

SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

CLINICAL POLICY

NUMBER: RR045

NAME: TREATMENT BY SPIRITUAL MEANS

INITIAL APPROVAL DATE:	08/26/1997	BY: Sanilac CMH Board
STAKEHOLDER REVIEW:	02/18/2025	BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:	12/17/2024	BY: Recipient Rights Officer
(LAST) REVIEW DATE:	02/20/2025	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

I. PURPOSE

To establish standards regarding an individual's right to receive treatment by spiritual means.

II. APPLICATION

Populations: **ALL**
Programs: Direct - **ALL**
Contract – **ALL**

III. POLICY

Sanilac CMH programs, both directly operated and contracted, shall recognize and allow individuals to exercise their right of religious belief and worship.

IV. DEFINITIONS

Individual – Specifically references an individual receiving services from Sanilac CMH.

Treatment by Spiritual Means - Encompasses a spiritual discipline or a school of thought upon which an individual wishes to rely on to aid in physical or mental recovery and includes easy access, at the individual's expense, both to printed, recorded or visual material essential or related to treatment by spiritual means and to a symbolic object of similar significance.

V. STANDARDS

- A. The right to treatment by spiritual means includes the right of individuals, guardians or parents of a minor to refuse medication or other treatment on spiritual grounds that predate the current allegations of mental illness or developmental disability but does not extend to circumstances where either:
 - 1. A guardian has been empowered by a court to consent to or provide treatment and has done so.
 - 2. An individual is dangerous to self or others and it is medically necessary to prevent physical injury.

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Sanilac CMH does not provide treatment by spiritual means. Opportunity for contact with agencies providing treatment by spiritual means shall be provided in the same manner as individuals are permitted to see private mental health professionals.

- B. Right to treatment by spiritual means does not include the right:
 - 1. To use mechanical devices or chemical or organic compounds which are physically harmful.
 - 2. To engage in activity prohibited by law.
 - 3. To engage in an activity which is physically harmful to the individual or others.
 - 4. To engage in an activity which is inconsistent with court ordered treatment or placement by a person other than the individual.
- C. When the guardian requests treatment by spiritual means for an individual, the Care Manager is responsible for assuring the individual assents.
- D. Individuals shall not be required or coerced to participate in any religious observance.
- E. Minors shall be afforded the opportunity to participate in religious services and other religious activities in accordance with their individual and family preferences.
- F. When requested, and to the extent feasible, the programs shall assist individuals in locating and gaining access to religious services and ministrations suited to individual beliefs.
- G. Community religious representatives shall be allowed to visit their parishioners during times arranged with providers that do not disrupt program activities for other participants.
- H. Individuals shall not be denied religious participation as a means of punishment. Participation may be temporarily limited or withheld only for substantial clinical and/or behavioral reasons providing current documentation for the limitation is entered in the clinical record.
- I. The Chief Operating Officer or designee has the right to remove an individual from programming for inappropriate behavior resulting from refusal of medication or other treatment on grounds of spiritual means.
- J. Recourse to court proceedings will be available when there is a refusal of medication or other treatment for a minor.

VI. PROCEDURES FOR REQUESTS FOR TREATMENT BY SPIRITUAL MEANS

- A. Request
 - 1. A request for treatment by spiritual means shall be made in writing.
 - 2. The request may be given to any staff person. The request is then to be immediately forwarded to the program supervisor.
 - 3. Notification of the request is to be given to the Care Manager immediately by the program supervisor, first by telephone and then in writing.
 - 4. The written request is to be filed in the individual's record.

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B. Approval of the Request

1. The individual's Care Manager is responsible for the decision to approve the request for treatment by spiritual means.
2. Approval is to be given only in line with Agency policies.
3. Approval is to be given in writing to the individual and to the person requesting treatment, if other than the individual. A copy of the approval is to be placed in the individual's record.
4. The Care Manager is to incorporate the specific request for treatment by spiritual means into the individual's schedule and assure cooperation of staff.

C. Denial of the Request

1. The individual's Care Manager is responsible for the decision to deny the request for treatment by spiritual means.
2. Denial is to be made only after examining the request in light of Agency policies.
3. The reason for the denial is to be made in writing to the individual and the person requesting treatment, if other than the individual. One copy is to be placed in the individual's case record and a second copy forwarded to the Care Manager's supervisor.
4. The written denial letter is to include an explanation of the individual's [or other person's] right for an administrative review or to appeal the denial decision.

VII. APPEALS

At the option of the person requesting treatment by spiritual means, Sanilac CMH will provide the administrative review of the denial of such request.

The individual or persons acting in their behalf are to be reminded of their right to file a Recipient Rights Complaint if their request for treatment by spiritual means is denied.

VIII. ATTACHMENTS

None

IX. REFERENCES

Mental Health Code 330.1752 and 330.1704 (2)
DHHS Administrative Rules 330.7135.