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PERSONNEL
(Manual Section)

RECIPIENT RIGHTS:
RECIPIENT RIGHTS SYSTEM – POLICY 3800

Approval of Policy:	Dated:
Policy Inception Date:	April 13, 1995
Policy Last Reviewed:	October 26, 2026
Last Revision of Policy Approved:	November 9, 2026

•1 POLICY:

The Agency shall protect the rights of the individuals served in compliance with the Mental Health Code and the Michigan Department of Health and Human Services (MDHHS) Administrative Rules.

•2 APPLICATION:

All employees

•3 DEFINITIONS:

Appeals Committee: A committee appointed by the Agency.

Appellant: The complainant or, if different than the complainant, the individual served by the Agency or their legal guardian, if any, or the parent of a minor who seeks review by an appeals committee or MDHHS pursuant to sections 784 and 786 of the Mental Health Code.

Complaint: Any type of notification to Recipient Rights staff where there is a belief an individual served by the Agency's rights may have been violated. This can take the form of a telephone call (identified caller or anonymous), verbal report, written report (Recipient Rights Complaint form or other types of documentation), or an Incident Report.

Complainant: The individual who files a recipient rights complaint.

Informed Consent: Written consent by a individual receiving services, the guardian, or parent of a minor, which is based on competency and knowledge (the consenting person's ability to understand the implications of the procedure, risks, consequences, and other relevant information).

Intervention: To act on behalf of an individual served to resolve a complaint alleging a violation of a right guaranteed by this act when the facts are clear and the remedy, if

applicable, is clear, easily obtainable within 30 days, and is not disciplinary in nature [Mental Health Code, Section 754].

Legal guardian: A judicially appointed guardian or parent with legal custody of a minor recipient.

ORR: Office of Recipient Rights.

Preponderance of the Evidence: A standard of proof which is met when, based upon all of the available evidence, it's more likely than not that a right was violated; there is a greater weight of evidence, not as to quantity (number of witnesses), but as to quality (believability and greater weight of important facts).

Recipient Rights Officer: The person appointed by the Agency's Executive Director to head the Agency's Office of Recipient Rights. This officer provides or coordinates rights services for individuals served of all agencies directly operated by or under contract to the Agency.

Recipient Rights Advisor: A person appointed by the Agency's Executive Director to assist the Agency's Recipient Rights Officer, providing rights services to individuals served by the Agency. The Recipient Rights Advisor provides rights services under the direction of the Agency's Recipient Rights Officer.

Respondent: The service provider that had responsibility at the time of an alleged rights violation for the services with respect to which a rights complaint has been filed.

Responsible Mental Health Agency (RMHA): The hospital or community mental health services program that has primary responsibility for the recipient's care or for the delivery of services or supports to that recipient.

RRC: The abbreviation for recipient rights complaint.

REFERENCES AND LEGAL AUTHORITY

A. Michigan Mental Health Code, Public Act 258 of 1974, as amended. Sections 330.1706, 1722, 1752, 1754, 1755, 1774-1786, 1788.
B. MDHHS Administrative Rules. Sections 7035, 7037
C. Michigan Whistleblower's Protection Act, Public Act 469 of 1980. MCLA 15.361 et seq.
D. Section 504, Rehabilitation Act of 1973, Public Law 93-112.
E. The Americans With Disabilities Act (ADA) of 1990, Public Law 101-336.
F. 2025 Technical Requirement, Recipient Rights Appeal Process
G. 2025 Contract Attachment, Technical Requirement
H. MDHHS/CMHSP Managed Specialty Supports Contract Attachment C6.3.2.4

•4 CROSS-REFERENCES:

•5 FORMS AND EXHIBITS:

Administrative Approval of Procedure per:	**Dated:**
_____	October 7, 2024

•6 PROCEDURE:

Recipient Rights Complaints

•6•1 APPLICATION:

All employees

•6•2 OUTLINE / NARRATIVE:

Access to System:

The Rights Officer will assure individuals served by the Agency, parents of minors, guardians, and others have ready access to complaint forms. Complaint forms, posters identifying the Rights Officer (complete with name, address, and phone number), and rights information booklets identifying the Rights Officer will be available at all service location sites, both contracted or directly operated by the Agency.

Notification of Rights:

Rights are presented and communicated to the individuals served through the following methods:

1. Limited English Proficiency (LEP) poster located in the lobby of NeMCMHA
2. Right to language interpretation, which is provided at no cost, for those individuals who do not speak English
3. A booklet will be provided entitled "Your Rights When Receiving Mental Health Services in Micigan"
    a. Booklets are published in English, Hebrew, and Spanish
    b. Booklets are written at the 4th grade reading level
4. Cassettes are provided entitled "Your Rights When Receiving Mental Health Services in Michigan"
    a. Cassettes are in English and Spanish (4th grade level)
5. Booklet entitled "Guide to Behavioral Health Services" is provided in English (4th grade level)
6. Podcasts of the "Your Rights" booklet are available for viewing at www.michigan.gov
7. If the condition of the individual upon intake is such that explanation is not feasible, then notification will be provided via mail
8. Rights are reviewed annually for individuals who are in the program for longer than one (1) year
    a. Staff will read the "Your Rights" booklet to individuals served in CMH licensed homes who are unable to read and who have guardians

i. Signature will be upon "Documentation of Notification of Rights"

b. Consents and Request for Services are valid for one (1) year, then renewed. All rights information is presented again.

c. Plan of service documents the receipt of rights information

9. Rights are available at all times for review and clarification
   a. A Summary of Rights guaranteed by the Mental Health Code and Administrative Rules are posted in all service site locations
   b. Rights language is included in contracts
   c. Recipient Rights Site review forms document compliance

Barriers to Service:

An individual has the right to file a formal complaint and to expect there will not be any adverse effects regarding their treatment program.

Investigative Procedure:

Upon receipt of each rights complaint, the rights office shall record the complaint. A letter of acknowledgement along with a copy of the complaint is sent to the complainant within 5 (five) business days. If no investigation is warranted, the complainant is notified of such within 5 (five) business days.

The rights office will assist with the complaint process as necessary. The rights office will advise individuals there are advocacy organizations available to assist in preparation of a written rights complaint and will offer to make a referral. Advocacy organizations are listed within the "Your Rights" booklets and are presented to all individuals served annually. In the absence of assistance from an advocacy organization, the rights office will assist in preparing a written complaint which contains a statement of the allegation, the right allegedly violated, and the outcome desired by the complainant.

If a rights complaint is filed involving the Executive Director, the rights investigation will be conducted by the rights office of another community mental health program or by the MDHHS Office of Recipient Rights, at the discretion of the board.

The rights office will initiate investigations of apparent or suspected rights violations in a timely and efficient manner. In the event of cases involving alleged abuse, neglect, serious injury, or when a rights violation is apparent or suspected in the death of an individual served by the Agency, an investigation will be initiated immediately upon receipt.

When an allegation of abuse or neglect is received by the rights office, precautionary measures must be taken to protect the individual served from further occurrences. The Rights Officer, in consultation with the Executive Director and Human Resources, will determine the need and with the assistance of the implicated staff's supervisor, will inform and require the accused staff person to abstain from having isolated contact with the individual they are alleged to have abused or neglected, and

make any necessary staffing arrangements to accomplish this throughout the course of the investigation.

All Agency employees, contractors, employees of contractual providers, and volunteers must cooperate with a rights investigation.

Rights complaints filed by an individual, or anyone on their behalf, shall be sent or given to the rights office in a timely manner.

Subject to delays involving pending action by external agencies (MDHHS, law enforcement, etc.), the rights office will complete investigations within 90 calendar days of receipt.

A written status report must be issued every 30 calendar days during the course of the investigation. Those individuals receiving a copy of the report are the complainant, respondent, and the responsible mental health agency (RMHA).

The 30-day status report must contain the following:
1. Statement of allegations.
2. Citations to relevant provisions to the Mental Health Code, rules, policies, and guidelines.
3. Statement of issues involved.
4. Investigative progress to date.
5. Expected date for completion.

Investigation activities for each rights complaint will be accurately recorded by the rights office.

The rights office will use a preponderance of the evidence as its standard of proof to determine whether a right was violated.

Upon completion of the investigation, the rights office will submit a written investigative report to the respondent and the Executive Director of the Agency. (Issuance of the written investigation report may be delayed pending completions of investigations that involve external agencies.)

The written investigative report shall include the following:
1. Statement of the allegations.
2. Statement of the issues involved.
3. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
4. Investigative findings.
5. Conclusions.
6. Recommendations, if any.

On substantiated rights violations, the respondent and/or Agency will take appropriate remedial action that meets all of the following requirements:

1. Corrects or provides remedy for the rights violation.
2. Is implemented in a timely manner.
3. Attempts to prevent a recurrence of the rights violation.

The remedial action taken on substantiated violations shall be documented and made part of the record maintained by the rights office.

The Executive Director or their designee, in the absence of the Executive Director, shall then submit a written summary report to the complainant and the individual served (if different than the complainant), and parent of a minor or guardian within 10 (ten) business days after the Executive Director receives a copy of the investigative report from the rights office.

The summary report above shall contain all of the following:

1. Statement of the allegations.
2. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
3. Statement of the issues involved.
4. Summary of investigation findings of the rights office.
5. Conclusions of the rights office.
6. Recommendations made by the rights office, if any.
7. Action taken, or plan of action proposed, by the respondent/CMH.
8. A statement describing the potential appellants' right to appeal time frames and the grounds for making an appeal, and the process for filing any appeal.

If the complainant is not the individual served, a staff member of the provider, a law enforcement officer, a Child or Adult Protective Services Worker, or an AFC licensing consultant investigating an allegation of abuse or neglect, confidential information concerning the individual cannot be included or attached to the complainant's copy without the written informed consent of the individual served, parent, or guardian. (See Sections 748 & 750, Public Act 258 of 1974, as amended.)

Information in the summary report shall not violate the rights of any employee. The Bullard-Plawecki Employee Right to Know Act, Act No. 397 of the Public Acts of 1978, requires prior notification via the U.S. mail service that information contained in the personnel file is to be released to a third party. The rights office will also comply with pertinent Agency personnel policies to assure that investigations are conducted in a manner that does not violate employee rights.

The Agency will ensure that appropriate disciplinary action will be taken against employees, employees of a contractual provider, and volunteers where there is a substantiation of abuse or neglect, or retaliation and harassment.

Appropriate administrative action will be taken when either Agency staff or provider personnel fail to report apparent or suspected violations of rights.
Staff of the rights office and any staff acting on behalf of an individual served will be protected from harassment or retaliation resulting from recipient rights activities.

Any reports of such shall be investigated by the rights office, and if substantiated, appropriate disciplinary action will be taken.

When a code right is protected, but it is not a complaint alleging abuse, neglect, retaliation, or harassment, and the facts are clear (undisputed), the complaint may be handled informally at the discretion of the Recipient Rights Officer. This is known as an **intervention**.

Recipient Rights Committee:
The Agency shall establish and appoint a Recipient Rights Committee as an official committee of the Community Mental Health Board, and may require it to serve as the Appeals Committee to review appeals by complainants.

The Executive Director shall appoint/dismiss the Recipient Rights Officer after consultation and consideration of the recommendations of the Recipient Rights Committee. Assures recipient rights function is adequately funded and support staff is available. Assures required policies and procedures comply with all MDHHS rules and regulations concerning Recipient Rights.

The committee shall meet with the frequency necessary to carry out the responsibilities required by the MDHHS Administrative Rules, but not less than once every six (6) months.

The committee shall consist of at least six (6) members drawn from Community Mental Health Board members, facility staff, government officials, clergy, and mental health consumer interest groups. At least 1/3 of the membership shall be primary consumers or family members, with ½ of the 1/3 being primary consumers.

A current list of members' names shall be maintained and available to individuals upon request, and a current list of categories represented by members shall be maintained and made available to individuals upon request.

The annual report shall be reviewed by the committee and may provide comments on the report submitted by the Executive Director.

When requested per contract, serve as Recipient Rights Advisory Committee to the local hospital unit.

Annually, the committee shall review the funding for the rights office.

•6•3 CLARIFICATIONS:

•6•4 CROSS-REFERENCES:

Grievance and Appeals Process – Policy 5400

•6•5 FORMS AND EXHIBITS:

A. Recipient Rights Complaint Form (Exhibit A)
B. Recipient Rights Complaint Process, Chapter 7A, P.A. 258 of 1974, as amended (Exhibit B)
C. Resident Rights, AFC Licensing Rules for Small Group Homes, [400.14304(1) & (2)] (Exhibit D)

Administrative Approval of Procedure per:	Dated:
_____	November 9, 2026

•7 PROCEDURE:

Appeals (Of Recipient Rights Investigations) – Local & MDHHS Process

•7•1 APPLICATION:

All individuals served by the Agency

•7•2 OUTLINE / NARRATIVE:

The Agency has designated the Recipient Rights Advisory Committee (RRAC) to serve as the appeals committee, and may request consultation and technical assistance from MDHHS-ORR.

When an investigation by the rights office is completed, the Executive Director must issue a written Summary Report to the complainant, the individual served by the Agency (if different than the complainant), guardian, or parent of a minor. Via this summary report, the Executive Director or their designee must inform the above that an appeal may be filed, in writing, no later than 45 days after receipt of the Summary Report or amended Summary Report, and the grounds on which to appeal must be at least one of the following:

1. The investigative findings of the rights office are not consistent with the facts, law, rules, policies, or guidelines.
2. The action taken or plan of action proposed by the respondent/Board does not provide an adequate remedy.
3. An investigation was not initiated or completed on a timely basis.

If the summary report contains a plan of action, the Executive Director must send a letter indicating when the action was completed. If the letter indicating the plan of action describes an action that differs from the plan, the letter must indicate that an appeal may be made within 45 days of the "action."

LOCAL APPEAL LEVEL:
The complainant, individual served, parent of a minor recipient, or guardian who wishes to appeal a rights complaint must inform the Appeals Committee in writing within 45 days from the date of receipt of the Executive Director's Summary report, if they are wishing for a review of the rights investigation.

The rights office shall inform the appellant of advocacy organizations to assist in filing of appeal and offer to make a referral. In the absence of an advocacy group, the rights office shall assist the complainant in meeting appeal requirements.

Within five business days of receipt of appeal request, the Appeals Committee (50% attendance with one attendee being a Board representative) should review the request for appeal. In order for an appeals request to be considered for appeal, the Committee must deem the request meets criteria for an appeal. The grounds for an appeal are as follows, and at least one must be present:

1. The investigative findings of the rights office are not consistent with the facts or with law, rules, policies, or guidelines;
2. The action take or plan of action proposed by the respondent does not provide an adequate remedy;
3. An investigation was not initiated or completed on a timely basis.

A member of an appeals committee who has a personal or professional relationship with an individual involved in an appeal shall abstain from participating in that appeal as a member of the committee. All appeal information is considered confidential in accordance with laws and procedures of this Agency. The Committee shall not consider additional allegations that were not part of the original complaint at issue on appeal but shall inform the complainant of their right to file the complaint with the rights office. The committee shall conduct a file review of the appeal, and may request additional supporting documentation from any party involved in the appeal.

Should the Committee deny the request for appeal, notification must be given to the complainant in writing within the 5 business day period.

Should the Committee accept the request, written notice is sent to the complainant within the 5 business day period. A copy of the appeal is forwarded to the Executive Director and the respondent within the same timeframe.

The Committee must meet again within 30 calendar days from the date of receipt of the appeal request, and will review the facts as stated in all complaint investigation documents, and do one of the following:

1. Uphold the investigative findings of the rights office and the action taken or plan of action proposed by the respondent;
2. Return the investigation to the rights office and request it be reopened or reinvestigated;
3. Uphold the investigative findings of the rights office but recommend the respondent take additional or different action to remedy the violation;
4. Recommend the Board request an external investigation by the MDHHS Office of Recipient Rights.

The Appeals Committee shall document its decision and justification in writing. The appeal report is required from the Appeals Committee within 10 business days from the decision made by the Committee and copies of such report are sent to the

respondent, appellant, individual served by the Agency (if different than the appellant), individual's guardian, if one has been appointed, parent of a minor recipient, Executive Director of the CMH, and Office of Recipient Rights. The report will include a statement of the appellant's right to appeal to MDHHS (Level 2), the time frame for appeal (45 days from receipt of decision), and the grounds for appeal (investigative findings of the rights office are inconsistent with facts or with law, rules, policies, or guidelines.)

If the Appeals Committee directs that the office reopen or reinvestigate the complaint, the office shall submit another investigative report in compliance with section 778(5) within 45 days of receipt of the written decision of the Committee to the Executive Director. The 45-day time frame may be extended at the discretion of the Appeals Committee upon a showing of good cause by the rights office. At no time shall the time frame exceed 90 days. Within 10 business days of receipt of the investigative report, the Executive Director shall issue another Summary Report in compliance with section 782. The Summary Report shall be submitted to the complainant, the individual served by the Agency if different than the complainant, the individual's guardian, if any, the parent of a minor recipient, the rights office, and the Appeals Committee.

If the investigative findings of the rights office remain the same as those appealed, the appellant may file a further appeal to MDHHS. The Summary Report shall contain information regarding the appellant's right to further appeal, the time frame for the appeal, and the ground for appeal. The Report shall also inform the appellant of advocacy organizations that may assist in filing the written appeal or offer the assistance of the rights office in the absence of assistance from an advocacy organization.

If the investigative findings result in the substantiation of a previously unsubstantiated rights violation but the appellant disagrees with the adequacy of the action or plan of action proposed by the respondent, the appellant may file an appeal on such grounds to the Appeals Committee. The Summary Report shall inform the appellant of this right as well as advocacy organizations available that may assist in filing the written appeal or offer the assistance of the rights office in the absence of assistance from an advocacy organization.

If the Appeals Committee upholds the findings of the office and directs that the respondent take additional or different action, that direction shall be based on the fact that appropriate remedial action has not been taken in compliance with Section 780 of the Code.

The Appeals Committee shall base its determination upon any or all of the following:

A. Action taken or proposed did not correct or remedy the rights violation;
B. Action taken or proposed was/will not be taken in a timely manner;
C. Action taken or proposed did not/will not prevent a future recurrence of the violation.

Written notice of this direction for additional or different action to be taken by the respondent shall also be provided to the RMHA if different than the respondent and the rights office.

Within 30 days of receipt of the determination from the Appeals Committee, respondent shall provide written notice to the Appeals Committee that the action has been taken or justification as to why it was not taken. The written notice shall also be sent to the complainant, individual receiving services if different than the complainant, the individual's legal guardian, if any, parent of a minor, the RMHA if different than the respondent, the Appeals Committee, and the rights office.

If the action taken by the respondent is determined by the Appeals Committee and/or the appellant still to be inadequate to remedy the violation, the appellant shall be informed by the Appeals Committee of their right to file a recipient rights complaint against the Executive Director for violation of section 754(3)(c) or 755(3)(b) of the Code.

If the appeals committee recommends that the CMH Board seek an external investigation from MDHHS-ORR, the Board will send a letter of request to the Director of MDHHS-ORR within five (5) business days of receipt of the request from the appeals committee. Within 10 business days of receipt of the investigative report from MDHHS ORR, the Executive Director of the CMH making the request will be responsible for the issuance of the summary report. The Summary Report must be submitted to the appellant, recipient, if different than the appellant, the recipient's legal guardian, if any, the office of Recipient Rights, and the appeals committee. The complainant, recipient, if different than the complainant, and the recipient's legal guardian, if any, must be informed in the Summary Report issued by the Executive Director or hospital director of the right to a level 2 appeal per section 786 of the Code. Notice must include level 2 appeal contact information, grounds for appeal as stated in section 784(2) of the Code, the time frame for submission of the appeal, advocacy organizations that may assist with filing the written appeal, and an offer of assistance by the office of recipient rights in the absence of assistance from an advocacy organization.

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES APPEAL PROCESS:
The Department Appeal Process may be used when the findings of the local Office of Recipient Rights findings are inconsistent with the facts or relevant laws, rules, policies, or guidelines, and only after a decision on an appeal has been made by the local Appeals Committee. The written appeal should be remitted within 45 days of receipt of the local appeal decision. The written appeal shall be mailed to:

Level 2 Appeal MDHHS Legal Affairs Administration, Appeals Division
PO Box 30807, Lansing, MI 48909
Fax: (517) 241-7973
email: mdhhs-appeals@michigan.gov.

Upon receipt of the appeal, MDHHS shall give written notice of the receipt to the respondent, local office of recipient rights holding the record of the complaint and the RMHA. The respondent shall ensure that MDHHS has access to all necessary documentation and other evidence cited in the complaint and local appeal.

The department shall review the record generated by the local appeal. It shall not consider additional evidence or information that was not available during the local appeal.

Within 30 days after receiving the appeal, MDHHS shall review the appeal and do one of the following:

A. Uphold the findings of the rights office
B. Affirm the decision of the Appeals Committee
C. Return the matter to the Executive Director of the community mental health services program with instruction for additional investigation or consideration.

MDHHS shall provide copies of its action to the respondent, the appellant, individual receiving services if different than the appellant, the individual's legal guardian, if any, the board of a CMHSP, and the local office of recipient rights holding the record. If MDHHS upholds the findings of the office, notice shall be provided to the appellant of their legal right to seek redress through the circuit court.

If MDHHS instructs that additional investigation be conducted, the Executive Director shall assure that such investigation is completed in a fair and impartial manner within 45 days of their receipt of the written notice from MDHHS. The 45-day time frame may be extended at the department's discretion upon a showing of good cause by the Executive Director. At no time shall the time frame exceed 90 days.

Within 10 business days of the receipt of the investigative report, the Executive Director shall issue a Summary Report in compliance with section 782 of the Code to the Department, appellant, individual served by the Agency (if different than appellant), and the individual's legal representative, if any.

A. If the findings of the additional investigation remain the same as those appealed, the department shall inform appellant, individual served by the Agency (if different than appellant), and the individual's legal guardian, if any, in writing of the right to seek redress through the circuit court. Copies of this notice will be provided to the Director of MDHHS Quality Management and Service Innovation.

B. If the additional investigation results in the substantiation of previously unsubstantiated violation, but the appellant, individual served by the Agency (if different than the appellant), and/or the individual's legal guardian, if any, disagrees with the adequacy of the action taken or plan of action proposed to

remedy the violation, the department shall inform the individual(s) of the right to appeal this to the local Appeals Committee.

•7•3 CLARIFICATIONS:

•7•4 CROSS-REFERENCES:

•7•5 FORMS AND EXHIBITS:

A. Appeal Process, Chapter 7A, P.A. 258 of 1974, as amended (Exhibit C)
B. Appeal Acceptance Letter (Exhibit E)
C. Appeal Rejection Letter (Exhibit F)
D. Appeal Decision Letter (Exhibit G)