



Policy and Procedure Title: Treatment by Spiritual Means	Policy and Procedure #: 04-013	Review Dates
Category: Recipient Rights	Prepared by:	
Subject: To provide for a resident's right to treatment by spiritual means.	The Office of Recipient Rights	
	Approved by:	
	DocuSigned by:  Rich Francisco	
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	Rich Francisco, Executive Director	
	Effective Date: 04/22/1983	Last Revised Date:
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I. POLICY

- A. A recipient 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 mental health professionals.
- C. The recipient may refuse medications, or other treatment, on spiritual grounds when spiritual treatment predates current allegation of mental illness or disability, but does not extend to circumstances where either of the following provisions apply:
 - 1. A guardian or the provider has been empowered by a court to, or provide, treatment and has done so.
 - 2. The patient poses harm to himself or herself or others and treatment is essential to prevent physical injury.
- 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 recipient or others.
 - 4. To engage in activity that is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.
- E. Assurance will be obtained that a recipient 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. APPLICATION

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

III. 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 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.

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 holder immediately by the facility supervisor, first by telephone, and then in writing.
 4. The written request will be filed in the recipient's record at the facility.
- B. Approval of the request for treatment by spiritual means requires the following:
 1. The recipient's case holder 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 recipient and to the person requesting treatment if other than the recipient. A copy of the approval will be placed in the recipient's record.
 4. The case holder will incorporate the specific request for treatment by spiritual means into the recipient's schedule and ensure cooperation of staff. HealthWest will assist the recipient in locating options for treatment by spiritual means.
- C. Denial of the request for treatment by spiritual means requires the following:
 1. The recipient's case holder 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 recipient and the person requesting treatment if other than the recipient. One copy is to be placed in the recipient's facility case record and a second copy forwarded to the case holder's supervisor.
4. The written denial letter must include an explanation of the recipient'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 holder'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 holder.
2. The case holder's Program Supervisor is the first level of the appeal process. An appeal may be made orally; however, the recipient or person acting on the recipient'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 recipient to be dangerous to self or others due to mental illness or developmental disability, and if the recipient 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.

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