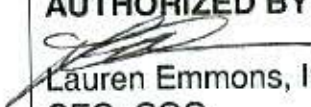


CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 30
SECTION Individual Rights		DESCRIPTION Treatment by Religious/Spiritual Means	
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APPLICATION:

- ▶ CMH Staff
- ▶ Employment Service Providers
- ▶ Provider Network
- ▶ Independent Contractors
- ▶ CMH Board Members
- ▶ Students
- ▶ Volunteers
- ▶ Interns

POLICY:

It is the policy of the Lapeer County Community Mental Health Services Board that an individual shall be permitted treatment by spiritual means on request by the person served, parent of a minor person served, or the guardian. Opportunity for contact with agencies providing treatment by spiritual means shall be provided in the same manner as persons served are permitted to see private mental health professionals. The purpose of this policy and procedure is to insure the rights of persons served of Lapeer County Community Mental Health services to "treatment by spiritual means" pursuant to a specific request for this service.

STANDARDS:

It is understood that treatment by spiritual means refers to "a spiritual discipline or school of thought upon which a person served wishes to rely to aid physical or mental recovery and includes easy access, at the expense of the person served, both to printed, recorded, or visual material essential or related to treatment by spiritual means and to a symbolic object of similar significance" (DHHS Administrative Rules 330.7135).

The right to treatment by spiritual means shall include the right of the person served or a guardian, or parent of a minor, to refuse medication or other treatment on spiritual grounds which predate the current allegations of mental illness or disability [Administrative Rule 7135(4)(a)], but does not extend to circumstances where either (a) a guardian or the agency has been empowered by a court to consent to or provide treatment, and has done so; or (b) a person served poses harm to self or others and treatment is essential to prevent physical injury. [Administrative Rule 7135(4)(b)].

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 30
SECTION Individual Rights		DESCRIPTION Treatment by Religious/Spiritual Means	

The right to treatment by spiritual means does not include the right:

- a) To use mechanical devices or chemical or organic compounds which are physically harmful [See Administrative Rule 7135(5)(a)];
- b) To engage in activity prohibited by law [See Administrative Rule 7135 (5)(b)];
- c) To engage in activity which physically harms the person served or others [Administrative Rule 7135(5)(c)];
- d) To engage in activity, which is inconsistent with court-ordered custody or voluntary placement by a person other than the person served [Administrative Rule 7315(5)(d)].

Recourse to court proceedings shall be available when there is refusal of medication or other treatment for a minor. Notice shall be given to the requesting person of a denial of a request along with the reasons for that denial. Administrative review or appeal of the denial of treatment by spiritual means shall be available at the option of a person requesting treatment.

When the guardian makes a request for treatment by spiritual means, assurance shall be obtained that the person served agrees to the treatment.

A provider shall assure that the opportunity for contact with agencies providing treatment by spiritual means is provided in the same manner as recipients are permitted to see private mental health professionals [Administrative Rule 7135(2)].

In no case will LCCMH staff impede the intended effort of the person served to obtain counseling by spiritual means; but rather will provide professional assistance to the person served in his or her effort to find spiritual assistance.

PROCEDURES:

If the person served requests services external to the agency, the case manager will inquire about denominational preferences and shall provide referral services through a working relationship with local clergy. These services may include religious consultation and education.

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 30
SECTION Individual Rights		DESCRIPTION Treatment by Religious/Spiritual Means	

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 expense of the person served.

These steps will be taken on behalf of the self-identified need of the person served for spiritual intervention.

The following procedure shall be used whenever a person served requests spiritual services:

- A. A request for treatment by spiritual means shall be made to the case manager or therapist. A written request is to be filed in the record of the person served.
- B. The guardian of the person served, if applicable, is responsible for the decision to approve or deny the request for treatment by spiritual means. Approval is to be given only in line with agency policies.
- C. When a request is denied, denial is to be made in writing to the person served and the person requesting treatment if other than the person being served. One copy is to be placed in the case record of the person served and a second copy forwarded to the case manager's supervisor. The written denial letter is to include an explanation of the person served (or other person's) right to appeal the denial decision [Administrative Rule 7135(6)(b)].

The appeal process is as follows:

- A. The case manager's supervisor will automatically review the decision to deny treatment by spiritual means upon the receipt of the copy of the notice from the case manager.
- B. The case manager's program supervisor is the first level of the appeal process. An appeal may be made orally; however, the person served or person acting on behalf of the person served should be assisted in putting it in writing. The program supervisor is to make written response to the appeal within ten working days of the receipt of the notice of appeal.
- C. If the person served or person acting in the behalf of the person served does not accept the decision of the program supervisor, then an appeal may be made to the Chief Executive Officer (CEO). The CEO shall make written response to the appeal within ten working days of the receipt of the appeal.

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 30
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D. Persons served or persons acting in their behalf are to also be reminded of their right to file a recipient rights complaint.

A person served may refuse medication if:

- A. Spiritual treatment predates current allegations of mental illness or disability [Administrative Rule 7135(4)].
- B. There is no court order empowering a guardian or facility to make those decisions [Administrative Rule 7135(4)(a)].
- C. The person served is not imminently dangerous to self or others and treatment is essential to prevent physical injury [Administrative Rule 7135(4)(b)].

DEFINITIONS:

Facility: a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state facility or a licensed facility.

Treatment by spiritual means: encompasses a spiritual discipline or school of thought which a person served wishes to rely upon to aid physical or mental recovery [DHHS Administrative Rule 330.7001(y)].

REFERENCES:

Act 258, Public Acts of 1974, as amended, being MCL 330.1704(2).
Department of Health and Human Services Administrative Rule 330.7135.

Questions regarding this policy and procedure may be addressed to the Chief Executive Officer or to any member of the management team.

LKJ:jc

This policy supersedes
#10/09032 dated 10/06/2009.
