BERRIEN MENTAL HEALTH AUTHORITY
-- PROCEDURE --

SUBJECT: Least Restrictive Setting / Services Suited to Condition / Comprehensive Exams	SECTION: 01-15-01 Page 1 of 4
APPLICATION: All Programs and Services EFFECTIVE DATE: May 5, 2002 APPROVED BY: _____ Chief Executive Officer REVISED: 11/02, 6/03, 9/03, 7/04, 12/04, 2/05, 5/07, 3/08, 6/08, 9/09, 7/13, 5/14, 4/2020, 8/2025, 2/2026	REQUIRED BY: MHC 409, 705, 708, 712, 752 AR 7181, 7199

POLICY:
Each Berrien Mental Health Authority (BMHA) consumer shall receive a comprehensive examination and services suited to his/her condition as provided for in their written individualized plan of service, which was determined in partnership with them through a person-centered planning process. These services shall be provided in the least restrictive setting that is appropriate to each consumer's capabilities, and available. Mental health treatment efforts will focus upon assisting the consumer and/or consumer's family to maximize their skills and resources in order to remain in the community. All reasonable efforts will be made to support and enhance consumer strengths in order to achieve the greatest possible personal independence as well as independent living arrangements within the community.

PURPOSE:
To establish a procedure that ensures that all recipients of service provided by or under contract with BMHA receive a comprehensive exam, services suited to their condition, in the least restrictive setting appropriate and available. To ensure that those services provided in an Authority setting or a contracted setting with paid supports is maintained to be safe, sanitary and a humane treatment environment.

STANDARDS:
- A consumer being denied priority population outpatient mental health services or treatment for an emergent/urgent situation shall at the time of the denial be informed of their right to a second opinion.
- The second opinion will be preformed within 3 regular business days.
- A preliminary plan of service will be developed within 7 days of the commencement of services, or if an individual is hospitalized for less than 7 days, before discharge or release.
- If the review of a Person-Centered Plan is requested, it must be conducted within 30 days of the request.
- To ensure that services provided in an Authority setting; or in a contracted setting with paid supports; is maintained to be safe, sanitary and a humane treatment environment.

DEFINITIONS:

1. **Comprehensive Exam:** A process to broadly and completely evaluate and determine ones condition, needs or progress.

2. **Humane:** An environment that is one of compassion and empathy which promotes empowerment and independence, appropriate to the individual served. A humane environment is also a physical environment that is adequately ventilated; air and water that are not too hot or cold; appropriate lighting, noise levels and space; free of any other unpleasant extremes.

3. **Individual plan of services:** A written individualized plan of services developed with a consumer as required by section 712 of the Michigan Mental Health Code as amended.

4. **Person-centered planning:** An approach to planning services and supports focused on and directed by the individual, which facilitates the identification of his/her desired outcomes; determines the supports, services, and or treatment he/she wants and/or needs to achieve the desired outcomes; and encourages formal and informal feedback from the person about progress made, and any changes desired or required. The person-centered planning process involves families, friends and professionals as the individual desires or requires.

5. **Priority Population Out-patient Services:** Refers to services provided to consumers who have been diagnosed as having a serious mental illness, serious emotional disturbance, or a developmental disability.

6. **Safe:** The expectation for reasonable attempts at keeping a person protected from danger or risks of harm with appropriate assistance, guidance and supervision without infringing or restricting a person's right to freedom of movement without appropriate cause or documentation. Safe includes a physical environment that is maintained free of potential hazards.

7. **Sanitary:** Relating to conditions or practices that are conducive to promoting health; hygienic measures taken for the protection of health; free from elements such as filth or pathogens that endanger health; healthy cleanliness or healthy food preparation and storage, as it relates to precautions against disease; free of unpleasant odors due to unsanitary conditions or practices.

8. **Support plan:** A written plan which specifies the personal support service or any or any other supports that are developed with and provided for a consumer.

9. **Treatment plan:** A written plan which specifies the goal oriented treatment or training services, including rehabilitation or habilitation services that are to be developed with and provided for the consumer's needs to achieve the desired outcomes; and which encourages formal and informal feedback from the person about progress made, and any changes desired or required.

PROCEDURE:

1. As soon as possible after admission/intake a consumer will have a comprehensive assessment and evaluation in accordance with all applicable laws, rules, and accreditation standards and appropriate to the treatment services and supports desired or required. All programs and services will develop policies and procedures to define what assessments and evaluations are appropriate for the various treatment services and supports offered or provided. When appropriate, a referral shall be completed to facilitate a functional assessment of a consumer's challenging behaviors be conducted. Any behavior treatment plan that proposes limitations, aversive, restrictive or intrusive techniques, or psycho-active medications for behavior control purposes and where the target behavior is not due to an active substantiated psychotic process, must be reviewed and approved by the Behavior

Treatment Committee (BTC). The BTC shall at a minimum meet the requirements of Best Practice Guidelines. *Also see policy/procedures pertaining to Behavior Treatment Committee 01-03-02*

2. The committee shall be comprised of the following individuals:
    A. At least one of the members (can be more) is required to be a licensed physician/psychiatrist. (Behavior analysis training is not specifically required.)
    B. At least one of the members (can be more) is required to be a full or limited licensed psychologist with at least one year experience and formal training in applied behavioral analysis at the graduate level at an accredited college/university which included theory, application and practicum.
    C. An individual from the Office of Recipient rights in a non-voting advisory capacity.
    D. An individual who is skilled in person centered planning and direct experience with the public mental health system.
    E. Other Mental Health Professional – i.e. PHD, MSW, BSW, BS, BA, RN
    F. Community Advocate

    *A quorum of the committee shall be three voting members. At no time should the appointments to the committee not include the **required** voting and non-voting members (1-4 above) or have less membership than a quorum of **voting** members (3).*

3. Services and supports shall be determined through a person-centered planning process in partnership with the consumer, guardian, or a minor's parents and the mental health professional. Any objections must be addressed in the plan

4. The applicant, his or her guardian, or a minor applicant's parents will be informed that a second opinion to determine if the applicant has a serious mental illness, serious emotional disturbance, or a developmental disability, or is experiencing an emergency situation or urgent situation may be requested if denied services.

5. A preliminary plan of service will be developed within 7 days of the commencement of services, or if an individual is hospitalized for less than 7 days, before discharge or release.

6. The treatment plan must establish meaningful and measurable goals with the consumer and will have specific dates when overall plan and any of its sub-components will be formally reviewed for possible modification or revision. The plan of service will be kept current and will be modified when indicated. Refer to policy 02-06-04.

7. The written individual plan of services must be suitable to the consumer's condition and must address as either desired or required by the consumer, the consumer's need for food, shelter, clothing, health care, employment and educational opportunities where appropriate, legal services, transportation and recreation.

8. The practice of monitoring to ensure that services provided in an Authority setting; or in a contracted setting with paid supports; is maintained to be safe, sanitary and a humane treatment environment.

9. Staff of Berrien Mental Health Authority or paid contractual supports, responsible for monitoring, that become aware that a person living independently is not maintaining a safe, sanitary and humane living environment, should assist in obtaining the appropriate assistance to maintain such an environment. Referrals for assistance/supports must be suitable to the consumer's condition and the

scope of services found to be medically necessary; or determination that referral to the Department of Human Services Adult/Child Protective Services is most appropriate and necessary.

10. A consumer shall be given a choice of physician or other mental health professional within the limits of available staff.

11. If a consumer is not satisfied with his/her individualized plan of services, the consumer, the person authorized by the consumer to make decisions regarding the individual plan of service, the guardian of the consumer, or the parent with legal custody of a minor consumer may make a request for review to the designated individual in charge of implementing the plan. The review must be completed within 30 days and must be carried out in a manner approved by BMHA.

12. The individual plan of services will identify any restrictions or limitations of the consumer's rights and will include documentation describing attempts to avoid such restrictions as well as what action will be taken as part of the plan to ameliorate or eliminate the need for the restrictions in the future.

13. An individual chosen or required by the consumer may be excluded from the planning process only if inclusion of that individual would constitute a substantial risk of physical or emotional harm to the consumer or substantial disruption of the planning process. Justification for an individual's exclusion must be documented in the case record.

14. A consumer must be informed orally and in writing of his/her clinical status and progress at reasonable intervals established in the individual plan of service in a manner appropriate to his/her clinical condition.

15. BMHA will ensure that the consumer is informed of their right to request a second opinion, if denied priority population out-patient mental health services -or- if the pre-admission screening unit (PSU) denies hospitalization and that:
    a. The Chief Executive Officer arranges the second opinion to be performed within 3 days; excluding Sundays and holidays, and
    b. The Chief Executive Officer in conjunction with the Medical Director reviews the second opinion if this differs from the opinion of the PSU
    c. The Chief Executive Officer's decision to uphold or reject the findings of the second opinion is confirmed in writing to the requester; this writing contains the signatures of the Chief Executive Officer and Medical Director or verification that the decision was made in conjunction with the Medical Director.

16. If the individual providing the second opinion determines that the applicant has a serious mental illness, serious emotional disturbance, or a developmental disability, or is experiencing an emergency situation or urgent situation, the community mental health services program will direct services to the applicant.

FORMS:
N/A

Reviewer: Office of Recipient Rights
Reviewed: 6/08, 9/09, 6/10, 4/11, 5/12, 7/13, 4/14, 7/15, 7/16, 4/17, 7/18, 5/19, 4/2020, 9/2021, 7/2022, 8/2023, 8/2024, 8/2025, 2/2026