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TO: Wesley Prater, Chair  
Ways & Means Committee

THROUGH: Robert E. Guenzel  
County Administrator

FROM: Donna Sabourin  
Department Head, Community Support and Treatment Services

DATE: January 15, 2003

SUBJECT: Policy on Protecting Recipient Rights of Community Support and  
Treatment Services Consumers Receiving Substance Abuse  
Services

**BOARD ACTION REQUESTED:**

The Community Support and Treatment Services Department is requesting the Board of Commissioners to adopt a policy to protect the recipient rights of consumers receiving substance abuse services.

**BACKGROUND:**

Washtenaw Community Health Organization (WCHO) receives public funding for substance abuse services. As a separate agency, Community Support and Treatment Services (CSTS) is now eligible to be a treatment provider and can apply for a state license, and can apply to be on the provider panel for Washtenaw Community Health Organization.

Community Support and Treatment Services is adopting the best practices model of providing concurrent treatment of co-occurring mental health and substance abuse disorders for persons with serious and persistent mental illness and persons with serious emotional disorders.

CSTS has long had a "recipient rights" policy in place for mental health services, to inform clients of their rights in receiving services and ensure that those rights are protected. In order for CSTS to apply for a substance abuse treatment provider license, CSTS' governing board must approve a similar recipient rights policy specific to those clients with substance abuse disorders.

## **DISCUSSION:**

Community Support and Treatment Services received a grant to develop concurrent treatment of co-occurring mental health and substance abuse disorders for current consumers. This grant is based on evidence based practices and research. Obtaining a substance abuse treatment license allows Community Support and Treatment Services to obtain some additional funding to provide ongoing support to this program change. Licensing rules require the governing body to adopt a policy protecting recipients of services consistent with state and federal regulations.

In the past, consumers of Community Support and Treatment Services were referred to licensed substance abuse treatment agencies for treatment of substance abuse problems. Research has shown that treatment of persons with both substance abuse and serious mental illness or serious emotional disturbance (termed "co-occurring disorders") is more effective when it is provided concurrently. All staff of Community Support and Treatment services will have the opportunity for training in the treatment of co-occurring disorders based on national models of treatment developed by Robert Drake and Kenneth Minkoff.

Community Support and Treatment Services will continue to focus on its primary target group of persons with serious mental illness, children with serious emotional disturbance and persons with developmental disabilities. Persons with substance abuse problems but not meeting the criteria for public mental health services will continue to be referred to other substance abuse treatment providers on the provider panel for Washtenaw Community Health Organization. Community Support and Treatment Services expects to be fully licensed by March 31, 2003. A modest increase in funding is expected, less than \$10,000. Services will be provided in our current location by current staff.

## **IMPACT ON HUMAN RESOURCES:**

No new positions will be needed. Staff will have the opportunity to increase their skills and therefore to increase their opportunity for advancement.

## **IMPACT ON BUDGET:**

No or minimal new expenses for licensing will be offset by modest increase in revenues. No budget amendment is requested at this time.

## **IMPACT ON INDIRECT COSTS:**

None

## **IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:**

Consumers of Community Support and Treatment Services will benefit from a more effective treatment approach for persons with co-occurring mental health and substance abuse problems.

Washtenaw Community Health Organization supports the adoption of this best practices model of services and will have an expert provider in Community Supports and Treatment

Services for persons with co-occurring serious mental illness and substance abuse problems.

**CONFORMITY TO COUNTY POLICIES:**

This policy conforms to current county policies.

**ATTACHMENTS/APPENDICES:**

Policy on Protecting Recipient Rights of Consumers of Community Support and Treatment Services Receiving Substance Abuse Services.

A RESOLUTION ADOPTING A POLICY PROTECTING THE RECIPIENT RIGHTS OF  
CONSUMERS OF COMMUNITY SUPPORT AND TREATMENT SERVICES RECEIVING  
SUBSTANCE ABUSE SERVICES

WASHTENAW COUNTY BOARD OF COMMISSIONERS

February 5, 2003

WHEREAS Community Support and Treatment Services is requesting the Board of Commissioners to adopt a policy protecting recipient rights of consumers receiving substance abuse services; and

WHEREAS Community Support and Treatment Services is applying for a license to become a substance abuse treatment provider in the State of Michigan and will apply to become a provider on the panel of Washtenaw Community Health Organization; and

WHEREAS Community Support and Treatment Services is adopting the best practices model of concurrent treatment of co-occurring mental health and substance abuse disorders for persons with serious and persistent mental illness and persons with serious emotional disorders; and

WHEREAS this model of treatment will improve the quality of services that the Washtenaw Community Health Organization may fund with state and federal dollars; and

WHEREAS Community Support and Treatment Services expects to be fully licensed by March 31, 2003; and

WHEREAS adoption of a recipients rights policy for substance abuse treatment recipients by the governing board for Community Support and Treatment Services is required by the State of Michigan administrative rules for licensed substance abuse providers; and


WHEREAS becoming a licensed substance abuse provider will increase potential resources for Community Support and Treatment Services and enhances our partnership with Washtenaw Community Health Organization by providing effective treatment for persons with co-occurring disorders; and

WHEREAS, there are no additional space, hardware or software needs; and

WHEREAS this matter has been reviewed by Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office and the Ways & Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes adoption of a policy on protecting recipient rights of consumers of community support and treatment services receiving substance abuse services, as attached hereto and made a part hereof.



	<b>WASHTENAW COUNTY POLICY</b>	<b>GENERAL OPERATIONS - VOLUME I</b>			
<b>TITLE:</b> <b>Recipient Rights – Substance Abuse Services</b>	<b>RESOLUTION NUMBER</b>  03-	<b>SUPERCEDE:</b>	<b>EFFECTIVE DATE</b>  2/5/03	<b>PAGE OF</b>  1 5	

As required by R325.14302 of the Administrative Rules for Substance Abuse Service Programs in Michigan, the following policies and procedures were considered and adopted by majority vote of our governing authority on February 5,2003.


**I. APPLICATION**

All Community Support & Treatment Services staff providing services to recipients seeking substance abuse services are covered under this policy.

**II. POLICY**

It is the policy of Washtenaw County Board of Commissioners that a Recipient Rights Advisor shall be designated to oversee recipient rights activities for individuals seeking substance abuse services to insure compliance with R325.1430 to R325.14306 of the Administrative Rules for Substance Abuse Service Programs in Michigan, and the following policies and procedures. There shall be an annual review of these policies and procedures to consider necessary revisions. Documentation of this annual review and the majority approval of the governing body shall become a part of the administrative record, as shall other pertinent findings.

- 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 which 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.


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**D.** A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgment of the Executive 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 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. 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 record and shall be signed by the Program Director.


- 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 & Licensing Section Administrative Rules.
- F.** A recipient has the right to review our written fee schedule. Any revisions of fees will be approved by the governing authority and posted at least two weeks in advance.
- 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.

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- I. A recipient shall participate in the development of his or her treatment plan.
  
- J. A client has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents this program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated, with the program director's written approval, upon reasonable notice. Reasons for termination will be recorded in the client's case file in the discharge summary.
  
- K. Upon admission, each client/resident is provided with program rules, which are also posted in public places in the program. These program rules inform new clients of the infractions which can lead to discharge. The rules also describe the mechanism for appealing a discharge decision and which staff have authority to discharge. The client signs a form that documents that a written copy of program rules has been received and questions about it answered. This form is maintained in the client's file. Discharge is for a period of at least 30 days.
  
- L. A recipient shall have the benefits, side effects, and risks associated with the use of any drugs fully explained in language which is understood by the recipient. The program medical director is responsible for providing this explanation or for designating staff to do it. All clients 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 and 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.

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- O. 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 recipients rights policy and procedures. It is the responsibility of the program director to insure that each staff member fully comprehends the intent of the policies and procedures.
- P. 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
- Q. The staff member designated as rights advisor shall not be a provider of counseling services where staff permits.
- R. Rights of recipients shall be displayed in a public place on a poster to be provided by MDCH. The poster will indicate the rights advisor’s name and telephone number and the regional rights consultant’s name, address, and phone number.
- S. As part of the intake or admission process, each recipient will receive a brochure which summarizes recipient rights. The brochure must either have been provided by MDCH, or been approved by MDCH.
- T. 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 refusal and reason given is noted in the client file by the intake worker.

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- U. 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.
  
- V. 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 follow the procedures outlined in that manual.