

Recipient Rights in Substance Use Disorder Programs

*Michigan Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
State Licensing Section*

Recipient Rights Authority

Recipient Rights are the rights guaranteed by State and Federal laws and promulgated rules, including but not limited to Rule 325.14304, Vulnerable Adult Abuse, Civil Rights laws, Criminal Statutes, Michigan Constitution of 1963, the Federal Constitution, Federal laws, and Federal Regulations.



Responsibilities of SUD Program

- Establish and maintain policies and procedures on recipient rights.
 - Reviewed on annual basis and updated, if necessary.
- Have designated rights advisor.
 - Must attend recipient rights training.
 - Must investigate recipient rights complaints.
 - Act as liaison between the program, the regional entity, and the Department.



Definitions

- **Client or Recipient** means an individual who receives services from a licensed SUD program.
- **Recipient Abuse** means either of the following:
 - An intentional act by a staff member which inflicts physical injury upon a recipient or which results in sexual contact with a recipient.
 - 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.
- **Sexual Contact** means the intentional touching, by a staff member, of the recipient's intimate parts or the intentional touching of the clothing covering the immediate area of the recipient's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.



Definitions - Continued

- **Intimate parts** means the primary genital area, groin, inner thigh, buttock, or female breast of a human being.
- **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.
- **Negligence** means a failure to exercise the care that a reasonably prudent person would exercise in like circumstances. The area of tort law known as negligence involves harm caused by carelessness, not intentional harm. This does not have to be written and may vary from community to community.



Rights of Recipient

- A recipient 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 admission of a recipient to a treatment program or receipt 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 constitutions.
- A recipient may present grievances or suggest 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.



Rights of Recipient - Continued

- 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 action will be detrimental to the recipient or to others for either of the following reasons:
 - 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.
 - Granting the request for disclosure will cause substantial harm to the recipient.
- A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient.



Rights of Recipient - Continued

- A recipient has the right to review a written fee schedule in programs where recipients are charged for services. Policies on fees and any revisions thereto shall be approved by the governing authority of the program and shall be recorded in the administrative record of the program.
- A recipient is entitled to receive an explanation of his or her bill, regardless of the source of payment.
- A recipient has the right to information concerning any experimental or research procedure proposed as a part of his or her treatment or prevention services and has the right to refuse to participate in the experiment or research without jeopardizing his or her continuing services. A program shall comply with state and federal rules and regulations concerning research which involves human subjects.



Rights of Recipient - Continued

- A recipient shall participate in the development of his or her treatment plan.
- A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated upon reasonable notice.
- A recipient shall participate in the development of his or her treatment plan.
- A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated upon reasonable notice.



Rights of Recipient - Continued

- A recipient shall participate in the development of his or her treatment plan.
- A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated upon reasonable notice.
- 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 1-way vision mirrors, tape recorders, television, movies, or photographs.



Rights of Recipient - Continued

- 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 records and shall be destroyed or returned to the recipient when the fingerprints are no longer essential to treatment or research.
- A recipient has the right to associate and have private communications and consultations with his or her physician and attorney.



Rights of Recipient – Residential/Inpatient

- A program shall post its policy concerning visitors in a public place.
- Unless contraindicated by program policy or individual treatment plan, a recipient is allowed visits from family members, friends, and other persons of his or her choice at reasonable times.
- To protect the privacy of all other recipients, a 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.
- 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.



Rights of Recipient – Residential/Inpatient

- 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.
- 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.
- 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 program policy or 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.

