

NORTH COUNTRY COMMUNITY MENTAL HEALTH ADMINISTRATIVE MANUAL

CHAPTER: Chapter Five – Recipient Rights
SECTION:
POLICY NAME: Rights of Substance Abuse Program Recipients
SUPERCEDES:
EFFECTIVE DATE: September 1, 2003

PURPOSE: To protect the rights of clients receiving substance abuse services from North Country Community Mental Health.

APPLICATION: All North Country Community Mental Health direct service programs and contracted service providers.

POLICY:

It is the policy of North Country Community Mental Health that:

- 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 a 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.

A recipient has the right to review, copy, or receive a summary of his or her program records.

In cases where the recipient is a minor and the request is made by a parent or guardian, the request may be denied if the Program Director determines that such action would be detrimental to the recipient. The parent or guardian is allowed to review non-detrimental portions of the record or a summary of the record. When access is denied, the reason for the denial shall be made in writing to the parent or guardian. An explanation of what portions of the record were determined to be detrimental and for what reasons shall be stated in the client record and shall be signed by the Program Director.

- D. A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient as the term “abuse “ and “neglect” are defined in the Substance Abuse Quality Assurance & Licensing Section Administrative Rules.
- E. A recipient has the right to review our written fee schedule. Any revisions of fees will be approved by the Board 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.
- F. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
- G. 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. Recipients who chose to participate in

research procedures will be required to sign a statement acknowledging their agreement to participate. State and federal rules and regulations concerning research involving human subjects will be reviewed and followed.

- H. A recipient shall participate in the development of his/her person-centered plan.
- I. A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents this program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated with the Program Director's written approval, upon reasonable notice. Reasons for termination will be recorded in the client's chart in the discharge summary.
- J. A recipient shall have the benefits, side effects, and risks associated with the use of any drugs fully explained in language, which is understood by the recipient. The program Medical Director is responsible for providing this explanation or for designating staff to do it. All recipients receiving medications must sign an informed consent form.
- K. 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. Photographs, audio tapes or video tapes in the record of a recipient, and any copies, shall be given to the recipient or destroyed when they are no longer essential in order to provide services, research, or to determine identity, or upon discharge of the recipient, whichever comes first.
- L. 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.
- M. 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 the policies and procedures. A copy of the signed form will be maintained in the staff member's personnel file.
- N. The Executive Director shall designate one staff member to function as the Recipient Rights Officer (RRO). The RRO shall:
 - 1. Attend Substance Abuse Quality Assurance & Licensing training pertaining to recipient rights.
 - 2. Receive and investigate all recipient rights complaints independent of interference or reprisals from program administration.
 - 3. Communicate directly with the Coordinating Agency Rights Consultant when necessary.
- O. The staff member designated as the RRO shall not be a provider of counseling services where staffing permits.
- P. Rights of recipients shall be displayed in a public place. The poster will indicate the designated RRO's name and telephone number and the regional rights consultant's name, address and phone number.
- Q. As part of the intake process, each recipient will receive a brochure, which summarizes recipient rights.
- R. It is the responsibility of the intake worker or counselor to explain each right listed on the brochure to the recipient. The recipient will then be requested to initial an acknowledgment to indicate receipt of the rights brochure. If he/she refuses to sign, the refusal and reason given is noted in the client's chart by the intake worker.

- S. If the recipient is incapacitated, he/she shall be presented with the rights brochure, explanation of rights, and opportunity to document understanding of the rights as soon as feasible, but not more than 72 hours after admission.
- T. The procedure to be followed when the RRO receives a formal complaint is described in detail in the January 1982 Recipient Rights Procedure Manual. It is this program's policy that the RRO follow the procedures outlined in that manual.
- U. The Recipient Rights Advisory Council shall review these policies annually. Documentation of this annual review shall become a part of the administrative record, as shall other pertinent findings of the committee.

REFERENCES: Administrative Rules for Substance Abuse Service Programs, 1981 (R 325.14301-14306)

REVISED: July 21, 2003

APPROVED: Board Approval on: _____

Director's Signature

Date