

WCHO		<i>Policy and Procedure</i>	
Department Recipient Rights/Substance Abuse	# of Pages: 7		
Policy Name HEALTH SERVICES ACCESS.RECIPIENT RIGHTS.SUBSTANCE ABUSE	Type of Policy: [] WCHO [] Regional [<input checked="" type="checkbox"/>] Network		
Policy Number	Effective Date	Revision Date 10/12/06	Approval Date 11/21/06
Administrative/Board of Directors Sign Off			
Administrative Signature:		Date:	
Board of Directors Signature:		Date:	

I. PURPOSE

The purpose of this policy is to ensure the rights of individuals receiving substance abuse screening and assessment services through Washtenaw Community Health Organization (WCHO) Health Services Access (HAS).

II. APPLICATION

All HSA staff providing services to recipients seeking substance abuse screening, assessment, referral and follow-up services (SARF) will be covered under this policy.

III. DEFINITIONS

Recipient – An individual who receives services from a licensed substance abuse program in the State of Michigan.

Recipient Abuse - An intentional act by a staff member which inflicts physical injury upon a recipient or which results in sexual contact with a recipient or a communication made by a staff member to a recipient, the purpose of which is to curse, vilify intimidate, or degrade a recipient or to threaten a recipient with physical injury.

Recipient Neglect - A recipient suffers injury, temporarily or permanently, because the staff or other person responsible for the recipient’s health or welfare has been found negligent.

Sexual Contact - The intentional touching by a staff member of the recipient’s intimate parts or the intentional touching of the clothing covering the immediate are of the recipient’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

IV. POLICY

- A. It is the policy of WCHO that a Recipient Rights Advisor shall be designated to oversee recipient rights activities for individuals seeking substance abuse services through Health Services ACCESS to insure compliance with R325.14301 to R325.14306 of the 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 WCHO Executive 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.
- C. Rights of recipients shall be displayed in a public place on a poster to be provided by MDCH. The poster will indicate the designated rights advisor's name and telephone number and the regional rights consultant's name, address and phone number.
- D. The admission of a recipient to this program [HSA], 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.
- E. 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.
- F. A recipient has the right to review, copy, or receive a summary of his or her program records, unless in the judgment of the WCHO Executive Director, such actions will be detrimental to the recipient or to others for either of the following reasons (see "Confidentiality And Access To Clinical Records" Policy):
 - 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 WCHO 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 WCHO Executive Director.

- G. A 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 of the Administrative Rules.
- H. A recipient has the right to review the written fee schedule. Any revisions of fees will be approved by the governing authority and posted at least two weeks in advance.
- I. In the event where fees are charged, a recipient is entitled to receive an explanation of his or her bill upon request, regardless of the source of payment.
- J. Should HSA 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.
- K. 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.
- L. 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.
- M. These policies and procedures shall be provided to each member of the program staff. Each staff member shall review and sign a form, which indicates that he or she understands, and shall abide by this program’s recipient rights policy and procedures.
- N. As part of the screening process, each recipient will receive a brochure which summarizes recipient rights.
- O. The HSA staff will explain each right listed on the brochure to the recipient. The recipient will then be given the brochure or via mail for telephone screenings. HSA staff shall indicate that the recipient was given information on recipient rights and any questions regarding those rights were explained on the by

indicating on the Recipient Rights checkbox on Encompass Clinical Screening Form. Refusal to acknowledge rights information will be noted in the electronic client record.

- P. If the recipient is incapacitated, he or she shall be presented with the brochure, explanation of rights, and opportunity to document understanding of the rights as soon as feasible, but not more than 72 hours after screening.

V. EXHIBITS

- A. Staff Acknowledgement Form
B. Recipient Rights Complaint Log

VI. REFERENCES

- A. Administrative Rules for Substance Abuse Services Programs In Michigan, Section 6231 (1) of Michigan Public Act 368 of 1978
B. Michigan Model Recipient Rights Policy & Procedure Manual, January 1981
C. Substance Abuse Recipient Rights, "Know Your Rights" Pamphlet
D. CMHPSM Confidentiality & Access To Clinical Records Policy
E. CMHPSM Grievance and Appeals Policy

VII. PROCEDURES

<u>WHO</u>	<u>DOES WHAT</u>
HSA Staff	1. When screening a recipient, reviews Recipient Rights information with person verbally via phone, and sends information in writing via mail or provides information in writing when face to face screenings occur.
Recipient or a person acting on behalf of the recipient	1. Contacts HSA Program Rights advisor via phone in person or in writing. Completes state complaint form and files complaint with the HSA Program Rights Advisor
HSA Program Rights Advisor	1. Enters the complaint in the HSA Substance Abuse Recipient Rights Log (See exhibit 2). 2. Conducts and investigation within 10 days to determine what action, if any should be taken. 3. Completes a written recipient rights investigation report within 30 days that summarizes the findings; and proposes a solution (Action Plan). This may include using local dispute resolution process.

WHO**DOES WHAT**

HSA Program Rights Advisor	<ol style="list-style-type: none">4. Sends investigation report to the recipient within 30 days.5. Consults with the Coordinating Agency Regional Rights Consultant in the event the solution cannot be reached.
Regional Rights Consultant	<ol style="list-style-type: none">1. Notifies the Michigan Department of Consumer and Industry Services and the Michigan Office of Drug Control Policy should further appeals be necessary.

EXHIBIT A

**WCHO
HEALTH SERVICES ACCESS
SUBSTANCE ABUSE RECIPIENT RIGHTS
STAFF ACKNOWLEDGEMENT FORM**

I, _____ am a staff member of Health Services Access. I acknowledge that I have reviewed and understand the Substance Abuse Recipient Rights policy and procedure. I can contact my supervisor should I have any additional questions questions. I agree to abide by this policy and procedure.

HSA staff signature

Date

