

BAY-ARENAC BEHAVIORAL HEALTH POLICIES AND PROCEDURES MANUAL

Chapter: 12	Riverhaven Coordinating Agency		
Section: 3	Consumer, Provider Rights		
Topic: 4	Recipient Rights		
Page: 1 of 6	Supersedes Date: Pol: 9-19-02 Proc: 11-16-04, 9-10-02	Approval Date: Pol: 12-20-07 Proc: 12-20-07	
			_____ <i>Board Chairperson Signature</i>
_____ <i>Chief Executive Officer Signature</i>			
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Policy

The policy of Bay-Arenac Behavioral Health (BABH) is that it shall safeguard rights and ensure that the Substance Use Disorder Administrative Rules are implemented.

Purpose

This policy and procedure was established to provide substance use disorder recipients with information on their rights to receive quality treatment services and what to do if the recipient thinks those rights have been violated.

Applicability

- All BABH Staff
- Selected BABH Staff, as follows: Service and Access/Intake
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows: Substance Use Staff
 - Policy Only Policy and Procedure
- BABH's Affiliates: Policy Only Policy and Procedure
- Other:

Definitions

Recipient Abuse: Means either of the following:

- A. An intentional act by a staff member that inflicts physical injury upon a recipient or which results in sexual contact with a recipient.
- B. 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.

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.

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Procedure

Specific Recipient Rights

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

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.
2. The admission of a recipient to substance abuse treatment 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 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 retain the recipient.
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's record and shall be signed by the Program Director.

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5. A program staff member shall not physically or mentally abuse or neglect or sexually abuse a recipient as the terms “recipient abuse” and “recipient neglect” are defined in the General Provisions of the Department of Consumer and Industry Services Bureau of Health Systems Administrative Rules for Substance Abuse Programs.
6. A recipient has the right to review our written fee schedule. The governing authority will approve any revisions of fees and all recipients will be notified at least two (2) weeks in advance.
7. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
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.
9. 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.
10. 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.
11. 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. A copy of the signed form will be maintained in the staff member’s personnel file; the staff member will retain a second copy.

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12. 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 Quality Assurance & 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.

13. Rights of Recipients shall be displayed in a public place on a poster to be provided by Riverhaven Coordinating Agency (RCA). The poster will indicate the designated Rights Advisor's name and telephone number and the Regional Rights Consultant's name, address, and phone number.

14. As part of the intake or admission process, each recipient will receive a brochure, that summarizes recipient rights. RCA will use the approved brochure provided by the Michigan Department of Community Health.

15. 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 Acknowledgement form to indicate understanding of the rights. If he or she refused to sign, then the intake worker notes the refusal and reason given in the client's file.

16. 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.

17. 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.

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Attachments

N/A

Related Forms

Recipient Rights Complaint Form

Related Materials

January 1982 Recipient Rights Procedure Manual

Reference/Legal Authority

- Department of Consumer and Industry Services Bureau of Health Systems Administrative Rules for Substance Abuse Service Programs, Part 3, R 325.14301 - R 325.14306
- Federal Register
- Riverhaven Coordinating Agency Provider Manual

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Submission Form		
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<u>Result:</u> Deletion <input type="checkbox"/> New <input type="checkbox"/> No Changes <input type="checkbox"/> Replacement <input type="checkbox"/> Revision <input type="checkbox"/>		
<u>List reason for deletion/replacement/revision here. If replacement, list policy to be replaced.</u>		