

**WEST MICHIGAN COMMUNITY MENTAL HEALTH
ADMINISTRATIVE MANUAL**

		Chapter: 5	Section: 3	Subject: 1
CHAPTER: Recipient Rights				
SECTION: Recipient Rights in CMH Residential Settings				
SUBJECT: Treatment by Spiritual Means				
Administrative Approval:		Date of Governing Board Action:		Page 1 of 5
		3-19-96		

- I. **PURPOSE:** To establish policy and procedures to ensure recipients have the right to treatment by spiritual means.

- II. **APPLICATION:** All mental health facilities operated by or under contract with the West Michigan Community Mental Health Governing Body.

- III. **REQUIRED BY:** Department of Community Health Administrative Rule 330.7135, Act 258, Public Acts of 1974, as amended, being MCL 330.1752.

- IV. **DEFINITIONS:**
 1. **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.

 2. **Resident:** An individual who receives services in a residential facility operated by or under contract with the West Michigan Community Mental Health.

 3. **Responsible Care Manager:** A professional staff member of the West Michigan Community Mental Health who has the primary responsibility, together with the consumer, for the assessment, care planning, and delivery as well as the coordination of care and supports, as determined by the consumer's mental health, physical health, habilitation, rehabilitation or vocational need(s) and preferences whenever possible. The Responsible Care Manager is responsible for what is in the consumers' clinical record for those consumers whom they are assigned.

 4. **Treatment by Spiritual Means:** A spiritual discipline or school of thought that a recipient wishes to rely on to aid physical or mental recovery and includes easy access, at the recipient'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. **POLICY:** It is the policy of the West Michigan Community Mental Health that a recipient shall be permitted to have access to treatment by spiritual means upon the request of the recipient, a guardian, if any, or a parent with legal custody of a minor recipient.
 1. The opportunity for contact with agencies or individuals providing treatment by spiritual means shall be provided in the same manner as recipients are permitted to see private mental health professionals.

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Administrative Approval:		Date of Governing Board Action:		Page 2 of 5
		3-19-96		

2. The "right to treatment by spiritual means" includes the right of recipients, guardians, or parents with legal custody of a minor to refuse medication or other treatment on spiritual grounds that predate the current allegations of mental illness or disability. The "right to treatment by spiritual means" does not extend to circumstances where either of the following provisions applies:
 - 2.1 A guardian or the provider has been empowered by a court to consent to or provide treatment and has done so; or
 - 2.2 Recipient poses harm to himself or herself or others and treatment is essential to prevent physical injury.
3. The "right to treatment by spiritual means" does not include the right to any of the following:
 - 3.1 To use mechanical devices or chemical or organic compounds which are physically harmful;
 - 3.2 To engage in an activity prohibited by law;
 - 3.3 To engage in an activity which physically harms the recipient or others; or
 - 3.4 To engage in an activity which is inconsistent with court-ordered custody or a voluntary placement by a person other than the recipient.

VI. PROCEDURES:

1. Request for treatment by spiritual means:
 - 1.1 A request for treatment by spiritual means shall be made in writing and submitted to the Responsible Care Manager.
 - 1.2 The written request shall be filed in the recipient's clinical record.
 - 1.3 When there is a request for treatment by spiritual means being made by another person or guardian on the recipient's behalf, the Responsible Care Manager shall ask the recipient if he/she assents to the treatment by spiritual means that is being requested by another person or his/her guardian.

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SUBJECT: Treatment by Spiritual Means				
Administrative Approval:		Date of Governing Board Action:		Page
		3-19-96		3 of 5

2. Approval of the request:
 - 2.1 The recipient's Responsible Care Manager shall be responsible for reviewing and approving the request for treatment by spiritual means.
 - 2.2 Approval shall only be given according to agency policies.
 - 2.3 Approval shall be given in writing to the recipient and to the person requesting treatment, if different than the recipient. A copy of the approval shall be placed in the recipient's clinical record.
 - 2.4 The Responsible Care Manager shall incorporate the specific request for treatment by spiritual means into the recipient's schedule, and inform staff members.

3. Notice shall be given to the person requesting treatment by spiritual means if such treatment is denied along with the reasons for such denial, as follows:
 - 3.1 The recipient's Responsible Care Manager shall be responsible for the decision when denying the request for treatment by spiritual means.
 - 3.2 Denial shall only be made after examining the request in accordance with agency policies.
 - 3.3 Denial shall be made in writing to the recipient and the person requesting treatment, if different than the recipient. A copy shall be placed in the recipient's clinical record and another copy forwarded to the Responsible Care Manager's supervisor.

4. The person making the request for treatment by spiritual means has the option of appealing the request if denied, as follows:
 - 4.1 The Responsible Care Manager's supervisor shall immediately review the decision for denying treatment by spiritual means upon receiving the copy from the Responsible Care Manager.
 - 4.2 The Responsible Care Manager's supervisor shall be the first level in the appeal process. An appeal may be made orally; however, the recipient or person acting on the recipient's behalf should be assisted in putting it in writing. The Responsible Care Manager's supervisor shall make written response

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SUBJECT: Treatment by Spiritual Means				
Administrative Approval:		Date of Governing Board Action:		Page
		3-19-96		4 of 5

regarding the appeal within five (5) working days from receipt of the notice of the appeal. This information shall be placed in the recipient's clinical record.

- 4.3 If the recipient or person acting on the recipient's behalf does not agree with the decision made by the Responsible Care Manager's supervisor, an appeal shall be made to the Deputy Director of Clinical Services. The Deputy Director of Clinical Services shall make written response to the appeal within five (5) working days from receipt of the notice of appeal. This information shall be placed in the recipient's clinical record.
- 4.4 The recipient or the person acting on his/her behalf shall also be reminded of his/her right to file a Recipient Right Complaint.
5. WMCMH shall have recourse to court proceedings if medication or other treatment for a minor is refused.
 - 5.1 The Responsible Care Manager shall document in the recipient's progress notes the reason for any court action taken on behalf of such minor.

VII. **SUPPORTING DOCUMENTS:** Not applicable.