


CHAPTER: 1	SECTION: 24	SUBJECT: RECIPIENT RIGHTS
TITLE: SERVICES SUITED TO CONDITION		
EFFECTIVE DATE: 12/31/86	REVISED DATE: 09/13/99, 03/15/02, 09/25/02, 06/20/05, 05/28/08, 09/26/11, 12/17/12, 09/23/13, 06/23/14, 06/15/15, 06/27/16, 07/24/17, 09/24/18, 09/23/19, 09/28/20, 09/29/21	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

I. PURPOSE:

To define procedures to assure consumers are notified of their right to a second opinion if denied services, to assure a person-centered planning process is used, to assure proper assessments are completed, to assure documentation of any restrictions or limitations to the consumer, to assure consumers are given a choice of mental health professional to provide service, and to assure services are provided in a safe, sanitary, and humane treatment environment.

II. APPLICATION:

All Community Mental Health of Ottawa County (CMHOC) staff, volunteers, and contract agency staff as specified by contract.

III. DEFINITIONS:

Humane: An environment that is one of compassion and empathy which promotes empowerment and independence, appropriate to the individual served.

Individual Plan of Service (IPOS)/Treatment Plan: a written plan that specifies the goal-oriented treatment or training services, including rehabilitation or habilitation services that is to be developed with and provided for a consumer as required by Section 712 of the Michigan Mental Health Code as amended.

Person-centered Planning: a process for planning and supporting the individual receiving services that builds upon the individual's capacity to engage in activities that promote community life and that honor the individual's preferences, choices, and abilities. The person-centered planning process involves families, friends, and professionals as the individual desires or requires.

Support Plan: a written plan that specifies the personal support services or any other supports that are to be developed with and provided for a consumer.

IV. POLICY:

It is the policy of CMHOC that consumers, guardians, and/or parents of minors are notified of their right to a second opinion if denied services, to assure a person-centered planning process is used, to assure proper assessments are completed, to assure documentation of any restrictions or limitations to the consumer, to assure consumers are given a choice of mental health professional to provide service, to assure consumers are free to exercise their rights in a way that will not

adversely affect their services, and to assure services are provided in a safe, sanitary, and humane treatment environment.

V. PROCEDURE:

- A. If services are denied to an applicant, the applicant, his or her guardian, or a minor applicant's parents will be informed that a second opinion to determine if the applicant has a serious mental illness, serious emotional disturbance, a developmental disability, or is experiencing an emergency situation or urgent situation may be requested – second opinion for denial of outpatient services.
- B. A person-centered planning process will be used to develop a written individual plan of service (IPOS) in partnership with the consumer.
- C. The IPOS will establish meaningful and measurable goals with the consumer. This plan will include assessments of the consumer's need for food, shelter, clothing, health care, employment opportunities where appropriate, educational opportunities where appropriate, legal services, and recreation.
- D. The IPOS will be kept current and will be modified when indicated. The individual in charge of implementing the plan will be designated in the plan.
- E. This IPOS will identify any restrictions or limitations of the consumer's rights (i.e. choice of provider, freedom of movement, mail, telephone, visitors, etc.) and includes documentation describing attempts to avoid such restrictions as well as what action will be taken as part of the plan to ameliorate or eliminate the need for the restrictions in the future.
- F. Restrictions, limitations or any intrusive behavior treatment techniques are reviewed by a formally constituted committee of mental health professionals with specific knowledge, training and expertise in applied behavioral analysis.
- G. A functional assessment/analysis will be conducted by appropriate clinical staff for any challenging behaviors of consumers. If a Behavior Treatment Plan is written as a result of this assessment, policies and procedures of the Behavior Treatment Review Committee will be followed.
- H. If a consumer is not satisfied with his/her individual plan of service, the consumer, guardian, or parent of a minor may request a person-centered planning meeting be convened within 30 days for the purpose of reviewing and revising the plan in order to keep it consistent with the changing goals of the consumer. This request will be directed to the person designated to implement the plan.
- I. The consumer, guardian, or parent of a minor will decide where the meeting will be held, what time, and invite people of their choosing to attend. No one chosen by the consumer will be excluded from the meeting unless the individual would constitute a substantial risk of physical or emotional harm to the consumer or substantial disruption of the planning process. Justification for any exclusion of individuals chosen by the recipient to participate in the IPOS process will be documented in the case record.

- J. Consumers will be given a choice of physician or mental health professional to work with, within the limits of available staff. Requests for a change in doctor or mental health professional will be made to the person designated to implement the plan, the supervisor of the treatment team, Customer Services, or the Office of Recipient Rights.

- K. Consumers may request a second opinion, if the pre-admission screening unit (PSU) denied hospitalization and that:
 - i. The Executive Director arranges the second opinion to be performed within 3 days; excluding Sundays and holidays, and
 - ii. The Executive Director in conjunction with the Medical Director reviews the second opinion if this differs from the opinion of the PSU.
 - iii. The Executive Director's will make a decision to uphold or reject the findings of the second opinion
 - iv. The Executive Director will confirm that decision in writing to the requestor; this writing contains the signatures of the Executive Director and Medical Director or verification that the decision was made in conjunction with the Medical Director. [MHC 409 (4)] The second opinion process for hospitalization is further defined in Affiliate Policy #04-023.

- L. Consumers will receive mental health services in a safe, sanitary, and humane treatment environment, and will be free from any form of coercion, discipline, convenience, or retaliation.

- M. Staff, including contractual staff, should monitor the environment of consumers. If staff, including contractual staff, become aware of a person receiving mental health services in an environment that is not safe, sanitary or humane staff should assist in obtaining appropriate assistance to maintain such an environment or determine if there is need for a referral to the Office of Recipient Rights, Department of Human Services Adult/Child Protective Services and/or the Bureau of Child and Adult Foster Care Licensing.

VI. ATTACHMENT:
None Applicable

VII. REFERENCE:
Michigan Mental Health Code
Administrative Rules
MDHHS-ORR Attachment B