

# SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

## CLINICAL POLICY

**NUMBER: BC044**

**NAME: ENSURING THE RIGHTS OF INDIVIDUALS IN SUBSTANCE USE PROGRAMS**

INITIAL APPROVAL DATE:	09/23/2008	BY: Sanilac CMH Board
STAKEHOLDER REVIEW:	09/20/2022	BY: Recipient Rights Advisory Committee
(LAST) REVISION DATE:	06/20/2017	BY: Clinical Policy Committee
(LAST) REVIEW DATE:	07/27/2023	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

### I. PURPOSE

To ensure the rights of individuals receiving substance use services are protected.

### II. APPLICATION

Populations: **ALL**  
Programs: **Direct - ALL**  
**Contracted - NA**

### III. POLICY

Providers shall ensure that the rights of persons receiving substance use services are protected and that applicable standards are followed.

### IV. DEFINITIONS

None

### V. STANDARDS

#### A. Admission:

1. An individual shall not be denied services based on race, national origin, religion, gender, age, marital status, related to mental health, physical disability, sexual orientation, or political beliefs.
2. Admission of an individual to a treatment program, or receipt of prevention services shall not result in the individual being deprived of any rights, privileges, or benefits guaranteed to the individuals by state, federal law or by the state and federal constitution.

#### B. Grievances under SA regulations:

An individual may present grievances or suggest changes in program policies, and service delivery to the program staff, to governmental officials, or to other persons within or outside of the program.

#### C. Record Review

1. An individual has the right to review, copy or receive a summary of his/her program records, unless, in the judgment of the Provider's program director, such action shall be detrimental to the individual or to others for the following reasons:

- a. Granting the request for disclosure will cause substantial harm to the

relationship between the individual and others.

b. Granting the request for disclosure will cause substantial harm to the individual.

2. If the CEO determines that such action will be detrimental, the individual is allowed to review non-detrimental portions of the record. If an individual is denied the right to review all or part of his or her record, the written reason for the denial will be provided for the individual. An explanation of what portions of the record are detrimental and for what reasons, will be stated in the individual's record and will be signed by the CEO.

**D. Abuse and Neglect**

Program staff member will not physically or mentally abuse, neglect or sexually abuse an individual.

**E. Fees/Bills**

1. An individual has the right to review a written fee schedule in programs where individuals are charged for services. Policies on fees and any revisions thereto shall be approved by the (provider's) governing authority of the program and shall be recorded in the administrative record of the program.
2. An individual is entitled to receive an explanation of his or her bill regardless of the source of payments.

**F. Research**

An individual has the right to information concerning any experimental or research procedure proposed as part of his or her treatment or prevention services. The individual has the right to refuse to participate in the experiment or research without jeopardizing the continuation of services. Programs shall comply with state and federal rules and regulations concerning research that involves human subjects.

**G. Treatment**

1. Treatment Planning: An individual will participate in the development of his or her treatment plan.
2. Refusal: An individual has the right to refuse treatment and will be informed of the consequences of that refusal. If a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the individual may be terminated upon reasonable notice.
3. Discharge: A individual will be informed if a program has a policy for discharging individuals who fail to comply with program rules and will receive, at admission and thereafter upon request, a notification form that includes written procedure that explain all of the following:
  - a. The types of infractions that can lead to discharge.
  - b. Who has the authority to discharge individuals.
  - c. The mechanism for review or appeal of a discharge decision.
4. A copy of the notification form signed by the individual shall be maintained in the individual's case file.

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### **H. Medication**

An individual will be informed of the benefits, side effects, and risks associated with the use of any drugs. Information will be conveyed in a language understood by the individual.

### **I. Informed Consent**

An individual 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 1-way vision mirrors, tape recorders, television, movies, or photographs.

## **VI. ATTACHMENTS**

None

## **VII. REFERENCES**

42 CFR 2