|  |
| --- |
| **MONTCALM CARE NETWORK PROCEDURE 611 North State Street, Stanton, MI 48888** |
|
| SUBJECT: Denial of Services or Hospitalization | Section: 8913A |
| Effective Date: August 26, 1997 | Revised Date: April 28, 2014; July 14, 2017;  |
|  |  |

If Montcalm Care Network denies access to mental health services or hospitalization, the individual or legal representative has the right to request any of the following processes:

1. If Montcalm Care Network denies hospitalization, the individual, his/her guardian or his/her parent in the case of a minor child, may request a second opinion from the Director of the Montcalm Care Network.
	1. The request for the second opinion shall be processed in compliance with Sections 409(4), 498e(4) and 498h(5) of the Mental Health Code.
	2. The Director of the Montcalm Care Network shall arrange for an additional evaluation to be performed within three (3) days, excluding Sundays and legal holidays upon receipt of the request.
	3. A psychiatrist or other physician, or a licensed psychologist must provide the second opinion.
	4. The Director of the Montcalm Care Network, in conjunction with the Medical Director will review the second opinion if this differs from the opinion of the original assessment.
	5. The Director of the Montcalm Care Network's decision to uphold or reject the findings of the second opinion will be confirmed in writing to the requestor. This writing will contain the signatures of the Director of the Montcalm Care Network and Medical Director or verification that the decision was made in conjunction with the Medical Director.
2. If Montcalm Care Network denies access to mental health services, the individual or legal representative may request a second opinion from the Director of the Montcalm Care Network.
	1. The request for the second opinion shall be processed in compliance with Sections 705 of the Mental Health Code.
	2. The Director of the Montcalm Care Network will arrange for an additional evaluation to be performed within three (3) business days by a physician, licensed psychologist, registered nurse, master level social worker, or masters level psychologist.
	3. 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, Montcalm Care Network will direct services to the applicant.
3. If the request for a second opinion is denied, the individual or someone on his/her behalf may file a recipient rights complaint with the Montcalm Care Network's Recipient Rights Office.
4. If the initial request for hospitalization is denied, and the individual is a current recipient of other Montcalm Care Network services, the individual or someone on his/her behalf may file a complaint alleging a violation of his/her right to treatment suited to condition.
5. If the second opinion determines the individual is not clinically suitable for hospitalization and the individual is a current recipient of other Montcalm Care Network services, and a recipient rights complaint has not been filed previously on behalf of the individual, the individual or someone on his/her behalf may file a complaint with the Montcalm Care Network's Recipient Rights Office.
6. If the initial request for services or hospitalizationis denied, individuals or someone on his/her behalf may file an appeal to the local dispute resolution process. (See Policy #8800)
7. If the initial request for services or hospitalizationis denied, Medicaid enrollees have the right to request a MDHHS fair hearing in addition to, or in lieu of, requesting a second opinion, filing a rights complaint or utilizing the local dispute resolution process.(See Policy #8800)
8. If the request for services or hospitalizationis denied at the local dispute resolution,

Non-Medicaid enrollees have the right to request a MDHHS Alternative Dispute Resolution Process. (See Policy #8800)

Authorities:

MDHHS/CMHSP Managed Mental Health Supports and Services Contract: Attachment C

6.3.2.1.