

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

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I. APPLICATION:

- ☐ SCCCMHA Board
- ☒ SCCCMHA Providers & Subcontractors
- ☒ Direct-Operated Programs
- ☒ Community Agency Contractors
- ☒ Residential Programs
- ☒ Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health Authority (SCCCMHA) shall ensure that recipients are permitted access to treatment by spiritual means.

III. DEFINITIONS:

- A. Facility: Means a residential facility licensed by the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, to support individuals diagnosed with a mental illness and/or intellectual/developmental disability.
- B. Recipient: Means an individual who receives mental health services from the Michigan Department of Health and Human Services (MDHHS), a community mental health services program, or a facility OR from a provider that is under contract with the MDHHS or a community mental health services program.
- C. Treatment by Spiritual Means: Means a spiritual discipline or school of thought that a recipient wishes to rely on to aid in their physical or mental recovery.

IV. STANDARDS:

- A. Staff shall ensure recipients have access to treatment by spiritual means upon the request of the recipient, the recipient's guardian, or a parent of a minor recipient.
- B. Staff shall honor a recipient's request for and make available at the recipient's expense printed, recorded, or visual materials essential or related to treatment by spiritual means, and to symbolic objects of similar significance. This provision shall not imply that staff must furnish or take unreasonable steps to assure access to such materials.
- C. Treatment by spiritual means includes the rights of recipients, guardians, or parents of a minor to refuse medication or other treatment on spiritual grounds unless treatment is ordered by a court of

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law or a recipient poses harm to himself, herself, or others and treatment is essential to prevent physical injury.

- D. If a parent or guardian refuses to consent to treatment for children or wards based on spiritual grounds, the situation shall be brought to the attention of the Chief Executive Officer. The Chief Executive Officer shall assess the presence of, or potential for, any danger to the child or ward; and, if appropriate, shall petition the court to assure that the rights of the child or ward are protected.
- E. Requesting persons (recipients, guardians, and parents of a minor) shall be informed of the denial for access to treatment by spiritual means and given the reasons for the denial.
- F. The requesting person has the right to appeal the denial. The appeal shall be made in writing to the SCCCMHA Medical Director. The Medical Director will render a final decision within five (5) business days of receipt of the appeal.
- G. Recipients of mental health services have the right to refuse medications if:
 - 1. Spiritual treatment predates the current allegation of mental illness or intellectual/developmental disability.
 - 2. There is no court order empowering the guardian or facility to make decisions in contrast to the recipient's refusal.
 - 3. The recipient is not imminently dangerous to self or others.
- H. The right to treatment by spiritual means does not include the right to any of the following:
 - 1. Use of mechanical devices or chemical or organic compounds that are physically harmful to the recipient.
 - 2. Engagement in activities prohibited by law.
 - 3. Engagement in activities that physically harm the recipient or others.
 - 4. Engagement in activities that are inconsistent with court-ordered custody arrangements or voluntary placement by a person other than the recipient.
- I. Providers 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.

V. PROCEDURES:

Case Holder

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1. Records individual's request for treatment by spiritual means in the recipient's electronic health record.
2. Reports the recipient's request to their immediate supervisor.

Supervisor

3. Reports all cases of refusal of medications for spiritual reasons to the Chief Executive Officer.
4. Assures that a recipient's assent is honored when requested by a recipient, guardian, or parent of a minor, and is in compliance with this administrative procedure. Assures assent is documented in the recipient's case record.

Chief Executive Officer/Designee

5. Assesses the presence of, or potential for, any danger to the recipient; and, if appropriate, shall petition the court to assure that the rights of the recipient are protected.
6. Discusses the recipient's decision to use treatment by spiritual means in place of pharmacological treatment with the Medical Director.
7. Determines if the recipient's request for treatment by spiritual means is approved or denied.
8. Notifies the requestor, in writing, of the reason for the denial.

Recipient, Recipient's Guardian, Parent of a Minor

9. Appeals, if applicable, the decision of the Chief Executive Officer to deny their/their ward's request for treatment by spiritual means.

Medical Director/Designee

10. Reviews all appeals from recipients, recipients' guardians, and parents of minor recipients.
11. Renders a final decision regarding the appeal, in writing, within five (5) business days of receipt of the appeal.

VI. REFERENCES:

- A. Michigan Mental Health Code, Sections 330.1704, 330.1708, and 330.1752
- B. Michigan Department of Health and Human Services, Administrative Rule, R 330.7135

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VII. EXHIBITS:

None Available

VIII. REVISION HISTORY:

Dates issued 05/88, 01/91, 03/93, 07/96, 09/97, 08/99, 09/01, 09/03, 08/05, 08/07, 08/09, 08/11, 01/13, 01/14, 01/15, 03/16, 03/17, 03/18, 03/19, 03/20, 03/21, 03/21, 03/22.