

## POLICIES AND PROCEDURE MANUAL

<b>Chapter:</b>	<b>Customer Service</b>		
<b>Title:</b>	<b>Recipient Rights for Substance Use Disorder Recipients</b>		
<b>Policy:</b> <input checked="" type="checkbox"/> <b>Procedure:</b> <input type="checkbox"/> <b>Page:</b> 1 of 3	<b>Review Cycle:</b> Biennial  <b>Author:</b> Chief Compliance and Quality Officer; Customer Service Committee	<b>Adopted Date:</b>  <b>Review Date:</b> 07.02.2024	<b>Related Policies:</b> Consumer Service Policy

DO NOT WRITE IN SHADED AREA ABOVE

### **Purpose**

To ensure the legal authority and requirements for the rights and the protections for all recipients receiving substance use disorder (SUD) services authorized and/or delivered by the Mid-State Health Network (MSHN) Provider Network.

### **Policy**

- 1) A program shall have a policy and procedure to ensure compliance with recipient rights requirements as set for in R 325.1391 to R 325.1399 of the Administrative Rules for Substance Abuse Program in Michigan. The recipient rights policies and procedures shall be reviewed at least annually to consider any revisions that might be necessary
- 2) A program's recipient rights policy and procedure shall address all of the following requirements:
  - a) Require a program to identify a staff member to function as the program rights advisor who shall do all of the following:
    - i) Attend training concerning recipient rights procedures.
    - ii) Receive and investigate all recipient rights complaints.
    - iii) Communicate directly with the Mid-State Health Network (MSHN) regional rights consultant when a complaint cannot be resolved at the program level.
  - b) Outline the method of filling recipient requests to review, copy, or receive a summary of recipient treatment or prevention service case records.
  - c) 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.
- 4) Copies of recipient rights policies and procedures shall be provided to staff. Each staff member of the program shall review the policies and procedures and shall sign a form provided by the department which indicates that he or she understands, and shall abide by, the policies and procedures. A signed copy shall be maintained in the staff personnel file and a signed copy shall be retained by the staff member.
- 5) 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.
- (6) As part of the admission procedure to a program, a recipient shall receive all of the following:

- a) 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.
  - b) A written description of the recipient rights.
  - c) A written description of any restrictions of the rights based on program policy.
  - d) An oral explanation of the rights in language which is understood by the recipient.
  - e) 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.
  - f) A recipient rights complaint violation form shall be provided to the recipient after completing the consent form.
- 7) Rights of recipients shall be displayed on a poster provided by the department in a public area of all licensed programs. The poster shall indicate the program rights advisor's name and phone number.
- 8) Mid-State Health Network (MSHN), the regional entity, shall designate a staff member of MSHN to act as the recipient rights consultant for the region. The designation shall be renewed annually. The MSHN recipient rights consultant shall conduct recipient rights activities according to procedures outlined by the department.

**Applies to:**

- All Mid-State Health Network Staff
- Selected MSHN Staff, as follows:
  - MSHN's Affiliates:  Policy Only       Policy and Procedure
  - Other: Sub-contract Providers

**Definitions:**

Department: means the department of licensing and regulatory affairs (LARA).

MSHN: Mid-State Health Network

PIHP: Pre-paid Inpatient Health Plan

Provider Network: Refers to a CMHSP Participant and all Substance Use Disorder Providers that are directly under contract with the MSHN PIHP to provide services and/or supports through direct operations or through the CMHSP/SUD Provider subcontractors.

Regional Entity: means an agency designated by the state to coordinate substance use disorder services in a specified region.

SUD: Substance Use Disorder

**Other Related Materials:**

Recipient Rights definitions found within Mich Admin Code. R 325.1301

**References/Legal Authority:**

1. Mich Admin Code, R 325.1391 to R 325.1399. Administrative Rules Substance Use Disorders Service Program
2. Michigan Public Health Code Act 368 of 1978, Article 6, Substance Abuse
3. Michigan Public Health Code Act 258 of 1974, Chapter 2A, Substance Use Disorder Services

**Change Log:**

Date of Change	Description of Change	Responsible Party
12/03/18	New policy	Director of Quality, Compliance, and Customer Service
03.16.2020	Annual Review; revisions to match Mich Admin Code revisions	Customer Service Committee
11.15.2021	Bi-annual Review, minor language updates	Customer Service Committee
01.22.2024	Biennial Review, language updates based upon changes in the Administrative Code	Customer Service Committee