

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

POLICY

Application

This policy shall apply to The Right Door for Hope, Recovery and Wellness and all services operated by or under contract with it.

1. Definition of Terms

- 1.1. Abortion: The termination of pregnancy, induced or performed purposely.
- 1.2. Abuse Class I: A non-accidental act or provocation of another to act by an employee, volunteer or Independent Contractor/agent of a provider, which caused or contributed to death, serious physical harm, or sexual abuse of a recipient.
- 1.3. Abuse Class II: Means any of the following:
 - 1.3.1. A non-accidental act or provocation of another to act, by an employee, volunteer or agent of a provider, which caused or contributed to non-serious physical harm to a recipient;
 - 1.3.2. The use of unreasonable force on a recipient by an employee, volunteer or agent of a provider, with or without apparent harm;
 - 1.3.3. Any action or provocation of another to act, by an employee, volunteer or agent of a provider, which causes or contributes to emotional harm to a recipient;
 - 1.3.4. An action taken on behalf of a recipient by assuming incompetence, although a guardian has not been appointed or sought, which results in substantial economic, material or emotional harm to the recipient;

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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1.3.5. Exploitation of a recipient by an employee, volunteer or agent of a provider.

1.4. **Abuse Class III/Verbal Abuse:** The use of language or other means of communication by an employee, volunteer or agent of a provider to degrade, threaten or sexually harass a recipient.

1.5. **Acquired Immune Deficiency Syndrome (AIDS):** The Centers for Disease Control and Prevention (CDC) consider a case of AIDS reportable when:

1.5.1. An otherwise healthy person with a positive HIV antibody test has an unusual opportunistic infection (protozoal, fungal, bacterial or viral) or a rare malignancy; or

1.5.2. when an individual with a positive HIV antibody test has a CD4 cell count (a measure of cells that are important to the body's immune system) of less than 200 per cubic millimeter of blood (about one-fifth [1/5] the normal level); or

1.5.3. when an individual with a positive HIV antibody test has been diagnosed with pulmonary tuberculosis, invasive cervical cancer or recurrent pneumonia.

1.5.4. There are 25 opportunistic infections and conditions in the AIDS case definition, as follows:

1.5.4.1. Candidiasis of bronchi, trachea, or lungs;

1.5.4.2. Candidiasis, esophageal;

1.5.4.3. Cervical cancer, invasive;

1.5.4.4. Coccidioidomycosis, disseminated or extrapulmonary;

The Right Door for Hope, Recovery and Wellness

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|---------------------|-----------|--------------|---|
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- 1.5.4.5. Cryptococcosis, extrapulmonary;
- 1.5.4.6. Cryptosporidiosis, chronic intestinal (>1 month's duration);
- 1.5.4.7. Cytomegalovirus disease (other than liver, spleen, or nodes);
- 1.5.4.8. Cytomegalovirus retinitis (with loss of vision);
- 1.5.4.9. Encephalopathy, HIV-related;
- 1.5.4.10. Herpes simplex: chronic ulcer(s) (>1 month's duration); or bronchitis, pneumonitis, or esophagitis;
- 1.5.4.11. Histoplasmosis, disseminated or extrapulmonary;
- 1.5.4.12. Isosporiasis, chronic intestinal (>1 month's duration);
- 1.5.4.13. Kaposi's sarcoma;
- 1.5.4.14. Lymphoma, Burkitt's (or equivalent term);
- 1.5.4.15. Lymphoma, immunoblastic (or equivalent term);
- 1.5.4.16. Lymphoma, primary, of brain;
- 1.5.4.17. *Mycobacterium avium* complex or *M. kansaii*, disseminated or extrapulmonary;
- 1.5.4.18. *Mycobacterium tuberculosis*, any site (pulmonary or extrapulmonary);

The Right Door for Hope, Recovery and Wellness

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|---------------------|-----------|--------------|---|
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1.5.4.19. *Mycobacterium*, other species or unidentified species, disseminated or extrapulmonary;

1.5.4.20. *Pneumocystis carinii* pneumonia;

1.5.4.21. Pneumonia, recurrent;

1.5.4.22. Progressive multifocal leukoencephalopathy;

1.5.4.23. *Salmonella* septicemia, recurrent;

1.5.4.24. Toxoplasmosis of brain;

1.5.4.25. Wasting syndrome due to HIV.

1.6. Act: Mental health code, 1974 PA 258, MCL 330.

1.7. Adjudication: Determination by the Probate Court in a guardianship hearing.

1.8. Agency Employee: A person employed by the Agency subject to the will and control of the Employer with respect to what the employee does and how he/she does it.

1.9. AIDS (Acquired Immune Deficiency Syndrome): See "Acquired Immune Deficiency Syndrome".

1.10. AIDS Dementia Complex: A neuropsychiatric condition manifested by symptoms of memory loss, psychomotor slowing, confusion, withdrawal, apathy, unsteady gait, hyperreflexia, tremors, lower extremity weakness and incontinence.

The Right Door for Hope, Recovery and Wellness

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1.11. Anatomical Support: Body positioning or a physical support ordered by a physical or occupational therapist for the purpose of maintaining or improving a recipient's physical functioning.

1.12. Antibody: A humoral product of the lymphatic system which may attach itself to an invading agent, thereby altering its capacity for pathogenesis and/or replication. Once produced, antibodies will usually remain present in some concentration for life. Antibodies may be detected by serologic testing in the laboratory and signify only that a person has been in contact with the causal agent for an infectious disease, but the presence of antibodies is not necessarily related to the infectivity of the individual at the time of testing.

1.13. Recipient "At-Risk": A recipient with a blood borne pathogen who has open lesions or skin eruptions; symptoms of illness, e.g., fever, cough, respiratory distress or diarrhea; is not capable of understanding and conforming with behaviors to prevent the spread of infections; or who bites and/or is physically aggressive.

1.14. Staff "At-Risk": Staff with a blood borne pathogen who lack fitness, physically or mentally; has uncovered sores or skin eruptions; displays symptoms of illness, e.g., fever, cough, respiratory distress or diarrhea. Also means staff who may be pregnant and those others who may be immunosuppressed by other means.

1.15. Audio Tape: Recording of voice, either as part of videotape or separate recording.

1.16. Blood Borne: The presence of a disease-producing agent in blood or other internal body fluids.

1.17. Bodily Fluid: Any of the following fluids found in the body:

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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1.17.1. blood;

1.17.2. breast milk;

1.17.3. saliva;

1.17.4. secretions;

1.17.5. semen;

1.17.6. vaginal secretions; and

1.17.7. urine.

1.18. Bodily Function: The usual action of any region or organ of the body.

1.19. Care: Includes treatment, control, transportation, confinement and isolation in a facility or other location.

1.20. Carrier: An individual who is infected with a causal agent but who is without recognizable symptoms of disease and who is capable of transmitting the infection to another person without knowledge of either party. The carrier state for AIDS is not completely understood but anyone who is positive for HTLV-III/LAV antibodies is at-risk of being infectious as the virus has been isolated from sera in 67 percent to 95 percent of persons who have the specific antibody present. There is no method of knowing if the virus has been eradicated. Any individual with HIV or AIDS is considered potentially infectious.

1.21. Casual Contact: Contact between persons in which there is no exchange of bodily fluids, e.g., hand shaking, hugging, "dry kissing", usual social contacts.

The Right Door for Hope, Recovery and Wellness

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|---------------------|-----------|--------------|---|
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1.22. CBC: A complete blood count which includes a WBC (white blood count).

1.23. Clozaril: Brand name for clozapine, which is an antipsychotic drug.

1.24. Communicable Disease: An illness due to a specific infectious agent or its toxic products which results from transmission of that agent or its products from a reservoir to susceptible host, directly as from an infected individual or animal, or indirectly through the agency of an intermediate plant or animal host, vector or the inanimate environment.

1.25. Competency: The capacity to make a decision and to rationally understand the nature of the procedure, the risks or other consequences and other relevant information.

1.26. Confidential Information: All information in the record of a recipient, including:

- 1.26.1. information acquired in diagnostic interviews or examinations; or
- 1.26.2. results and interpretations of tests ordered by a mental health professional or given by a facility; or
- 1.26.3. progress notes or other entries by mental health professionals concerning the recipient's condition or progress.

1.27. Consent: A written agreement signed by the recipient, parent of a minor, or legally empowered representative, to give consent, which assumes comprehension, knowledge and voluntariness.

1.28. Recipient Case Record: Written documentation of all services which includes intake information, progress notes, psychological evaluations, etc.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|--|------------------------|------------------------------|--|
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1.29. **Contraband**: Any item specifically excluded by written policy of the program, or illegal goods or items (i.e., alcohol, illicit drugs, weapons.)

1.30. **Contraception**: The prevention of conception by chemical or mechanical means, not to include surgical sterilization.

1.31. **Controlled Condition**: As in at least two employees being involved in opening the mail; at least two medical staff being involved in monitoring prescription tablets and logging medications/sample medication received.

1.32. **Designee**: A Division Director or other person specifically authorized by the CEO to act on his/her behalf.

1.33. **Emergency Medical Services**: Those immediate services which, if withheld, may contribute to death, severe injury or impairment to the body or bodily functions of the recipient. Services may include first aid, referrals and transportation as indicated.

1.34. **Emotional Harm**: Impaired psychological functioning, growth, or development of a significant nature as evidenced by observable, physical symptomatology or, as determined by a mental health professional.

1.35. **Empowered Guardian**: For the purpose of this policy, is a person appointed by the court to exercise authority on behalf of the recipient, as specified by the court.

1.36. **Enzyme-Linked Immunosorbent Assay (ELISA) Test**: A screening test for antibodies against HIV. This test is used initially for the presumptive identification of the antibody and must be followed up with more specific testing for confirmation as ELISA may show false positive results, i.e., positive test results in persons without HIV exposure. The most economical procedure is to repeat the ELISA test and if it is again positive, then perform the more complex and expensive Western Blot Test.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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1.37. **Exploitation:** An action by an employee, volunteer, or agent of a provider that involves the misappropriation or misuse of a recipient's property or funds for the benefit of an individual or individuals other than the recipient.

1.38. **Family Member:** A parent, step-parent, spouse, significant other, sibling, child, individual identified by the recipient as family or extended family member (i.e., grandparent, aunt, uncle, foster parent, or guardian) of a primary recipient, or an individual on whom a primary recipient is dependent for at least 50% of his/her financial support.

1.39. **Food Service Workers (FSWs):** Those individuals who are involved with the preparation, distribution, serving and/or feeding of food and beverages.

1.40. **General Limitations:** Rules governing specific restrictions, developed for all recipients in the program.

1.41. **Governing Body:** The board and CEO of a county community mental health program.

1.42. **Granulocyte:** Type of white cell which has a very important role in combating infection.

1.43. **Guardian:** A person with authority for the care and custody of a recipient pursuant to an order of a court of competent jurisdiction with power listed in a court order.

1.44. **Health Care Workers (HCWs)** include, but are not limited to: nurses, physicians, dentists and other dental workers, optometrists, podiatrists, chiropractors, laboratory and blood bank technologists and technicians, phlebotomists, dialysis personnel, paramedics, emergency medical

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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technicians, medical examiners, morticians, housekeepers, laundry workers, residential care aides, activity training aides, child care workers and others whose work involves contact with patients, their blood or other bodily fluids, organs or corpses.

- 1.45. Hematologist: A physician who specializes in blood disorders.
- 1.46. HIV (Human Immunodeficiency Virus): The virus associated with and thought to be the causal agent for AIDS. This virus has also been named Human T-Lymphotropic Virus-III, Lymphadenopathy as Virus, and AIDS-associated retrovirus (ARV), although the most common usage is HIV.
- 1.47. HIV Infection or HIV-Infected: The status of an individual who has tested positive for HIV, as evidenced by either a double positive enzyme-linked immunosorbent assay test, combined with a positive Western Blot Assay Test, or a positive result under an HIV test that is considered reliable by the Federal Centers for Disease Control and Prevention and is approved by the Department of Community Health.
- 1.48. Human Immunodeficiency Virus Seropositivity (HIV:Ab+): The confirmed presence of specific antibodies against HIV in the blood of individuals who have been previously exposed to the virus. Confirmation requires two blood tests: an enzyme-linked immunosorbent assay (ELISA) which is a screening procedure and, if repeatedly positive, the more definitive Western Blot Test must also be positive. These are not singly specific tests for HIV but must be used as adjunct procedures along with other diagnostic criteria in the classification of persons with HIV.
- 1.49. Immunization: The process of increasing an individual's immunity to a disease by use of a vaccine, antibody preparation or other substance.
- 1.50. Inappropriate Sexual Act(s): Sexual contact between two recipients if the clinical team has determined that one or more cannot assent, between

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|---------------------|-----------|--------------|---|
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| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

recipients if one or more is a minor or between a recipient and any other person if the recipient does not assent.

- 1.51. **Incubation:** The time between contact with an infecting agent and onset of disease. In the case of AIDS, the incubation period is between six months and five years. The time between infection and detection of the antibody is two to six months. The average time from HIV-infection to development of AIDS is 8-11 years.
- 1.52. **Independent Contractor:** A person or company providing services purchased by the Authority under specific terms and conditions.
- 1.53. **Individual Limitations:** Rules governing specific restrictions and developed for individual recipients.
- 1.54. **Infection:** The invasion of the body with microorganisms or parasites, whether or not the invasion results in detectable pathologic effects.
- 1.55. **Informed Consent:** A written agreement signed by the recipient, parent of a minor, or empowered legal representative, to give consent, which assumes legal competency, knowledge, comprehension and voluntariness, as defined in MDCH Administrative Rule 330.7003.
- 1.56. **Intimate Contact:** Contact between persons in which there is exchange of bodily fluids, e.g., semen, saliva or blood.
- 1.57. **Intimate Part(s):** The genitalia, buttocks or breast of a human being as well as the groin, inner thigh or rectum.
- 1.58. **Knowledge:** Awareness and understanding of the purpose of the procedure, risk or other effects including the benefits that can be reasonably expected, and of appropriate alternatives.

The Right Door for Hope, Recovery and Wellness

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|---------------------|-----------|--------------|---|
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1.59. **Labor for Compensation:** Labor performed by a recipient in which the recipient is paid for work.

1.60. **Labor of a Personal Housekeeping Nature:** Labor performed by a recipient which is generally applicable to all recipients in that program, is a condition of participation in that program and is specified in the program rules, or is specified in the recipient's Person Centered Plan (e.g., making beds on a daily basis or clearing the table, etc.).

1.61. **Legal Inquiry:** Includes any matter concerning civil, criminal or administrative law.

1.62. **Leukocyte:** A white blood cell.

1.63. **Limitations:** Individual rules governing specific activities or recipients.

1.64. **Lymphadenopathy Syndrome:** The nonspecific enlargement of numerous lymph nodes in other than inguinal sites without evidence of localized infection which has lasted longer than three months and is associated with seropositivity to the Human Immunodeficiency Virus (HIV).

1.65. **Marker:** As used in this context, a detectable factor in a person's blood which identifies that individual as having been previously infected by the virus, i.e., positive for antibodies to that specific virus.

1.66. **Mental Health Professional:** A mental health professional staff member as defined in Mental Health Code 330.1001.

1.67. **Money:** Any legal tender, note, draft, certificate of deposit, stock, bond, check or credit card.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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1.68. **Narcotics:** Drugs that depress the central nervous system to relieve pain and which will produce sleep: includes Class I, Class II and Class III drugs except for Ritalin.

1.69. **Nearest Relative:** Includes spouse, parents, adult children and siblings whether natural or adopted, or in their physical absence, another blood relative deemed to be in close association with the recipient.

1.70. **Need to Know:** Refers to information about a recipient's medical condition which is limited to those Health Care Workers with a significant risk of exposure to blood or bodily fluid, and the CEO/Designee of the Agency and contract agencies.

1.71. **Neglect Class I:** Means either of the following:

1.71.1. Acts of commission or omission by an employee, volunteer or agent of a provider resulting from noncompliance with a standard of care or treatment required by law and/or rules, policies, guidelines, written directives, procedures or individual plan of service, and causes or contributes to the death of, sexual abuse of or serious physical harm to a recipient.

1.71.2. The failure to report apparent or suspected abuse Class I or neglect Class I of a recipient.

1.72. **Neglect Class II:** Means either of the following:

1.72.1. Acts of commission or omission, by an employee, volunteer or agent of a provider, which result from noncompliance with a standard of care or treatment required by law, and/or rules, policies, guidelines, written directives, procedures, or individual plan of service and that cause or contribute to non-serious physical harm or emotional harm to a recipient:

The Right Door for Hope, Recovery and Wellness

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1.72.2. The failure to report abuse Class II or neglect Class II of a recipient.

1.73. Neglect Class III: Means either of the following:

1.73.1. Acts of commission or omission by an employee, volunteer or agent of a provider, which result from non-compliance with a standard of care or treatment required by law, and/or rules, policies, guidelines, written directives, procedures, or individual plan of service that either placed or could have placed a recipient at risk of physical harm or sexual abuse;

1.73.2. The failure to report the abuse Class III or neglect Class III of a recipient.

1.74. Non-serious physical harm: Physical damage or what could reasonably be construed as pain suffered by a recipient that a physician or RN determines could not have caused or contributed to death of a recipient, permanent disfigurement of recipient or an impairment of his/her bodily functions.

1.75. Opportunistic Disease: An infectious cancer which is typically not encountered by healthy individuals but is observed only in individuals whose immune systems have been compromised, i.e., the system has become deficient and thus cannot fend off the disease.

1.76. Parenteral Infection: The introduction of foreign substance through the skin, whether intentionally as in a blood transfusion or injection of medications, or unintentionally as with the accidental puncture of skin with contaminated needles. Foreign materials such as viruses are frequently introduced when contaminated needles are shared by drug users. Bloodstream contamination may also theoretically occur when infectious material comes in contact with open lesions or inflamed mucous membranes.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
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1.77. **Partial Guardian:** An individual appointed by the court to exercise limited authority on behalf of the recipient for specified areas of consent.

1.78. **Person In Loco Parentis:** An individual recognized by the court who assumes the rights, duties and responsibilities of a parent as demonstrated by the fact that the individual exercises parental functions such as the care and supervision of the child/minor.

1.79. **Person Centered Planning:** A process for planning and supporting the individual receiving services that builds upon the individual's capacity to engage in activities that promote community life and that honors the individual's preferences, choices and abilities. The person-centered planning process involves families, friends and professionals as the individual desires or requires.

1.80. **Personal Service Workers (PSWs):** Those individuals whose occupations involve close personal contact with recipients but whose risk of exposure to bodily fluids is minimal (e.g., hairdressers, barbers, therapists, counselors, etc.)

1.81. **Photograph:** Includes still pictures, motion pictures or videotaped reproductions.

1.82. **Physical Intervention:** The use of MDHHS- and/or The Right Door for Hope, Recovery and Wellness-approved techniques, by trained personnel to assist a recipient in regaining self-control, to prevent injury or harm to one's self or others or to prevent substantial property damage.

1.83. **Physical Management:** A technique used by staff as an emergency intervention to restrict the movement of a recipient by direct physical contact in order to prevent the recipient from harming himself, herself, or others.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.84. **Restraint:** The use of a physical device to restrict an individual's movement. Restraint does not include the use of a device primarily intended to provide anatomical support.

1.85. **Physician:** May also include psychiatrist and physician's assistant.

1.86. **Plenary Guardian:** An individual appointed by the court to exercise full authority on behalf of the recipient.

1.87. **Prevalence:** The total number of cases present, both new and old, within the population at any given time expressed as a rate, e.g., N per 100,000 U.S. population.

1.88. **Primary Recipient:** An individual who has received or is receiving services from the Department or a Community Mental Health Services program or services from the private sector equivalent to those offered by the Department or a Community Mental Health Services program.

1.89. **Probable Cause:** Having more evidence for than against. A reasonable ground for belief in the existence of facts warranting the proceedings complained of.

1.90. **Program:** Formal funded service, designed to address the needs of a specific population.

1.91. **Protective device:** A device or physical barrier to prevent the recipient from causing serious self-injury associated with documented and frequent incidents of the behavior. A protective device as defined in this subdivision and incorporated in the written individual plan of service shall not be considered a restraint.

1.92. **PRN:** A prescription to be administered on an as needed basis.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.93. **Protected Sex:** The avoidance of intimate sharing of bodily fluids through the use of barrier methods, i.e., condoms during vaginal, oral and rectal intercourse.

1.94. **Provider:** The department, each community mental health services program, each licensed hospital, each psychiatric unit, and each psychiatric partial hospitalization program licensed under section 137 of the act, their employees, volunteers, and contractual agents.

1.95. **Psychotropic Chemotherapy:** Treatment with psychotropic drugs of disorders of thinking, mood, or behavior caused by a psychiatric illness.

1.96. **Psychotropic drug:** Any medication administered for the treatment or amelioration of disorders of thought, mood, or behavior.

1.97. **Public News Media:** Publications including but not limited to newspapers, books and other printed materials produced by public agencies; television; and radio.

1.98. **Reasonable Times:** For the purpose of the Communication by Mail, Telephone, Visits and Access to Media policy, this refers to visiting times or telephone usage times that generally apply to all recipients in the program and do not seriously tax the effective functioning of the facility.

1.99. **Recipient:** An individual who has received or is currently receiving services from The Right Door for Hope, Recovery and Wellness.

1.100. **Recipient's Mail:** Incoming or outgoing mail, including parcels and packages

1.101. **Restraint:** The use of a physical device to restrict an individual's movement. Restraint does not include the use of a device primarily intended to provide anatomical support.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.102. Retrovirus: A specific viral particle which produces an enzyme, reverse transcriptase, which transcribes the virus's RNA genome into the host's DNA molecular structures, thereby altering the cell's genetic makeup. When the virus is incorporated into the host cell, it remains for the life of the cell and is passed on to subsequent generations of cells. Contrary to the usual extrusion of viral particles by infected cells, at which time contagiousness is possible by casual contact, retroviruses remain inside the nucleus and require a live cell for transmission from host to host. To date, no study has demonstrated that a host can become free of a retrovirus infection after it has become established.

1.103. Risk of Exposure: The potential for transmitting an infecting agent from one person to another; in the case of AIDS, this means the potential contact with blood, semen, vaginal secretions, breast milk, mucous membrane exposure, tissues or tissue fluids of an infected individual. Casual contact with an HIV-infected person does not pose a risk of exposure for AIDS. Risk of exposure to a recipient or other recipients is also predicated on the potential for contact with blood and/or bodily fluids. The usual recipient to recipient interactions do not pose a threat. Therefore, behaviors must be assessed on an individual basis.

1.104. Secondary Recipient: A family member (example: spouse/partner; parent; child; sibling) to an individual who has received or is receiving services from the Department or a Community Mental Health Services program or services from the private sector equivalent to those offered by the Department or a Community Mental Health Services program.

1.105. Serious Communicable Disease or Infection: A communicable disease or infection that is designated as serious by the Department pursuant to this part. Serious communicable disease or infection includes, but is not limited to, HIV, AIDS, sexually transmitted infection and tuberculosis.

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.106. Serious Physical Injury: Physical injury or harm suffered by a recipient which, at the time of examination by a physician or RN, is determined to have caused or could have caused death, or is determined to have caused an impairment of bodily function or permanent disfigurement.

1.107. Seropositive: An individual's serum is determined to contain serological markers for a specific infection.

1.108. Sexual Abuse: Criminal sexual conduct as defined by section 520b to 520 e or 1931 PA 318, being MCL 750.b to MCL 750.520e involving an employee, volunteer, or agent of a provider and a recipient, any sexual contact or penetration involving an employee, volunteer, or agent of a department operated hospital or center, a facility licensed by the department under section 137 of the act or an adult foster care facility and a recipient, any sexual contact or sexual penetration involving an employee, volunteer, or agent of a provider and a recipient for whom the employee, volunteer, or agent provides direct services.

1.109. Sexual Contact: The intentional touching of the recipient or employee's intimate parts or the touching of the clothing covering the immediate area of the recipient or employee's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for any of the following:

1.109.1. revenge

1.109.2. to inflict humiliation

1.109.3. out of anger

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.110. **Sexual Harassment:** Sexual advances to a recipient, requests for sexual favors from a recipient, or other conduct or communication of sexual nature toward a recipient.

1.111. **Sexual Penetration:** Sexual intercourse, cunnilingus, fellatio, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body. Emission of semen is not required.

1.112. **Sexually Transmitted Infections (STIs):** Those infections and infestations which are transmitted between persons during very intimate contact such as sexual activity. This is not an accurate description for AIDS since other sexually transmitted infections do not require vulnerable tissue with direct contamination of blood for transmission. (i.e. syphilis, gonorrhea, chancroid, lymphogranuloma venereum, granuloma inguinale, and other sexually transmitted infections which the Department by rule may designate and require to be reported.)

1.113. **Sterilization:** Surgical removal of testes or ovaries, inactivation by irradiation, or by tying off or removal of a portion of the reproductive ducts.

1.114. **Substantial Damages:** A sum assessed by way of actual damages, as opposed to nominal damages, which are assessed to satisfy a bare legal right; they are considerable in amount.

1.115. **T-Cells:** Lymphocytes (white blood cells) that are formed in the thymus and produce enzymes called lymphokines which control the other white blood cells in their function of antibody production and destruction of diseased cells. The normal ratio of helper/stimulator T-cells to suppressor T-cells is about 2:1. The helper cells initiate and the suppressor cells govern the immune response. The ratio becomes reversed in AIDS

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

because the helper T-cells are reduced by the HIV virus. The lack of an appropriate balance between helper and suppressor T-cells results in the altered immune response seen in AIDS.

1.116. Therapeutic de-escalation: An intervention, the implementation of which is incorporated in the individualized written plan of service, wherein the recipient is placed in an area or room, accompanied by staff who shall therapeutically engage the recipient in behavioral de-escalation techniques and debriefing as to the cause and future prevention of the target behavior.

1.117. Treatment by spiritual means: A spiritual discipline or school of thought that a recipient wishes to rely on to aid physical or mental recovery.

1.118. Uncensored: Not removing or prohibiting anything

1.119. Unexpected Death: Any unanticipated, accidental or violent death; any death that occurs under suspicious circumstances; death that occurs without medical attendance during the 48 hours prior to death unless the attending physician can accurately determine the cause of death; and any death occurring to a recipient not previously classified as critically ill.

1.120. Unimpeded: Not obstructed.

1.121. Universal Precautions: The concept in infection control that assumes the potential presence of infectious agents in every person. In this paradigm, infection control procedures are predicated on the risk of exposure to potentially infected materials but not to the specific disease.

1.122. Unreasonable force: Physical management or force that is applied by an employee, volunteer, or agent of a provider to a recipient in one or more of the following circumstances:

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.122.1. There is no imminent risk of serious or non-serious physical harm to the recipient, staff or others.

1.122.2. The physical management used is not in compliance with techniques approved by the provider and the responsible mental health agency.

1.122.3. The physical management used is not in compliance with the emergency interventions authorized in the recipient's individual plan of service.

1.122.4. The physical management or force is used when other less restrictive measures were possible but not attempted immediately before the use of physical management or force.

1.123. Unusual Incident: An occurrence that disrupts or adversely affects the course of treatment or care of an individual on the ward/living unit including but not limited to:

1.123.1. death of a recipient;

1.123.2. any injury of a recipient and/or any incident which could have caused injury;

1.123.3. maladaptive behavior which is not addressed in a Person-Centered Plan such as property damage, attack on another person or unauthorized leave;

1.123.4. any incident involving an inappropriate sexual act between recipients;

1.123.5. medication error;

1.123.6. suspected criminal offense involving a recipient; or

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |

1.123.7. significant property damage.

1.124. Video Tape: Recording of voice and images.

1.125. Voluntariness: The exercise of free choice without intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior forms of constraint or coercion which includes promises or assurances of freedom or privileges. An individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient.

1.126. Volunteer: A person who provides service to the Agency without remuneration, subject to the will and control of the Agency with respect to how and what the individual does.

1.127. WBC: White blood count.

1.128. White Blood Cell: The blood cell which helps to combat infection.

1.129. Worship: To show religious reverence either in practice or in thought.

References:

Mental Health Code

MDCCCH Administrative Rules 330.7001 Definitions

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| Nancy Patera, Board Chairperson | Date | |

The Right Door for Hope, Recovery and Wellness

| Chapter Title | Chapter # | | Subject # |
|---------------------|-----------|--------------|---|
| Recipient Rights | RR | | 100 |
| Subject Title | Adopted | Last Revised | Reviewed: |
| Definition of Terms | 6/24/02 | 10/16/19 | 2/24/05; 2/26/07; 1/24/08; 7/27/09; 8/30/10; 9/26/11; 7/23/12; 12/16/13; 12/10/14; 12/14/16; 9/13/17; 9/19/18; 10/16/19; 12/14/20; 12/20/21; 12/19/22; 12/18/23; 12/16/24; 12/15/25 |