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**PERSONNEL**
(Manual Section)

**RECIPIENT RIGHTS:**
**TRAINING/QUALIFICATIONS/RESPONSIBILITIES OF**
**RECIPIENT RIGHTS STAFF – POLICY 3801**

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| Approval of Policy: | Dated: |
| Original Inception Date: | March 8, 2001 |
| Policy Last Reviewed: | March 6, 2026 |
| Last Revision to Policy Approved: | March 9, 2026 |

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**•1 POLICY:**

It is the policy of the Agency that the Office of Recipient Rights staff be sufficiently trained in order to provide rights protection to individuals receiving services from the Agency.

**•2 APPLICATION:**

Office of Recipient Rights Staff

**•3 DEFINITIONS:**

**Recipient Rights Officer:** means 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 receiving services of all agencies directly operated by or under contract to the Agency.

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

**•4 CROSS-REFERENCES:**

**•5 FORMS AND EXHIBITS:**

| Administrative Approval of Procedure: | Dated: |
|---|---|
| _____ | March 9, 2026 |

## •6 PROCEDURE:

Qualifications, Training, and Responsibilities

### •6•1 APPLICATION:

Recipient Rights Office staff

### •6•2 OUTLINE / NARRATIVE:

**Qualifications:**

The Recipient Rights Officer must be an employee of or under contract to the Agency and shall be subordinate only to the Agency's Executive Director. They shall possess a Bachelor's Degree from a recognized or accredited institution with course work in mental health or administrative areas. One or more years of relevant experience and good verbal and writing skills are required. Functional computer literacy is preferred. They must have the education, training, and experience to fulfill the responsibilities of the office. Rights staff shall not have direct service responsibilities.

The Executive Director and the Recipient Rights Officer appoint the Recipient Rights Advisor to implement the Agency's Rights System and appoints the Recipient Rights Advisor to substitute whenever the Recipient Rights Officer is on extended leave and/or unable to perform the duties of the office. The alternate to this system is a contractual agreement with North County CMH rights staff to assist.

Appropriate action shall be taken by the Executive Director to ensure protection for complainants and Recipient Rights staff if there is evidence of harassment concerning an apparent violation of rights or rights complaint.

**Training:**

Staff of the Office of Recipient Rights are required to receive annual training in recipient rights protection. Newly hired rights staff must successfully complete the MDHHS-ORR Basic Skills Training programs within 90 days of hire. Staff of the rights office will comply with the continuing education requirements identified in the contract attachment (CMHSP 6.3.2.3 (A)). A minimum of 8 hours of trainingeach fiscal year. Any contract providers who are allowed/required by contract to establish their own rights system must attend the MDHHS-ORR trainings within 90 days of hire.

**Responsibilities:**

A. Provide or coordinate rights activities and functions for all services operated by or under contract with the Agency, consistent with the contract with Department of Health and Human Services and contracts with providers.

B. Ensure that individuals receiving services, parents of minors, guardians, and others have ready access to recipient rights summaries and complaint forms.

C. Ensure that all Agency service locations are visited with the frequency necessary for protection of rights guaranteed by the Mental Health Code and Department of Health and Human Services Administrative Rules. The frequency of these visits and methods for determining compliance with rights requirements shall be specified in policy and procedure for the operation of the right system through annual assessments. This is to occur a minimum of once a year.

D. Serve as a consultant to the Executive Director and staff in rights matters.

E. Assist the individual served or other individuals with the complaint process as necessary. In the absence of assistance from an advocacy organization, the office shall assist in preparing a written complaint, which contains a statement of the allegation, the right allegedly violated, and the outcome desired by the complainant.

F. Ensure that all reports of apparent violations of rights and all rights complaints within the Agency's service system are investigated; or

G. Ensure that those which are investigated are chosen according to the criteria in the policies and procedures for the operation of the rights system, and those which are not are acknowledged; and

H. Ensure that investigations are conducted in a manner, which does not violate employee rights.

I. Use the preponderance of evidence standard of proof in determining if a right has been violated.

J. Maintain a records system for all complaints received within the Agency's rights system, and record investigation activities for each complaint accurately.

K. Initiates investigations of apparent or suspected rights violations in a timely and efficient manner.

L. Upon completion of an investigation, shall submit a written report to the Agency Executive Director. Issuance of the written report may be delayed pending completion of investigations that involve external agencies. The written investigative report shall include all of 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.

M. Develop and review effectiveness of the rights system and report such to the Executive Director, Recipient Rights Committee, Quality Improvement Council, and the Agency's Board of Directors at least quarterly.

N. Shall participate in policy and procedure development pertinent to the rights of individuals receiving services.

O. Review agency policies pertinent to rights of individuals receiving services.

P. Prepare annual report for the Executive Director, due December 30 for the preceding fiscal year. This annual report includes a review of the operation of the Agency's Office of Recipient Rights and an assessment of rights protection throughout the Agency's service system. This report shall include:

1. Aggregate data, by provider, regarding all reports of alleged violations of rights including the number filed, received, and investigated,
2. Number of substantiated violations of rights by provider and by category,
3. Remedial actions taken by type of action and by provider,
4. A summary of training activities, both received and provided, by recipient rights staff,
5. A list of desired outcomes established for the office and progress made toward them,
6. Any recommendations to the Agency's Board.

Q. If a rights complaint has been filed regarding the conduct of the Agency's Executive Director, the rights investigation shall be conducted by the office of another community mental health services program or by the state office of recipient rights as decided by the Agency Board.

**•6•3 CLARIFICATIONS:**

**•6•4 CROSS-REFERENCES:**

Mental Health Code 330.1755(2)(e), 330.1755(4)
MDHHS/CMHSP Contract, Attachment C6.3.2.3

**•6•5 FORMS AND EXHIBITS:**