

HEALTHWEST

Policy and Procedure

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Prepared by:

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Approved by:

Subject: Recipient Rights for  
Substance Abuse Programs

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Julia B. Rupp, Executive Director

I. POLICY

HealthWest will protect the rights of individuals receiving services in substance abuse programs.

II. PURPOSE

To provide for the protection of recipients' rights in accordance with the Administrative Rules for Substance Abuse Service Programs in Michigan.

III. APPLICATION

All employees, volunteers, student interns and persons under contract who operate substance abuse treatment programs through HealthWest.

V. PROCEDURE

A. 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.

B. 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 that are guaranteed to individuals by state or federal law or by the state or federal constitution.

C. 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 restrain the recipient.

- D. A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgement of the Executive Director, such actions will be detrimental to the recipient or to others for either of the following reasons:
1. 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.
  2. Granting the request for disclosure will cause substantial harm to the recipient.
  3. If the Executive 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.
  4. 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 and an explanation of what portions of the record are detrimental and for what reasons, shall be stated in the client record and shall be signed by the Executive Director.
  5. All requests to review records will be directed to the Executive Director, who is the only staff member authorized to grant such requests.
- E. 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 Substance Abuse Quality Assurance and Licensing Section Administrative Rules.
- F. A recipient has the right to review the written fee schedule.
1. The HealthWest Board will approve any revisions of fees and all recipients will be notified at least two weeks in advance.
  2. The program intake worker will give each applicant a summary of the fees during the intake interview.
- G. A recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
- H. 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.
- I. A recipient shall participate in the development of his or her treatment plan using the person-centered-planning process and both the recipient and the case coordinator shall sign the plan or any revisions.

- J. A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents the program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated:
  - 1. With the Executive Director's written approval.
  - 2. Upon reasonable notice.
  - 3. Reasons for termination will be recorded in the recipient's case file in the discharge summary.
- K. Upon admission, each recipient is provided with program rules, which are also posted in public places in the program.
  - 1. These program rules inform new recipients of the infractions that can lead to discharge.
  - 2. The rules describe the mechanism for appealing a discharge decision and which staff have the authority to discharge.
  - 3. The recipient will sign an acknowledgement that a written copy of the program rules has been received and questions about it answered, which will be placed in the recipient's case file.
- L. A recipient shall have the benefits, side effects, and risks associated with the use of any drugs fully explained in language that is understood by the recipient.
  - 1. The Medical Director is responsible for providing this explanation or for designating staff to do it.
  - 2. All recipients receiving medication must sign an informed consent form.
- M. 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 audiovisual techniques, such as one-way vision mirrors, tape recorders, television, movies, or photographs.
- N. 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.
- O. A recipient has the right to associate and have private communications and consultations with his or her physician and attorney.

- P. These policies and procedures shall be provided to each member of the program staff. Each staff member shall review this material and shall sign an acknowledgement that indicates he or she understands, and shall abide by the program's recipient rights policy and procedures.
1. The Executive Director shall ensure each staff member fully comprehends the intent of the policies and procedures.
  2. A signed copy of the acknowledgement will be maintained in the staff member's human resources file; the staff member will retain a second copy.
- Q. The Executive Director shall designate the Recipient Rights Officer to function as the Program Rights Advisor. The Rights Advisor shall:
1. Attend all of the Substance Abuse Quality Assurance and Licensing training pertaining to recipient rights.
  2. Receive and investigate all recipient rights complaints independent of interference or reprisal from administration.
  3. Communicate directly with the Coordinating Agency Rights Consultant when necessary.
  4. The Recipient Rights Officer shall not provide counseling services.
- R. Rights of recipients shall be displayed in a public place on a poster to be provided by Center for Substance Abuse Services (CSAS). The poster will indicate the Recipient Rights Officer's name and telephone number and the regional rights consultant's name, address, and telephone number.
- S. As part of the intake process, each recipient will receive a CSAS approved brochure that summarizes recipient rights.
1. The intake worker or counselor will explain each right listed on the brochure to the recipient.
  2. The recipient will then be requested to sign the rights acknowledgement form to indicate understanding of the rights. If he or she refuses to sign, then the intake worker will note the refusal and the reason given in the client file.
  3. If the recipient is incapacitated, he or she shall be presented with the rights brochure, explanation of rights, and opportunity to document understanding of the rights as soon as feasible, but not more than seventy-two (72) hours after admission.
- T. The Recipient Rights Officer shall follow the formal complaint procedure as described in the January 1982 Recipient Rights Procedure Manual.

U. This policy will be reviewed annually by the Recipient Rights Advisory Committee and revised as necessary.

VI. REFERENCES:

The 1981 Administrative Rules for Substance Abuse Programs in Michigan

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