

PATHWAYS CMH

POLICY TITLE: Treatment By Spiritual Means	CATEGORY: Recipient Rights	
EFFECTIVE DATE: July 6, 2005	BOARD APPROVAL DATE: July 6, 2005	
REVIEW DATE: December 30, 2019	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY: Recipient Rights Supervisor or Designee	CEO APPROVAL: Mary J. Swift, CEO	

APPLIES TO:

Employees, volunteers and contractual providers of Pathways CMH

POLICY:

It is the policy of the Pathways Board that recipients shall be permitted treatment by spiritual means upon request and with appropriate informed consent.

The following standards shall be adhered to:

- A. The opportunity for contact with agencies providing treatment by spiritual means shall be provided in the same manner as recipients are permitted to see private mental health professionals.
- B. The right to treatment by spiritual means includes the right to refuse medication or other treatment on spiritual grounds that predate the current allegations of mental illness or disability, but does not extend to circumstances where either of the following provisions apply:
 1. There is a court order empowering a guardian or Pathways to consent to or provide treatment.
 2. The recipient poses harm to himself or herself or others and treatment is essential to prevent physical injury.
- C. Recourse to court proceedings is available when there is refusal of medication or other treatment for a minor.
- D. The right to treatment by spiritual means does not include the right:
 1. To use mechanical devices or chemical or organic compounds which are physically harmful;
 2. To engage in activity prohibited by law;
 3. To engage in activity which physically harms the recipient or others;
 4. To engage in activity which is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.
- E. The individual requesting treatment by spiritual means may appeal a denial by notifying the primary clinician, verbally or in writing, of his or her desire to appeal.

PURPOSE:

To protect the rights of recipients

DEFINITIONS:

Primary Clinician

The staff member in charge of implementing the recipient's plan of service.

Treatment by Spiritual Means

A spiritual discipline or school of thought that a recipient wishes to rely on to aid physical or mental recovery, and includes 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.

REFERENCES:

Department of Community Health Administrative Rule 7135.

HISTORY:

Dates Reviewed: May 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 19, 2016; April 15, 2017; March 26, 2018; December 30, 2019

Dates Revised: May 2011; July 11, 2013

Dates Approved: July 6, 2005

PROCEDURES:

A. Request for Treatment by Spiritual Means

1. A recipient, parent of a minor, or guardian may communicate a request for treatment by spiritual means to the primary clinician;
2. The primary clinician shall:
 - a. Document the specific request and the date it was made, and file it in the recipient's record;
 - b. Ask the recipient if he or she assents when a request is by the nearest relative, a parent of a minor, or a guardian and file documentation of the response in the recipient's record.

B. Approval or Denial of the Request

1. The primary clinician shall review and either approve or deny the request for treatment by spiritual means according to agency standards and file written documentation of this decision in the recipient's record.
2. If the request is approved, the primary clinician shall incorporate this request into the recipient's schedule and obtain informed consent if appropriate.
3. If the request is denied, the primary clinician shall provide the recipient and the person requesting treatment, if different, with written notification of the denial, the reasons for denial, and the appeal process, and file such documentation in the recipient's record.

C. Appeals

1. If the recipient, parent of a minor, or guardian appeals a denial:
 - a. The primary clinician will request his or her supervisor, or the treatment team to conduct a review;
 - b. The reviewing party will notify the individual of the decision within 14 days, and document it in the recipient's record.
2. If the appellant is dissatisfied, he or she may submit a request to the Chief Executive Officer, verbally or in writing, for a further review;
 - a. The Chief Executive Officer will conduct a review and notify the appellant of the decision within 14 days;
 - b. The Chief Executive Office, or designated primary clinician or supervisor, will document this decision in the recipient's record.

D. Recourse to Court

The primary clinician shall inform the recipient and the person requesting treatment, if different, that recourse to court proceedings is available when there is refusal of medication or other treatment for a minor and assist if requested.