

SWMBH Operating Policy 11.11

Subject: Recipient Rights of Substance Abuse Consumers		Accountability: SAPT	Effective Date: 3/20/14	Pages: 3
REQUIRED BY: BBA Section _____ PIHP Contract Section _____ NCQA/URAC Standard _____ SA SARF _____ Other _____			Last Reviewed Date: 11/3/16	Past Reviewed Dates: 5/15/15
LINE OF BUSINESS: <input type="checkbox"/> Specialty Waiver (B/C) <input type="checkbox"/> I Waiver <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> SUD Community Grant <input type="checkbox"/> MI Health Link <input type="checkbox"/> OTHER: _____		APPLICATION: <input checked="" type="checkbox"/> SWMBH Staff and Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input type="checkbox"/> MH / DD providers <input type="checkbox"/> DD providers <input type="checkbox"/> Other: _____	Last Revised Date: 11/3/16	Past Revised Dates: 5/15/15
Approved : <u><i>Thandie Smith</i></u> Date: <u>11/11/14</u>			Required Reviewer: SAPT Director	

I. Purpose

To communicate the rights of substance abuse recipients as adopted by this program.

II. Policy

It is the policy of Southwest Michigan Behavioral Health (SWMBH) that the rights of all recipients will be protected in accordance with R 325.14301 to R 325.14306 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 recipients will adopt and implement the policies and procedures to protect the rights of substance abuse recipients as approved by SWMBH.

III. 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. In this process, the program shall not in any way restrain the recipient.
- D. A recipient has the right to review, copy, or receive a summary of his or her program records.

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- 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 or 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.
 - 2. 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 our 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 our 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. Fingerprints may be taken and used in connection with treatment or research or to determine the name of a recipient only if expressed written consent has been obtained from the recipient. Fingerprints shall be kept as a separate part of the recipient's record and shall be destroyed or returned to the recipient when the fingerprints are no longer essential to treatment or research.
- K. If a program is a faith based program, they have contractual obligations regarding the Federal Charitable Choice. The model template is as follows: *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.*
- L. 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 insure that each staff member fully comprehends

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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.

- M. 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.
- N. 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.
- O. As part of the intake or admission process, each recipient will receive a brochure, which summarizes recipient rights. The brochure must have been approved by MDHHS.
- P. It is the responsibility of the assessment specialist or intake worker to explain each right listed on the brochure to the recipient. The recipient will then be requested to sign the rights acknowledgment form to indicate understanding of the rights. If he or she refused to sign, then the refusal and reason given is noted in the client file by the assessment specialist or intake worker.
- Q. 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.
- R. The procedure to be followed when the rights advisor receives a formal complaint is described in detail in the January 1982 Recipient Rights Manual. It is this program's policy that the Program Rights Advisor follow the procedures outlined in that manual.

IV. Definitions

None

V. References

R 325.14301 to R 325.14306 of the Administrative Rules for Substance Abuse Programs in Michigan

VI. Attachments

None

