

<b>WCHO PIHP POLICY for the COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN</b>		<i>Policy and Procedure</i>  <i>Religious Freedom and Treatment by Spiritual Means</i>	
Department: Recipient Rights Author: Shane Ray		Local Policy Number (if used)	
Revision Date  2/9/10	Approval Date  4/20/10	Implementation Date  4/20/10	
<b>Archive Information</b>			
Date:			
Reason:			

**I. PURPOSE**

The purpose of this policy is to establish guidelines which ensure that recipients are entitled to religious freedom and choice regarding worship, religious activities, and treatment by spiritual means.

**II. POLICY**

It is the policy of the Community Mental Health Partnership of Southeastern Michigan (CMHPSM) that recipients shall be ensured reasonable access to their choice of religious services, worship, and treatment by spiritual means.

**III. APPLICATION**

All recipients while under the care of any WCHO or Comprehensive Specialty Service Network (CSSN) staff, students, volunteers, and/or contractual agencies within the Community Mental Health Partnership of Southeastern Michigan.

**IV. DEFINITIONS**

Consent - Consent is defined as either of the following:

1. A written agreement signed by a recipient, unless the recipient has a designated legal representative with authority to execute consent. If the recipient has a designated legal representative, the legal representative must provide written agreement.
2. A verbal agreement of a recipient, unless the recipient has a designated legal representative with authority to execute a consent, that is witnessed and documented by an individual other than the individual providing treatment. If the recipient has a designated legal representative, the legal representative must provide verbal agreement.

Additionally, consent must include the elements of competency, comprehension, knowledge, and voluntariness.

Legal Representative - A legal representative is defined as any of the following:

1. A court-appointed guardian,
2. A parent with legal custody of a minor recipient,
3. In the case of a deceased recipient, the executor of the estate or court appointed personal representative,
4. A patient advocate under a durable power of attorney or other advanced directive.

Treatment by Spiritual Means – A spiritual discipline or school of thought that a recipient relies on to aid in physical or mental recovery.

**V. STANDARDS**

- A. Recipients shall have access to treatment by spiritual means upon the request of the recipient or their legal representative.
- B. Recipients shall not be coerced into engaging in and/or observing religious activities or events.
- C. Recipients shall be provided with the opportunity for contact with agencies providing treatment by spiritual means in the same manner that they have contact with private mental health professionals.
- D. Requests for printed, recorded, or visual material essential or related to treatment by spiritual means, and to a symbolic object of similar significance, shall be honored and made available at the recipient's expense.
- E. Treatment by spiritual means includes the right of recipients or their legal representatives to refuse medication or other treatment on spiritual grounds that predate the current allegations of mental illness or disability, but does not extend to circumstances where either of the following provisions apply:
  - a. A legal representative or the provider has been empowered by a court to consent to or provide treatment and has done so.
  - b. A recipient poses harm to himself, herself, or others and treatment is essential to prevent physical injury.
- F. The right to treatment by spiritual means does not include the right to any of the following:
  - a. To use mechanical devices or chemical/organic compounds that are physically harmful.
  - b. To engage in activity prohibited by law.
  - c. To engage in activity that physically harms the recipient or others.
  - d. To engage in activity that is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.
- G. CMHPSM reserves the right to engage in recourse to a court if a legal representative of a minor or adult recipient refuses to consent to treatment or medication that is determined to be essential.
- H. Recipients and their legal representatives shall be informed of any denial of treatment by spiritual means, including the reasons for the denial.
- I. A decision to deny a request for treatment by spiritual means may be appealed in writing to the local CMH Director or Designee. Additionally, a complaint may be filed with the Office of Recipient Rights.
- J. As set forth in the Coordination Agreement between WCHO and American Indian Health and Family Services of SE Michigan (AIHFS), the CMHPSM recognizes the special treatment needs of Native Americans and will allow the American

Indian Health and Family Services of SE Michigan to serve consumers who meet the Native American requirements set forth by AIHFS. CMHPSM shall not duplicate the services provided by AIHFS.

**VI. EXHIBITS**

None

**VII. REFERENCES**

Reference:	Check if applies:	Standard Numbers:
Coordination Agreement between WCHO and AIHFS	X	
Michigan Mental Health Code Act 258 of 1974	X	330.1704(2)
MDCH Administrative Rules	X	330.7001(r), 330.7135
MDCH Revised Plan for Procurement of Medicaid Specialty Prepaid Health Plans	X	3.1.1.1
CMHPSM Policy: Consent to Treatment and Services	X	

**VIII. PROCEDURES**

WHO	DOES WHAT
Assigned Program Staff	<ol style="list-style-type: none"> <li>1) Ensures that recipients are provided contact with agencies providing treatment by spiritual means in the same manner that they are provided contact with private mental health professionals.</li> <li>2) If treatment by spiritual means is denied:               <ol style="list-style-type: none"> <li>a) Documents denial and justification in the clinical record.</li> <li>b) Provides notification to recipient and legal representative of denial and reasons for denial.</li> <li>c) Informs recipient and legal representative of their right to appeal denial to CMH Director or designee.</li> <li>d) Informs recipient and legal representative of their right to file a complaint with the Office of Recipient Rights.</li> </ol> </li> <li>3) May seek court-ordered treatment if a minor or adult recipient's legal representative refuses to consent to treatment or medication determined to be essential.</li> </ol>

