

## PATHWAYS CMH

<b>POLICY TITLE:</b> Co-Occurring Services	<b>CATEGORY:</b> Recipient Rights	
<b>EFFECTIVE DATE:</b> July 2008	<b>BOARD APPROVAL DATE:</b> April 6, 2016	
<b>REVIEW DATE:</b> June 6, 2020	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Recipient Rights Supervisor or Designee	<b>CEO APPROVAL:</b> Mary J. Swift, CEO	

**APPLIES TO:**

Employees, volunteers and contractual providers of Pathways CMH that provide co-occurring services.

**POLICY:**

It is the policy of the Pathways Board that the rights of recipients of co-occurring services are protected under the Mental Health Code and the Substance Abuse Administrative Rules for Substance Use Disorder Services.

Listed below are the specific recipient rights adopted by Pathways:

- (1) A recipient as defined in the 1981 Administrative Rules for Substance Use Disorder Service Programs in Michigan shall not be denied appropriate service on the basis of race, color, national origin, religion, sex, age, mental or physical impairment, marital status, sexual orientation, or political beliefs.
- (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.
- (3) A recipient may present grievances or suggested changes in Pathways policies and services to the Pathways staff, to governmental officials, or to another person within or outside Pathways. In this process, Pathways shall not in any way restrict the recipient.
- (4) A recipient has the right to review, copy, or receive his or her clinical records per Pathways Privacy Policy, Appendix #2.
- (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 Michigan Department of Community Health, Bureau of Mental Health and Substance Abuse Services Administrative Rules, 330.7001 (a)-(c), (i)-(k).
- (6) A recipient has the right to review our written fee schedule.
- (7) A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
- (8) Should Pathways 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.
- (9) A recipient shall participate in the development of his or her treatment plan.
- (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 Pathways from providing services according to ethical and professional standards, the relationship with the recipient may be terminated, upon reasonable notice. Reasons for termination will be recorded in the client's case file in the discharge summary.

- (11) 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.
- (12) 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. See also Pathways Informed Consent Policy and Pathways Photographing, Recording, Fingerprinting Recipient, Use of One-way Glass, and Media Release Policy.
- (13) 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. See Pathways Photographing, Recording, Fingerprinting Recipient, Use of One-way Glass, and Media Release Policy.
- (14) A recipient has the right to associate and have private communications and consultations with his or her physician and attorney.
- (15) Restraint/Seclusion – See Pathways Restraint and Seclusion Policy.
- (16) 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.
- (17) A recipient has the right to a reasonable amount of personal storage space for clothing
- (18) Pathways Recipient Rights 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. 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.
- (19) Pathways Office of Recipient Rights Coordinators shall function as the Substance Use Rights advisors. 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.
- (20) Recipient Rights staff shall not be a provider of counseling services.
- (21) 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.
- (22) Upon determination that an individual is a Co-occurring recipient, the recipient will receive a brochure which summarizes recipient rights.
- (23) It is the responsibility the 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 or she refused to sign, then the refusal and reason given is noted in the client file.
- (24) 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.
- (25) Any program announcement, brochure, or other written communication that describes Pathway'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 Pathways Office of Recipient Rights (with the local office address and phone number) or Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Substance Abuse Licensing section, Recipient Rights coordinator, P.O. Box 30664, Lansing, MI 48909.
- (26) 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 Pathways policy that the Program Rights Advisor follow the procedures outlined in that manual.

**PURPOSE:**

To protect the rights of individuals who receive co-occurring services.

**DEFINITIONS:**

Consumer with co-occurring disorders means a consumer who is diagnosed with a serious mental illness and /or a developmental disability AND a substance use disorder. A consumer with co-occurring disorders is designated in the demographic reporting data on disabilities as both MI (DD) and SUD regardless of whether the substance use disorder is in remission or a focus of current treatment. The entire chart of the consumer shall be protected by the rules in 42CFR Part 2. Exceptions: Commitment, ATOs and Adolescents.

**REFERENCES:**

MCL 330.330.1011 et seq.

MCL 333.6230 and 333.6234

Michigan Administrative Code, R325.14101-325.14306 and R 330.7001 - 7260

**HISTORY:**

Dates Reviewed: July 11, 2013; July 11, 2014; May 5, 2015; March 4, 2016; March 3, 2017; May 30, 2018; June 6, 2020

Dates Revised: July 11, 2013; March 4, 2016

Dates Approved: July 2008; October 2, 2013, April 6, 2016

**PROCEDURES**

N/A