

Policy 12.1

POLICY TITLE: ENSURING THE RIGHTS OF PERSONS SERVED	POLICY #12.1		
Topic Area: SUBSTANCE USE DISORDER	ISSUED BY: Chief Executive Officer APPROVED BY: Board of Directors	REVIEW DATES	
Applies to: Entity Staff, CMHSP, and Provider Network		6/30/2023	
Developed and Maintained by: CEO and Designee			
Supersedes: N/A			
	Effective Date: 12/19/2016	Revised Date: 12/16/2021	

I. PURPOSE

To ensure the legal authority and requirements for the rights and the protections for all recipients receiving substance use disorder services authorized and/or delivered by the Entity Provider Network.

II. POLICY

It is the Policy of the Lakeshore Regional Entity (Entity) to ensure that the rights of individuals receiving substance use disorder (SUD) services are protected.

- A. A program shall adopt official written policies and procedures to assure compliance with recipient rights rules and procedures as set for in R 325.1391 to R 325.1399 of the Administrative Rules for Substance Abuse Program in Michigan.
- B. The recipient rights policies and procedures shall be reviewed at least annually to consider any revisions that might be necessary. Such review and approval shall become a part of the administrative record of the program.
- C. The recipient rights policies and procedures shall meet all of the following requirements:
 1. Require the program director to designate a staff member to function as the program rights advisor who shall do all of the following:
 - a. Attend training concerning recipient rights procedures.
 - b. Receive and investigate all recipient rights complaints.
 - c. Communicate directly with the Entity rights consultant when a complaint cannot be resolved at the program level.
 - d. Where staffing permits, the program rights advisor shall not be a provider of counseling services.
 2. Outline the method of filling recipient requests to review, copy, or receive a summary of recipient treatment or prevention service case records.
 3. Provide simple mechanisms for notifying recipients of their rights,

reporting apparent rights violations, determining whether in fact violations have occurred, and for ensuring that firm, consistent, and fair remedial action is taken in the event of a violation of these rules.

- D. Copies of recipient rights policies and procedures shall be provided to each member of the program staff. Each staff member of the program shall review the policies and procedures and shall sign a form provided by the office which indicates that he or she understands, and shall abide by, the policies and procedures. The form shall be explained to the staff by the program director. A signed copy shall be maintained in the staff personnel file and a signed copy shall be retained by the staff member.
- E. A treatment program may choose to restrict specific rights of a recipient based on the program policies and procedures. These restrictions are permissible only when there is a documented therapeutic purpose and timeframe in the recipient's record. A restriction shall not be for more than 30 days without being renewed in writing in the recipient record and shall be signed by a licensed health professional.
- F. As part of the admission procedure to a program, a recipient shall receive all of the following:
 - 1. If incapacitated, receive the procedures described in this subrule as soon as feasible, but not more than 72 hours after admission to an approved service program.
 - 2. A written description of the recipient rights.
 - 3. A written description of any restrictions of the rights based on program policy.
 - 4. An oral explanation of the rights in language which is understood by the recipient.
 - 5. A form that indicates that the recipient understands the rights and consents to specific restrictions of rights based on program policy. The recipient shall sign this form. A copy of the form shall be provided to the recipient and also become a part of the recipient's record.
 - 6. A recipient rights complaint violation form shall be provided to the recipient after completing the consent form.
- G. Rights of recipients shall be displayed on a poster provided by the office in a public area of all licensed programs. The poster shall indicate the program rights advisor's name and phone number.
- H. The administrator of the office, with approval of the Entity, shall designate a staff member of the Entity to act as the recipient rights consultant for the region. The designation shall be renewed annually. The Entity recipient rights consultant shall conduct recipient rights activities according to procedures outlined by the office.

III. APPLICABILITY AND RESPONSIBILITY

This policy applies to the Entity, CMHSPs, and Network Providers.

IV. MONITORING AND REVIEW

This policy will be maintained by the CEO or designee and reviewed on an annual basis.

V. DEFINITIONS

Definitions for this policy are defined in the Michigan Administrative Code for substance Use Disorder Service Program R 325.1301.

VI. RELATED POLICIES AND PROCEDURES

Customer Service Policies and Procedures

VII. REFERENCES/LEGAL AUTHORITY

- A. Michigan Administrative Code, R 325.1391 to R 325.1399. Administrative Rules Substance Use Disorders Service Program
- B. Michigan Administrative Code, Definitions 325.1301. Administrative Rules Substance Use Disorders Service Program
- C. Michigan Public Health Code Act 368 of 1978, Article 6, Substance Abuse
- D. Michigan Public Health Code Act 258 of 1974, Chapter 2A, Substance Use Disorder Services
- E. MDHHS Medicaid Specialty Supports and Services Contract

VIII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
12/19/2016	New Policy	Chief Executive Officer
12/16/2021	Updated language	CEO and Designee
6/30/203	Annual Review	COO, Prevention Manager, SUD Manager