

HIAWATHA BEHAVIORAL HEALTH

Administrative Policy

CHAPTER: Recipient Rights	SECTION: 6.24 - 42 Code of Federal Regulations (CFR) Part 2 Substance Use Disorders Recipient Rights Protection System
EFFECTIVE DATE: 6/19/2000	APPROVAL /REVISED DATE: 8/27/18
REVIEW DATE: 8/25/2025	REVIEW COMMITTEE: Recipient Rights CHANGES: Yes No <u>X</u>

I. Purpose:

To establish policy and procedure regarding the recipient rights protection system for individuals receiving mental health services in conjunction with substance use disorders treatment.

II. Policy:

It is the policy of Hiawatha Behavioral Health to comply with all state and federal statutes regarding recipient rights as they pertain to services for substance use disorders.

III. Procedure:

- A. The recipient rights policies and procedures shall be reviewed at least annually by the Board to consider any revisions that might be necessary.
- B. Copies of recipient rights policies and procedures shall be provided or made available to each staff member. Each staff member shall review the policies and procedures and shall sign a form which indicates that he/she understands and shall abide by the policies and procedures. A copy of the signed form will be maintained in the staff member's personnel file.
- C. The Chief Executive Officer or designee shall designate a person to function as the program rights advisor who shall do all of the following:
 1. Attend all of the Substance Abuse Quality Assurance & Licensing training pertaining to recipient rights.
 2. Receive and investigate all recipient rights complaints independent of interference or reprisal from administration.
 3. Communicate directly with the Coordinating Agency Regional Rights Consultant when necessary.
- D. The staff member designated as rights advisor shall not be a provider of counseling services.
- E. Rights of recipients shall be displayed in a public place on a poster. The poster will indicate the designated rights advisor's name and telephone number and the regional rights consultant's name, address and phone number.
- F. Upon admission, each recipient is provided with program rules, which are also posted in public places in the program. These program rules inform new recipients of the infractions which can lead to discharge. The rules also describe the mechanism for

- appealing a discharge decision and which staff have the authority to discharge. The recipient signs a form that documents that a written copy of program rules has been received and questions about it answered. This form is maintained in the recipient's electronic medical record.
- G. As part of the intake or admission process, each recipient will receive a brochure which summarizes recipient rights. The brochure must either have been provided by Bureau of Substance Abuse and Addiction Services (BSAAS) or been approved by BSAAS.
 - H. It is the responsibility of the intake worker or primary clinician 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/she refuses to sign, then the refusal and reason given is noted in the recipient's electronic medical record by the intake worker.
 - I. A recipient shall participate in the development of his/her Individual Plan of Service (IPOS). The development of the IPOS plan is a cooperative effort between clinician and recipient and shall address goals and objectives that are suited to the recipient's condition. Both the recipient and the clinician will sign the treatment plan and any major revisions of that plan. The (IPOS) should be viewed as a contract between the person served and the clinician.
 - J. A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents Hiawatha Behavioral Health from providing services according to ethical and professional standards, the relationship with the recipient may be terminated, with the Chief Executive Officer or designee's written approval, upon reasonable notice. Reasons for termination will be recorded in the recipient's electronic medical record in the discharge summary.
 - K. A recipient shall have the benefits, side effects, and risks associated with the use of any prescribed medications fully explained in language which is understood by the recipient. All recipients receiving medication must sign an informed consent form.
 - L. If the recipient is incapacitated, he or 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.
 - M. The admission of a recipient to substance use disorder treatment shall not result in the recipient being deprived of any rights, privileges, or benefits which are guaranteed to individuals by state or federal constitution.
 - N. A recipient shall not be denied appropriate service on the basis of race, color, natural origin, religion, sex, age, mental or physical handicap, marital status, sexual preference, or political beliefs.
 - O. A recipient has the right to review the 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.
 - P. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
 - Q. If Hiawatha Behavioral Health engages 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

- services. State and federal rules and regulations concerning research involving human subjects will be reviewed and followed.
- R. Fingerprints may be taken and used in conjunction 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 electronic medical record and shall be destroyed or returned to the recipient when the fingerprints are no longer essential to treatment or research.
 - S. 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 records, television, movies, or photographs.
 - T. 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.
 - U. A staff member shall not physically or mentally abuse, neglect or sexually abuse a recipient.
 - V. The procedure to be followed when the rights advisor receives a formal complaint is described in Rule 325.14303 Recipient rights violations; complaints; procedures; remedies. The Rights Advisor will follow the procedures outlined in that rule.

IV. Cross Reference/Legal Authority:

- A. Michigan Department of Licensing and Regulatory Affairs (LARA) Substance Use Disorder Programs R 325.14101 - 325.14928
- B. Michigan Public Health Code Act 258 of 1974, Chapter 2A, Substance Use Disorder Services