

HEALTHWEST

Policy and Procedure

No. 04-013

Prepared by:

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The Office of Recipient Rights

Approved by:

Subject: Treatment by Spiritual
Means



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I. POLICY

- A. A resident shall be permitted treatment by spiritual means on the request of the recipient, guardian, or parent of a minor recipient.
- B. Opportunity for contact with agencies providing treatment by spiritual means shall be provided in the same manner as residents are permitted to see private physicians.
- C. The "right to treatment by spiritual means" includes the right of residents or guardians of residents to refuse medication or other treatment:
 - 1. Spiritual treatment predates the current allegation of mental illness or disability.
 - 2. No court order empowering a guardian or the facility to make those decisions has been issued.
 - 3. A recipient is not imminently dangerous to self or others.
- D. The "right to treatment by spiritual means" does not include the right:
 - 1. To use mechanical devices or chemical or organic compounds that are physically harmful.
 - 2. To engage in activity prohibited by law.
 - 3. To engage in activity that physically harms the resident or others.
 - 4. To engage in activity that is inconsistent with court-ordered custody or voluntary placement by a person other than the resident.
- E. Assurance will be obtained that a resident assents to treatment by spiritual means, when a request is by the guardian, or parent of a minor recipient.

- F. Notice will be given to the requesting person of a denial of request, along with the reasons for that denial.
- G. Administrative review or appeal of the denial of treatment by spiritual means be available at the option of a person requesting treatment.

II. PURPOSE

To provide for a resident's right to treatment by spiritual means.

III. APPLICATION

All mental health residential facilities operated by or under contract with HealthWest.

IV. DEFINITIONS

- A. **Facility:** A residential setting for the care or treatment of individuals with a mental illness, serious emotional disturbance, or developmental disability that is either operated by or under contract with the Agency.
- B. **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 resident'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.

V. PROCEDURES

- A. A request for treatment by spiritual means shall include the following:
 - 1. A request for treatment by spiritual means shall be made in writing.
 - 2. The request may be given to any facility staff person. The request will then be immediately forwarded to the facility supervisor.
 - 3. Notification of the request is to be given to the case coordinator immediately by the facility supervisor, first by telephone, and then in writing.
 - 4. The written request will be filed in the resident's record at the facility.
- B. Approval of the request for treatment by spiritual means requires the following:
 - 1. The resident's case coordinator is responsible for the decision to approve the request for treatment by spiritual means.
 - 2. Approval will be given only in line with HealthWest policies.
 - 3. Approval will be given in writing to the resident and to the person requesting treatment if other than the resident. A copy of the approval will be placed in the resident's record.
 - 4. The case coordinator will incorporate the specific request for treatment by spiritual means into the resident's schedule, and assure cooperation of staff. HealthWest will

assist the resident in locating options for treatment by spiritual means.

C. Denial of the request for treatment by spiritual means requires the following:

1. The resident's case coordinator is responsible for the decision to deny the request for treatment by spiritual means.
2. Denial will be made only after examining the request in light of Agency policies.
3. Denial will be made in writing to the resident and the person requesting treatment if other than the resident. One copy is to be placed in the resident's facility case record and a second copy forwarded to the case coordinator's supervisor.
4. The written denial letter must include an explanation of the resident's (or other person's) right to appeal the denial decision.

D. The appeal process for denial of treatment by spiritual means shall include:

1. The case coordinator's Program Supervisor will automatically review the decision to deny treatment by spiritual means upon receipt of the copy of the notice from the case coordinator.
2. The case coordinator's Program Supervisor is the first level of the appeal process. An appeal may be made orally; however, the resident or person acting on the resident's behalf should be assisted in putting it in writing. The Program Supervisor will make written response to the appeal within ten (10) working days of the receipt of the notice of appeal.

E. If staff deem a resident to be dangerous to self or others due to mental illness or developmental disability, and if the resident refuses mental health services, staff will file an application for admission with Probate Court, or arrange for such an application to be filed by a third party; for minors, staff will contact Child Protective Services who will facilitate any court proceedings.

VI. REFERENCES

Act 258, Public Acts of 1974, as amended, being M.C.L. 330.1752(g).
Administrative Rule, R 330.7135.

GK/ab