

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 1 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	_____ <i>Board Chairperson Signature</i> _____ <i>Chief Executive Officer Signature</i>
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that all recipients receiving services will sign an intake form authorizing services. This policy shall apply to BABHA and all services operated by or under contract with it. "Consent" means written, informed consent on the part of a recipient, empowered guardian, or parent of a minor.

Further, it is the policy of BABHA that the recipient shall be provided a summary of the Michigan Mental Health Code (MMHC), have that summary thoroughly explained to them, and a copy of the summary and documentation retained in the recipient's clinical record.

Purpose

This policy and procedure is established to ensure that all BABHA recipients give consent for services and are informed of their rights under the MMHC.

Education Applies to

- All BABHA Staff
- Selected BABHA Staff, as follows:
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows:
 - Policy Only Policy and Procedure
- BABHA's (Affiliates): Policy Only Policy and Procedure

Definitions

N/A

Procedure

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All recipients receiving services will sign an intake form authorizing services. This policy shall apply to BABHA, and all services operated by or under contract with it. "Consent" means written, informed consent on the part of a recipient, empowered guardian, or parent of a minor. Informed consent assumes:

- a. **Comprehension:** Comprehension requires the ability of an individual to understand rationally the nature of a procedure, risks, other consequences, and other relevant information.
 - b. **Knowledge:** An individual consenting shall be aware of the procedure, risks, other consequences, and other relevant information. The standard governing required disclosure by a doctor is what a reasonable patient needs to know in order to make an intelligent decision. Other relevant information includes the purpose of the procedures, a description of attendant discomforts, risks, and benefits reasonably to be expected, a disclosure of appropriate alternatives advantageous to the recipient, and an offer to answer further inquiries.
 - c. **Voluntariness:** There shall be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges of freedom. There shall be an instruction that an individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient.
1. Consent by the recipient to participate shall be given freely without force, fraud, duress, deceit, overreaching, or other ulterior forms of constraint or coercion including promises or assurances of privileges of freedom.
 2. The recipient or guardian shall be instructed that consent may be withdrawn and services discontinued at any time without prejudice to the recipient or guardian.
 3. All minors under 14 years of age who have a guardian must have a parent or guardian sign authorization for services before any services may be provided, except in the case of an emancipated minor who may authorize services.
 4. An adult recipient, and a minor if emancipated, shall be presumed legally competent. This presumption may be rebutted only by court appointment of a guardian or exercised by a court of guardianship powers and only to the extent of the scope and duration of a guardianship. An evaluation of the ability to give consent shall precede any guardianship proceedings.

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This evaluation shall be completed by a psychologist not providing direct services to the recipient, assuring that the recipient is the primary beneficiary.

5. In emergency or crisis situations, persons served normally will not be requested to sign an authorization form in order to receive mental health services.
6. Before consenting to receive mental health services, each client shall be informed of their rights including the foregoing information.
7. An individual consenting shall be knowledgeable of what the consent is for. He/she shall be aware of the procedure, risks, other consequences, and other relevant information. Relevant information includes the purpose of the procedures, a description of discomforts, risks and benefits reasonably to be expected, a disclosure of appropriate alternatives advantageous to the recipient, and an offer to answer any questions of the recipient.
8. Informed consent will be reobtained if changes in circumstances substantially change the risks, other consequences or benefits that were previously expected.
8. Individuals under court order shall be offered services and given the opportunity to give consent.
9. A minor, 14 years of age or older, may request and receive mental health services; and mental health professionals may provide services on an outpatient basis (excluding pregnancy termination referral services and use of psychotropic drugs) without the consent or knowledge of the minor's parent or person in loco parentis.
10. The minor's parent, guardian, or person in loco parentis, is not informed of the services without the consent of the minor, unless the treating mental health professional determines a compelling need for disclosure based upon substantial probability of harm to the minor or another and if the minor is notified of the treating professional's intent to inform.
11. Services provided to the minor are limited to not more than 12 sessions or four (4) months, or per request after these expire. After that time, the mental health professional terminates the services or, with the consent of the minor, notifies the parent, guardian, or person in loco parentis, to obtain consent to provide further outpatient services.

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Attachments

N/A

Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Department of Community Health Administrative Rule 330.7003[AR 7003 (3)]

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SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/COMMITTEE/ SUPERVISOR	APPROVAL /REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION - If replacement list policy to be replaced
Marlene Wolber	Linda Maze	11/10/09	Revision	Triennial review-format and language updated
		12/31/12	No changes	Triennial review-no changes
Melissa Prusi	Christopher Pinter	6/27/16	No changes	Triennial review-no changes
Melissa Prusi	Christopher Pinter	06/16/2019	No changes	Annual and Triennial review – no changes
Melissa Prusi	Christopher Pinter	08/01/2020	No changes	Annual review
Melissa Prusi	Christopher Pinter	01/25/2021	Revision	Revised to include updated MDHHS ORR Standards
Melissa Prusi	Christopher Pinter	6/23/21	No changes	Triennial review and review for CARF
Melissa Prusi	Christopher Pinter	12/19/2024	No changes	Triennial review