


Policy and Procedure Manual Saginaw County Community Mental Health Authority		
Subject: Recipient Rights – Consent for Treatment	Chapter: 02 - Customer Service and Recipient Rights	Subject No: 02.02.08
Effective Date: September 8, 1997	Date of Review/Revision: 3/19/03, 1/25/08, 6/29/09, 6/22/12, 6/13/14, 11/27/16, 6/1/18, 1/8/19, 2/11/20, 2/9/21, 5/10/22	Approved By: Sandra M. Lindsey, CEO
	Supersedes: 06.02.07.00	
 SAGINAW COUNTY COMMUNITY MENTAL HEALTH AUTHORITY		Authored By: Tim Ninemire
		Additional Reviewers: None

Purpose:

The purpose of this policy is to establish a means for consumers of mental health services to consent to treatment with Saginaw County Community Mental Health Authority (SCCMHA).

Policy:

It is the policy of SCCMHA that all consumers receiving mental health services with SCCMHA will consent to treatment. Consent means written, informed consent on the part of a consumer, their guardian, parent of a minor or loco parentis.

Application:

This policy applies to all consumers of SCCMHA including the Service Provider Network.

Standards:

- B1) Consent is defined in the Definitions Section of this policy.
- B2) Informed Consent is defined in the Definitions Section of this policy.
- B3) All individuals consenting to treatment shall be made aware of the purpose of the procedure, risks and benefits, alternative procedures available, other consequences and relevant information, and offered an opportunity to ask and receive answers to questions.
- B4) Consumers, their guardians, parents of a minor or loco parentis will be made aware

that consent can be withdrawn at any time without prejudice to them, unless there is a current court order in place for the consumer.

- B5) All consumers of SCCMHA services shall be assumed to be competent and able to comprehend the purpose for treatment, except as described in Procedure # 5 below.
- B6) An evaluation of the ability to give consent shall precede any guardianship proceedings as described in Procedure # 5 below.
- B7) Consumers have free power of choice without force, fraud, deceit, duress, constraint, coercion, etc.
- B8) Informed consent will be reobtained if changes in circumstances substantially change the risks, other consequences or benefits that were previously expected.
- B9) A minor 14 years of age or older may request and receive mental health services and a mental health professional may provide services on an out-patient basis (excluding pregnancy termination referral services and use of psychotropic drugs) without the consent or knowledge of the minor's parent, guardian, or loco parentis, unless the treating mental health professional determines a compelling need for disclosure based upon substantial probability of harm to minor or another and if the minor is notified of the treating professional's intent to inform.
- B10) Services provided to the minor (as described in Standard B7) are limited to not more than 12 sessions or 4 months per request and after these expire, the mental health professional terminates the services or, with the consent of the minor, notifies the parent, their guardian, or loco parentis to obtain consent to provide further out-patient services.
- B11) All consumers of mental health services with SCCMHA or a Service Provider Network will have a record of consent in their chart or record.
- B12) If a consumer refuses to sign the consent, but there is court ordered treatment, and SCCMHA does provide the service, a copy of the consent will be kept in the chart or record with documentation of the refusal of the consumer to sign the consent.

Definitions:

Assigned Support Staff: Case Manager, Support Coordinator, or Therapist assigned to work with a SCCMHA consumer. The Case Manager, Support Coordinator, or Therapist may be a SCCMHA staff person or a member of the SCCMHA Service Provider Network.

Consent: per Mental Health Code 330.1100(a)(19) means a written agreement executed by a consumer, a minor consumer's parent, or a consumer's legal representative with authority to execute a consent, or a verbal agreement of a consumer that is witnessed and documented by an individual other than the individual providing treatment.

Court ordered treatment: Mental health treatment is ordered by the Saginaw Probate Court, or another county's Probate Court, and must be offered or monitored by SCCMHA.

Informed Consent: is defined by the Administrative Rules 330.7003

- (1) All of the following are elements of informed consent:
- (a) Legal competency. An individual shall be presumed to be legally competent. This presumption may be rebutted only by a court appointment of a guardian or exercised by a court of guardianship powers and only to the extent of the scope and duration of the guardianship. An individual shall be presumed legally competent regarding matters that are not within the scope and authority of the guardianship.
 - (b) Knowledge. To consent, a consumer or legal representative must have basic information about the procedure, risks, other related 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 informed decision. Other relevant information includes all of the following:
 - (i) The purpose of the procedures.
 - (ii) A description of the attendant discomforts, risks, and benefits that can reasonably be expected.
 - (iii) A disclosure of appropriate alternatives advantageous to the consumer.
 - (iv) An offer to answer further inquiries.
 - (c) Comprehension. An individual must be able to understand what the personal implications of providing consent will be based upon the information provided under subdivision (b) of this subrule.
 - (d) 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 or 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 consumer.

Loco Parentis: A person or institution that assumes parental rights and duties for a minor.

References:

Administrative Rules 330.7003 (1)(a)-(d); (2);

Michigan Mental Health Code 330.1100

Michigan Mental Health Code 330.1707

Exhibits:

None

Procedure:

ACTION	RESPONSIBILITY
1) All consumers of mental health services with SCCMHA, their empowered guardian, parent of a minor or loco parentis will be offered Consent to Treatment form upon intake. Thereafter, the Consent to Treatment will be as	1) Assigned Support Staff

<p>indicated on the Individual Plan of Service (IPOS) Signature Page. Note: A separate Consent may be required for prescribed medications.</p> <p>2) Consent by the consumer to participate in mental health treatment 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.</p> <p>3) The consumer, their guardian, parent of a minor, or loco parentis, shall be instructed that consent may be withdrawn and services discontinued at any time without prejudice to the consumer, their guardian, parent of a minor, or loco parentis, unless there is a current court order in place for the consumer.</p> <p>4) All minors under 14 years of age and those who have a guardian must have a parent, or their guardian, or loco parentis sign authorization for services before any services may be provided, except in the case of an emancipated minor who may authorize services.</p> <p>5) An adult consumer, 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. This evaluation shall be completed by a psychologist not providing direct services to the consumer, assuring that the consumer is the primary beneficiary.</p> <p>6) In emergency or crisis situations, the consumer will be requested to sign Consent to Treatment in order to receive mental health services.</p> <p>7) Before consenting to receive mental health services, each consumer shall be informed of</p>	<p>2) Consumer, empowered guardian or parent of a minor or loco parentis.</p> <p>3) Assigned Support Staff</p> <p>4) Assigned Support Staff</p> <p>5) Assigned Support Staff</p> <p>6) Crisis Intervention Services (CIS) Staff person</p> <p>7) Assigned Support Staff or CIS Staff person</p>
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<p>their rights including the foregoing information.</p> <p>8) An individual consenting shall be knowledgeable of what the consent is for. They 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 consumer, and an offer to answer any questions of the consumer.</p> <p>9) Individuals under court order shall be offered services and given the opportunity to give Consent. If a consumer under a court order refuses to sign Consent to Treatment, the appropriate staff person will notify the Probate Court of the consumer’s refusal of services. If the consumer under a court order refuses to sign the Consent to Treatment form but continues to keep appointments for mental health treatment, a copy of the Consent to Treatment with “Refused to sign” written on the consumer’s signature line, date form was offered, and a Witness signature will be kept in the chart or record.</p> <p>10) 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, guardian, or person in loco parentis. These outpatient services may continue for 12 sessions or 4 months per request.</p>	<p>8) Assigned Support Staff or CIS Staff person</p> <p>9) Assigned Support Staff or CIS Staff person</p> <p>10) SCCMHA and the Service Provider Network</p>
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