Michigan Department of Licensing and Regulatory Affairs
Bureau of Health Care Services
Health Facilities Division
Substance Abuse Program
PO Box 30664
Lansing, MI 48909
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MODEL RECIPIENT RIGHTS POLICY AND PROCEDURES

Authority: P.A.368 of 1978, as amended

NOTE: Information provided as a model to be considered by licensed substance abuse programs in their development of recipient rights policy and procedures.

INTRODUCTION

The 1981 Administrative Rules for Substance Abuse Programs in Michigan require licensed substance abuse programs to adopt recipient rights policy and procedures by January 9, 1981. What follows is a model for such policies and procedures.

The recipient rights model policy and procedures are offered to assist programs in the development of their own policy and procedures for insertion in their program operational manual. All required policy statements are typed in the same type as is used in this introduction. These required statements may be found in Part 3 of the Substance Abuse Administrative Rules. To be in compliance with the rules, these policy or procedural statements must be part of each program's operational manual.

In addition to the required statements, the model also contains some policy statements and procedures which a program typically might want to develop in order to further carry out the provisions or intent of the recipients rights rules or use in fitting the rules to the specific needs of an individual program. These non-required statements are typed in *italics.* They are offered only as optional examples.

To differentiate between required policies or examples applicable to a specific service category, a simple code is used. The letters "A" through "G" found in the left margin throughout the rest of this model policy and procedures statement refer to the specific service category to which each paragraph relates. The codes and service categories to which they apply are as follows:

Codes and Service Categories

A	Methadone Treatment and Other Chemotherapy
B	Prevention (CAIT)
C	Prevention (Problem Assistance)
D	Casefinding (SARF)
E	Outpatient
F	Inpatient
G	Residential and Residential ASP

Thus, for a program providing only outpatient services, a sample recipient rights policy and procedures statement would consist of all items with an "E" in the left margin.

For a program providing only CAIT and/or SARF services, a sample recipient rights policy and procedures statement would consist of all items with a "B" and/or "D" in the left margin.

Programs should review the model statements and use them if they are of assistance in the development of the program's own recipient rights policy and procedures. If other issues arise in the development of these policies and procedures, please contact your Substance Abuse Licensing consultant.

Click the appropriate link for the *Recipient Rights Complaint Form* (LARA/SUB-060) and the *Recipient Rights Investigation Report* LARA/SUB-061) to access them. A complete set of forms are provided in the *Recipient Rights Manual*.

Questions regarding the content of this document and/or requests for forms may be directed to:

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RECIPIENT RIGHTS POLICIES AND PROCEDURES

ADOPTED BY XYZ SUBSTANCE ABUSE PROGRAM GOVERNING AUTHORITY ON 1-5-82

CODE

ABCDEFG As required by R 325.14302 of the Administrative Rules for Substance Abuse Service Programs in Michigan, the following policies and procedures were considered and adopted by majority vote of our governing authority on (date of adoption).

ADEFG *As of (date of adoption), a recipient rights subcommittee*will perform the function of overseeing recipient rights activities to insure compliance with R 325.14301 to R325.14306 of the Administrative Rules for Substance Abuse Service Programs in Michigan and the following policies and procedures. It shall also be the responsibility of the subcommittee to annually review these policies and procedures to consider necessary revisions.* Documentation of this annual review and the majority approval of the governing body shall become a part of the administrative record, as shall other pertinent findings of the subcommittee.

SPECIFIC RECIPIENT RIGHTS

Listed below are the specific recipient rights adopted by the governing authority:

ABCDEFG (1) 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. *The recipient rights subcommittee shall annually review and comment on all program policies and procedures with the goal of identifying any that are discriminatory in nature.*

G *As the services offered by our halfway home are limited to women, the reference to "sex" is qualified. It is the determination of the governing authority that the term "appropriate service" allows this exclusion to be made it is also recognized that the law disallows admission to women who have not reached the age of 18 years, unless the courts specifically allow admission.*

ADEFG (2) The admission of a recipient to this program, or the provisions 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.

ADEFG (3) 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.

ADEFG (4) 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, such actions will be detrimental to the recipient or to others for either of the following reasons:

(a) Granting the request for disclosure will cause substantial harm to the relationship between the recipient and the program or to the program's capacity to provide services in general.

(b) Granting the request for disclosure will cause substantial harm to the recipient.

If the Program Director determines that such action will be detrimental, the recipient is allowed to review non-detrimental portions of the record or a summary of the record. If a recipient is denied the right to review all or part of his or her record, the reason for the denial shall be stated to the recipient. An explanation of what portions of the record are detrimental and for what reasons, shall be stated in the client record and shall be signed by the Program Director.

*All requests to review records will be directed to the Program Director who is the **only** staff member authorized to grant such requests.*

NOTE -* *The recipient right rules do not specifically require that the governing body form a subcommittee. The rules **do require the governing body to adopt official policies and procedures and document annual review of the policies and procedures.*

ADEFG (5) 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 Section Administrative Rules.*

ADEFG (6) A recipient has the right to review our written fee schedule. Any revisions of fees will be approved by the governing authority *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.*

ADEFG (7) 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 office manager. The program orientation materials inform recipients of the procedure to follow to obtain the explanations from the office manager.

ADEFG (8) 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.

AEFG (9) A recipient shall participate in the development of his or her treatment plan.

*Counseling staff will inform recipients that development of a treatment plan is a cooperative effort between counselor and client. It is the policy of this program that both the client and counselor sign the treatment plan** and any major revisions of that plan.*

AEFG (10) A client 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 case file in the discharge summary.*

AEFG (11) Upon admission, each client/resident is provided with program/house rules, which are also posted in public places in the program. These program/house rules inform new clients/residents of the infractions which can lead to discharge. The rules also describe the mechanism for appealing a discharge decision and which staff have authority to discharge. The client/resident signs a form that documents that a written copy of program/house rules has been received and questions about it answered. *This form is maintained in the client/resident's client file. Discharge is for a period of at least 30 days.*

AEFG (12) 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 clients receiving medication must sign an informed consent form.*

ADEFG (13) 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.

ADEFG (14) 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.

FG (15) A recipient has the right to associate and have private communications and consultations with his or her physician and attorney.

**NOTE -* *Programs utilizing confrontation type therapy will need to be specific in their policies and procedures concerning this right. The program should inform the recipients that confrontation is a part of the treatment plan and that clients may refuse services and be informed of the consequences of their refusal.*

***NOTE -* *Client signature on the treatment plan is not required by licensing rules.*

FG (16) *Our policy concerning visitors is posted in the lobby which is "a public place" where all applicants, residents, or visitors can view it.*

FG *(17) (Restriction of right) It is the policy of this program that no resident be allowed visits from family members, friends, or other persons during the first 30 days of admission. It is the experience of this program that this is an important therapeutic ingredient in helping the resident alter established behavior patterns and settle into the therapeutic process.*

Exceptions may be granted by the program director under compelling circumstances. Any restrictions of visitation rights beyond the initial 30 day period must be described and justified in the resident's individual treatment plan. When visitation privileges are granted, visitors will be seen in the visiting area between the hours of 7:30 to 10:30 p.m.

The resident must sign a form prior to admission, documenting acceptance of the above described limitation on visits. A copy of the form will be maintained in the resident's client file. *The resident will also receive a written description of the visitation hours in the pamphlet orienting him or her to our program.*

FG (18) To protect the privacy of all other recipients, the program director shall ensure, to the extent reasonable and possible, that the visitors of recipients will only see or have contact with the individual they have reason to visit. *When visitors are expected, notification will be made on the bulletin board 24 hours in advance, whenever feasible. In general, visitors will not be allowed on the floor where residents have their bedrooms unless at least 30 minutes prior notice is given to residents so they may close their doors if they prefer.*

FG (19) A recipient has the right to be free from physical and chemical restraints, except those authorized in writing by a physician for a specified and limited time. Written policies and procedures which set forth the circumstances that require the use of restraints and which designate the program personnel responsible for applying restraints have been approved in writing by our physician and have been adopted by the program governing authority. Restraints may be applied in an emergency to protect the recipient from injury to self or others. The restraint shall be applied by designated staff. Such action shall be reported to our physician immediately and shall be reduced to writing in the client record within 24 hours.

FG (20) A recipient has the right to be free from doing work which the program would otherwise employ someone else to do, unless the work and the rationale for its therapeutic benefit are included in program policy or in the treatment plan for the recipient.

FG (21) A recipient has the right to a reasonable amount of personal storage space for clothing and other personal property. All such items shall be returned upon discharge.

FG (22) A recipient has the right to deposit money, earnings, or income in his or her name in an account with a commercial financial institution. A recipient has the right to get money from the account and to spend it or use it as he or she chooses, unless restricted by the treatment plan for the recipient. A recipient has the right to receive all money or other belongings held for him or her by the program within 24 hours of discharge.

ADEFG (23) 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 the intent of the policies and procedures.* A copy of the signed form will be maintained in the staff member's personnel file; a second copy will be retained by the staff member.

ADEFG (24) The program director shall designate one staff member to function as the program rights advisor. The rights advisor shall:

(a) Attend all of the Substance Abuse Licensing training pertaining to recipient rights.

(b) Receive and investigate all recipient rights complaints independent of interference or reprisal from program administration.

(c) Communicate directly with the Coordinating Agency Rights Consultant when necessary.

AEFG (25) The staff member designated as rights advisor shall not be a provider of counseling services where staffing permits.

ADEFG (26) Rights of recipients shall be displayed in a public place on a poster to be provided by BSAS. The poster will indicate the designated rights advisor's name and telephone number *and the regional rights consultant's name, address, and phone number.*

ADEFG (27) 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 BSAS, or been approved by BSAS.*

ADEFG (28) *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 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 intake worker.*

ADEFG (29) 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.

BC (30) Any program announcement, brochure, or other written communication that describes our program's substance abuse prevention services shall state the following: "Recipients of substance abuse services have rights protected by state and federal law and promulgated rules." For information contact (staff name, address, phone) of the Bureau of Health Care Services, Health Facilities Division, Substance Abuse Program, Recipients Rights Coordinator, P.O. Box 30664, Lansing, MI 48909.

BC (31) When we maintain prevention program records that include both the recipient's name and information regarding his or her substance use or abuse, the recipient shall be provided with both a summary of recipient rights, and written notification that states: "Recipients of substance abuse services have rights protected by state or federal law and promulgated rules." For information, contact (staff name, address, phone) of the Bureau of Health Care Services, Health Facilities Division, Substance Abuse Program, Recipients Rights Coordinator, P.O. Box 30664, Lansing, MI 48909.

When a recipient telephones this prevention program, and when program records are maintained that include both the recipient's name and information regarding his or her substance use or abuse, the recipient shall be informed that a summary of recipient rights will be mailed to him or her on request.

ADEFG (32) The procedure to be followed when the rights advisor receives a formal complaint is described in detail in the January 1982 Recipient Rights Procedure Manual. It is this program's policy that the Program Rights Advisor follows the procedures outlined in that manual.

The Michigan Department of Licensing and Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. You may make your needs known to this agency under the *Americans with Disabilities Act* if you need assistance with reading, writing, hearing, etc.