.1391). Retrieved from: <https://ars.apps.lara.state.mi.us/>

**Attachments:** None



# 11.11 Recipient Rights of Substance Abuse Consumers

Final Audit Report

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