

NORTHPOINTE BEHAVIORAL HEALTHCARE SYSTEMS

POLICY TITLE: Treatment by Spiritual Means

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MANUAL: Recipient Rights

SECTION: Rights

ORIGINAL EFFECTIVE DATE: 10/2/95

BOARD APPROVAL DATE: 11/25/13

REVIEWED/REVISED ON DATE: 3/15/18

CURRENT EFFECTIVE DATE: 4/1/18

REVISIONS TO POLICY STATEMENT: YES NO **OTHER REVISIONS:** YES NO

APPLIES TO:

All recipients of services provided by Northpointe Behavioral Healthcare Systems and contracted providers.

POLICY:

It is the policy of Northpointe Behavioral Healthcare Systems that individuals have the right to treatment by spiritual means.

PURPOSE:

To establish policy and procedures to ensure recipients the right to treatment by spiritual means.

DEFINITIONS:

Facility - a residential setting for the treatment of mentally ill or intellectually/developmentally disabled individuals.

Recipient - a mentally ill or intellectually/developmentally disabled person living in a residential facility operated by or under contract with Northpointe Behavioral Healthcare Systems.

Responsible Care Manager - an employee of Northpointe Behavioral Healthcare Systems who is primarily responsible for the coordination and delivery of services to a recipient.

Treatment by Spiritual Means -- encompasses a spiritual discipline or school of thought upon which a recipient wishes to rely 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.

PROCEDURES:

1. A recipient shall be permitted to receive treatment by spiritual means at his/her request or at the request of his/her guardian, or the parent of a minor, with the recipient's consent.
2. 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 physicians, attorneys, and private mental health professionals.
3. The "right to treatment by spiritual means" includes the right of recipients, guardians, or parents of a minor child to refuse medication or other treatment due to spiritual beliefs that predates the current instance of mental illness or disability. The "right to treatment by spiritual means" does not extend to circumstances where either:
 - a. A guardian or Northpointe has been empowered by a court to consent to or provide treatment, and has done so; or
 - b. A recipient is presently dangerous to self or others and treatment is essential to prevent physical injury.
4. 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;
 - b. To engage in an activity prohibited by law;
 - c. To engage in an activity which physically harms the recipient or others; or
 - d. To engage in an activity which is inconsistent with a court-order, custody, or a voluntary placement made by a person other than the recipient.
5. Recourse to court proceedings shall be available where there is refusal of medication or other treatment

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for a minor.

6. Notice shall be given to the person requesting treatment by spiritual means if such treatment is denied along with the reasons for such denial.
7. The person requesting the treatment by spiritual means shall have the option of appealing if the request is denied.
8. Request for treatment by spiritual means:
 - a. A request for treatment by spiritual means shall be communicated to the primary provider.
 - b. This request shall be documented and filed in the recipient's clinical record.
 - c. When there is a request for treatment by spiritual means being made by another person or guardian on the recipient's behalf, the primary provider 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.
9. Approval of the request:
 - a. The recipient's primary provider shall be responsible for reviewing and approving the request for treatment by spiritual means.
 - b. Approval shall only be denied according to agency policies.
 - c. 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.
 - d. The primary provider shall write the specific request for treatment by spiritual means into the recipient's record.
10. Denial of the request:
 - a. The recipient's primary provider shall be responsible for the decision when denying the request for treatment by spiritual means.
 - b. Denial shall only be made after examining the request in accordance with agency policies.
 - c. Denial shall be made in writing explaining the grounds for the denial 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 primary provider.
11. Appeal process:
 - a. The primary provider's supervisor shall immediately review the decision for denying treatment by spiritual means upon receiving the copy from the primary provider.
 - b. The primary provider'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 primary provider's supervisor shall make written response regarding the appeal within 14-working days from receipt of the notice of the appeal. This information shall be placed in the recipient's clinical record.
 - c. If the recipient or person acting in the recipient's behalf does not agree with the decision made by the primary provider's supervisor, an appeal shall be made to the CEO. The CEO shall make written response

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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.

- d. The recipient or the person acting on his/her behalf shall also be reminded of his/her right to file a Recipient Rights Complaint.