

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights
Section: Treatment By Spiritual Means (6.15)
Approved: 2/21/05
Rescinds: 11/24/03 Treatment By Spiritual Means (6.15)
Review Committee: Recipient Rights Advisory Committee
Review Date: 7/30/10

I. Policy

It is the policy and practice of the Hiawatha Behavioral Health to recognize, protect and advise an individual of their right to pursue and receive treatment by spiritual means. Treatment by spiritual means shall necessitate the appropriate informed consent and will not violate law or another individual's rights.

II. Definitions

Legally Authorized Representative: Person authorized or empowered to execute a consent in accordance to a Probate Court Order.

Primary Clinician: The individual responsible for implementation of the recipient's Individual Plan of Services.

Treatment by Spiritual Means: A spiritual discipline or school of thought upon which a recipient wishes to rely on to aid physical or mental recovery. This would include easy access at the recipient's expense both to printed, recorded, or visual material essential or related to treatment by spiritual means and to a symbolic object of similar significance.

III. Procedure

REQUEST FOR TREATMENT BY SPIRITUAL MEANS:

A. A recipient, legally authorized representative or parent of a minor, or guardian may communicate a request for treatment by spiritual means to the primary clinician;

B. If at all possible, this request should be made in writing.

APPROVAL OR DENIAL OF THE REQUEST:

A. The primary clinician shall:

1. Document the specific request and the date it was made and file it in the recipient's clinical case record.
2. Ask the recipient if he or she assents when a request is made by the legally authorized representative, parent of a minor, or guardian and file documentation of the response in the clinical case record.
3. Collaborate with other members of the planning team in order to reach a decision regarding the request and either approve or deny the request for treatment by spiritual means according to information provided which would include; facts, and the appropriate consent, and file the written decision in the recipient's clinical case record.
4. If the request is approved, the primary clinician will:
 - a. Provide the recipient and the person requesting the treatment, if different, with written notification of the approval.
 - b. Incorporate the treatment by spiritual means into the recipient's schedule;
 - c. Obtain consent by the recipient or the legally authorized representative, or parent of a minor and attempt to collaborate with the Provider of treatment by spiritual means.
5. If the recipient or legally authorized representative or parent of a minor agrees, the provider of treatment by spiritual means will be considered a member of the planning team and this treatment will be incorporated into the recipient's individual plan of services.
6. If the request is denied, the primary clinician shall:
 - a. Provide the recipient and the person requesting the treatment, if different, with written notification of the denial which will include:
 1. The reasons for the denial and;
 2. Recourse to court proceedings if medication or other treatment for a minor is refused.
 3. Information about the appeal process.
7. This documentation shall also be incorporated into the recipient's clinical case record.

8. A denial of the request is appropriate if the treatment by spiritual means is inconsistent with a court order for treatment, breaks the law or could be physically harmful to the recipient or others.

THE RIGHT TO TREATMENT:

1. The recipient shall be provided the opportunity for contact with agencies providing treatment by spiritual means in the same manner as recipients are permitted to see private mental health professionals.

2. Requests for printed, recorded, or visual material essential or related to treatment by spiritual means, and/or to a symbolic object of similar significance shall be honored and made available at the recipients expense.

3. The right to treatment by spiritual means includes the right of recipients, parents of minors or their legally authorized representatives to refuse medication or other treatment on spiritual grounds which predate the current allegations of mental illness or disability, but does not extend to circumstances where either:

- a. A legally authorized representative or Hiawatha Behavioral Health has been empowered by a court to consent or to provide treatment and has done so;
- b. A recipient is presently dangerous to self or others and treatment is essential to prevent physical injury.

4. The right to treatment by spiritual means does not include the right to any of the following:

- a. To use mechanical devices or chemical or organic compounds which are physically harmful;
- b. To engage in activity prohibited by law;
- c. To engage in activity which physically harms the recipient or others;
- d. To engage in activity which is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.

5. If, in the opinion of the planing team, treatment by spiritual means is having a detrimental effect on the recipient's status, approval may be withdrawn by the team and;

a. When applicable, the primary clinician shall petition the court for guardianship modification under the following circumstances:

- 1. If a recipient is a danger to self or others and the recipient (and his/her legally authorized representative) is refusing medications due to his/her treatment by spiritual means.

2. The parent of a minor is refusing necessary treatment due to their treatment by spiritual means.

3. The primary clinician shall document in the recipient's clinical case record the reason for petitioning the court for guardianship modification.

APPEALS:

A. If the recipient, legally authorized representative, or parent of a minor appeals a denial or the withdrawal of approval for treatment by spiritual means the recipient or a person acting on his/her behalf has the right to appeal a denial decision or a withdrawal of approval for treatment by spiritual means.

B. The Department Manager will review the decision to deny the request and shall notify the requesting individual of the decision within 30 days and document the same in the recipient's clinical case record.

C. If the appellant remains dissatisfied, he/she may submit a request to the Chief Executive Officer, verbally or in writing for further review.

1. The Hiawatha Behavioral Health Chief Executive Officer will conduct a review and notify the appellant of the decision in writing within 30 days.

2. The Hiawatha Behavioral Health Chief Executive Officer or Designee will document this decision in the recipient's clinical case record.

IV. APPLICATION:

All Programs operated by the HBH

V. REFERENCE AND LEGAL AUTHORITY:

A. Department of Community Health Code, Sections 330.1704, 1712, and 1715.

B. Department of Community Health Administrative Rules, - R - 330.7011 and 7135

C. Hiawatha Behavioral Health Administrative Policy 6.22

D. Hiawatha Behavioral Health Administrative Policy 6.17