

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

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PERSONNEL
(Manual Section)

RECIPIENT RIGHTS:
RECIPIENT RIGHTS SYSTEM
(Subject)

Approval of Policy:	Dated:
Policy Inception Date:	April 13, 1995
Last Revision of Policy Approved:	July 28, 2015

Comment [DH1]: Page: 1
Board approval of Policy 4/13/95 as Policy # 2700; Board approval of revision to Policy 1/11/96; Board approval of revision 2/13/97; Board approval of Policy # change from 2700 to 3800 and approval of Policy change 5/7/98; Revision approved by the Board 5/11/2000; Revision approved by the Board 9/14/2000, Revision Approved by the Board 3/8/01; Administrative Approval of Policy revision 11/26/03; Administrative Approval of Policy revision 8/09/2006; Administrative Approval of Policy revision dated 07/28/2015

•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 his/her legal guardian, if any, who seeks review by an appeals committee or the MDHHS pursuant to sections 784 and 786 of the Code.

Complaint: Any type of notification to Recipient Rights staff where there is a belief an individual served by the Agency 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 consumer, 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: means 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 and is not disciplinary in nature [Mental Health Code, Section 754].

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

ORR: stands for the abbreviation for Office of Recipient Rights.

Preponderance of the Evidence: means 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: means the person appointed by the Agency's 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: means a person appointed by the Agency's 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): A MDHHS hospital, center or special facility; a community mental health services program; a licensed private psychiatric hospital or unit.

RRC: stands for the abbreviation for recipient rights complaint.

REFERENCES AND LEGAL AUTHORITY

- A. Michigan Mental Health Code, Public Act 258 of 1974, as amended. Sections 330.1722, 1752, 1754, 1755, 1776-1782, 1788.
- B. Michigan Department of Health and Human Services Administrative Rules. Sections 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.

•4 CROSS-REFERENCES:

•5 FORMS AND EXHIBITS:

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Administrative Approval of Procedure per: _____	Dated: July 28, 2015
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Comment [DH2]: Administrative approval of procedure under Policy 2700, 4/13/95; Administrative Approval of procedure change 1/11/96; Administrative Approval of procedure 2/13/97; Administrative Approval of Policy # change from 2700 to 3800 and approval of Procedure change 5/7/98; Administrative Approval of Procedure change 5/11/200; Administrative Approval of procedure change 9/14/00 (signed 9/19/00); Administrative Approval of Procedure change 3/8/01; Administrative Approval of procedure change 11/26/03; Administrative Approval of Procedure revision 8/09/2006; Administrative Approval of procedure change dated 7/15/2009; Administrative Approval of procedure revision dated 07/28/2015

•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, 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 lobby of NeMCMHA
2. Right to language interpretation, which is provided at no cost, for those consumers who do not speak English
3. A video entitled “Your Rights” is available for viewing on a monitor in the NeMCMHA lobby
4. A booklet will be provided entitled “Your Rights When Receiving Mental Health Services in Michigan”
 - a. Booklets are published in English, Hebrew and Spanish
 - b. Booklets are written at the 4th grade reading level
5. Cassettes are provided entitled “Your Rights When Receiving Mental Health Services in Michigan”
 - a. Cassettes are in English and Spanish (4th grade level)
6. Booklet entitled “Community Mental Health Guide to Services” is provided in English (4th grade level)
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”

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- b. Consents (DD) 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.

Via the acknowledgement letter, the rights office will inform the complainant of the option of mediation and under what circumstances and when it may be utilized. Any individual served has the right to request mediation of a dispute. The process of mediation is voluntary for all parties involved and can occur at anytime. If an individual agrees to mediate and reaches an agreement through the process, he/she will sign a statement which is binding on both parties to the dispute. While engaged in the mediation process, all appeal and response times are suspended. If mediation is not successful, the individual has the right to pursue an appeal. Any party may seek alternate resolution through exercise of legal remedy. Every effort shall be made to resolve disputes at the lowest administrative level possible.

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 MDHHS Office of Recipient Rights, at the direction of the Agency.

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 death of an individual served by the Agency, an

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investigation will be initiated immediately upon receipt. Appropriate referrals to licensing, adult and child protective services, and law enforcement will be made within 24 hours of receipt of the complaint.

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, with the assistance of the home supervisor, will inform and require the accused staff person to abstain from having isolated contact with the individual he/she is 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 days of receipt.

A written status report must be issued every 30 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. Statement of issues involved.
3. Citations to relevant provisions to the Mental Health Code, rules, policies and guidelines.
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.

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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 meet all 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 his/her designee shall then submit a written summary report to the complainant and the individual served, if different than the complainant, 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. Statement of the issues involved.
3. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
4. Summary of investigation findings of the rights office.
5. Conclusions of the rights office.
6. Recommendations made by the rights office.
7. Action taken, or plan of action proposed, by the respondent/CMH.
8. A statement describing the complainant's right to appeal and the grounds for 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.

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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.

Appropriate administrative action will be taken when either Agency staff or provider personnel fail to report suspected violations of rights.

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**.

Mediation Option: [MHC788]

Any individual served by the Agency has the right to request mediation of a dispute. The process of mediation is voluntary for all parties involved and can occur anytime after the investigative report by the Recipient Rights Officer or Advisor is completed. If he/she agrees to mediate and reaches an agreement through the process, he/she will sign a statement which is binding on both parties to the dispute. While engaged in the mediation process, all appeal and response times are suspended. If mediation was not successful, the individual has the right to pursue an appeal. Any party may seek alternate resolution through exercise of legal remedy. Every effort shall be made to resolve disputes at the lowest administrative level possible.

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 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 Michigan Department of Health and Human Services Administrative Rules, but not less than once every six (6) months.

The committee shall consist of at least six 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 1/2 of the 1/3 being primary consumers.

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

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The annual report shall be reviewed by the committee and may provide comments on the report submitted by the 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 – 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\(1\) & \(2\)\] \(Exhibit D\)](#)

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Administrative Approval of Procedure per: _____	Dated: <u>August 6, 2018</u>
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Comment [DH3]: Administrative approval of procedure under Policy 3800, 10/29/98; Administrative Approval of Procedure change 5/11/2000 (signed 9/19/00); Administrative Approval of Procedure change 3/8/01; Administrative Approval of Procedure change 11/26/03; Administrative Approval of Procedure revision dated 08/09/2006; Administrative Approval of Procedure revision dated 07/28/2015; Administrative Approval of Procedure revision dated 08/06/2018

•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.

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 his/her designee must inform the above that an appeal may be filed no later than 45 days after receipt of the 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.

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 and within 45 days from the date of receipt of the Director's Summary report, he/she is wishing 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 advocacy group, the rights office shall assist complainant in meeting appeal requirement, as well as inform of mediation option.

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

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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 complainant of his/her 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 director and the respondent within the same timeframe.

The Committee must meet again within 30 days from 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 Michigan Department of Health and Human Services-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 working days from the decision made by the Committee and copies of such report is sent to the respondent, appellant, individual served by the Agency (if different than the appellant), individual's guardian, Director of the CMH, and Office of Recipient Rights. The report should include a statement of the appellant's right to appeal to the Michigan Department of Health and Human Services, the time frame for appeal (45 days from receipt of decision) and ground for appeal (investigative findings of the rights office are inconsistent with facts, rules, policies or guidelines.)

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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 appellant, the individual served by the Agency if different than the appellant, the individual's guardian, if any, 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 the DCH. 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, 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

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has been taken or justification as to why it was not taken. The written notice shall also be sent to the appellant, consumer if different than the appellant, the consumer's legal guardian, if any, the RMHA if different than the respondent, 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 his/her 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.

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 Michigan Department of Health and Human Services, Administrative Tribunal, P O Box 30195, Lansing, MI 48909.

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 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, consumer if different than the appellant, the consumer'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 his/her 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 his/her receipt of the written notice from MDHHS. The

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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 \(Exhibit G\)](#)

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
RECIPIENT RIGHTS COMPLAINT

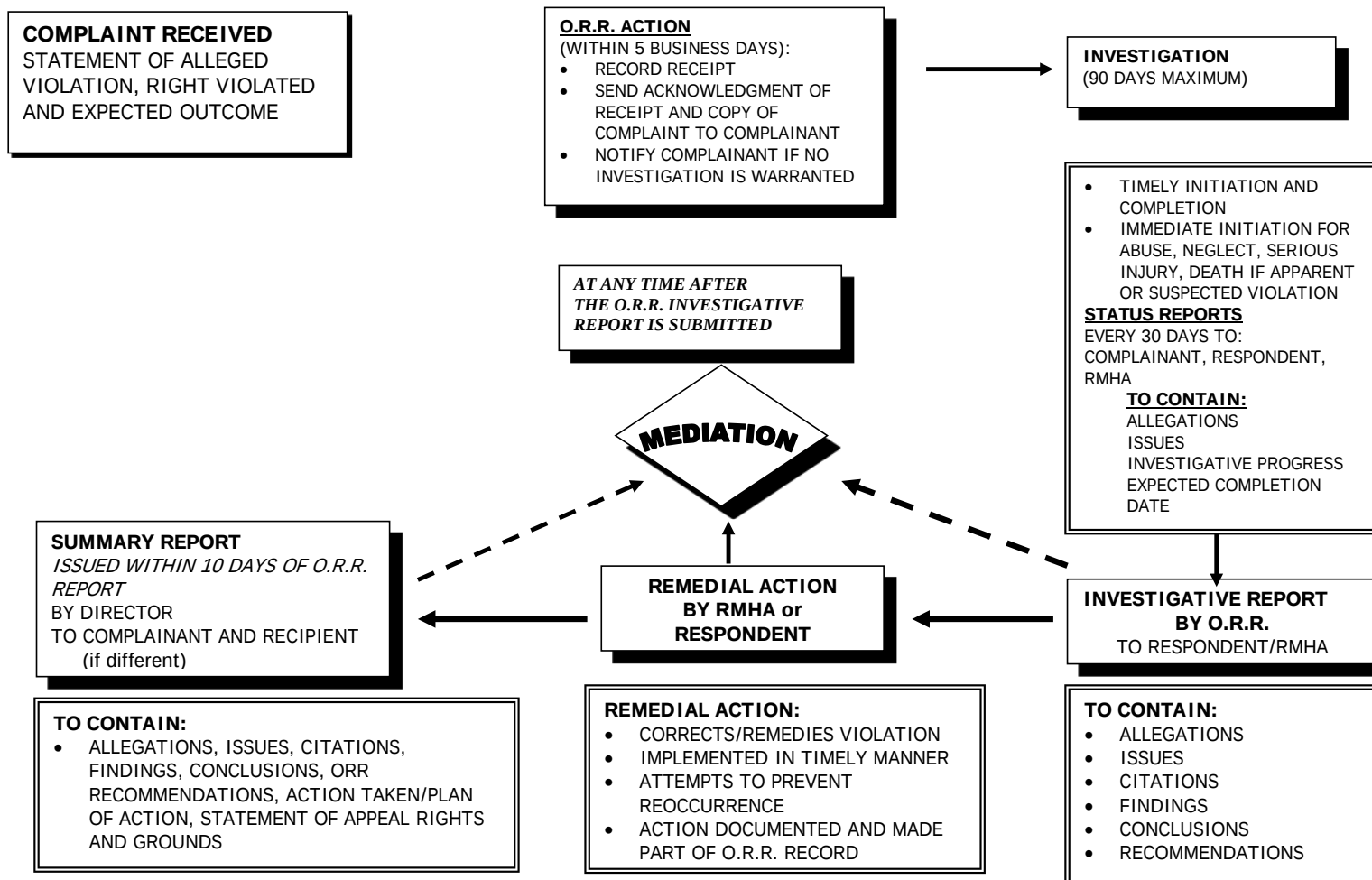
COMPLAINT NUMBER	CATEGORY
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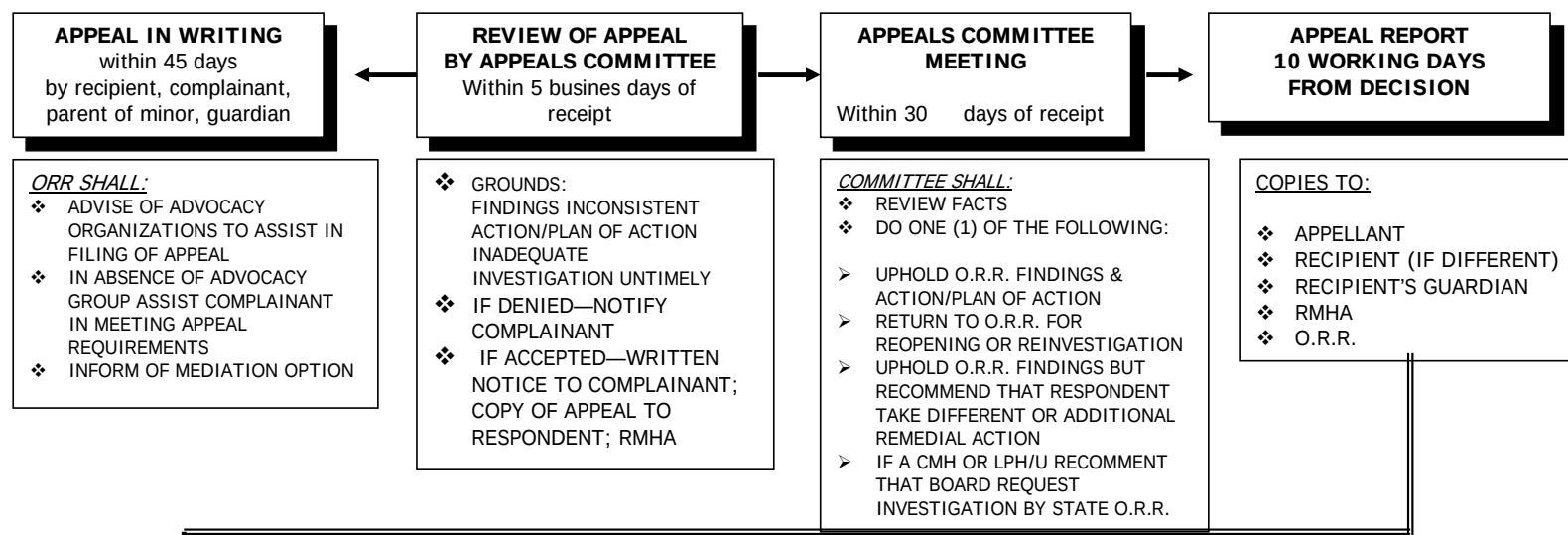
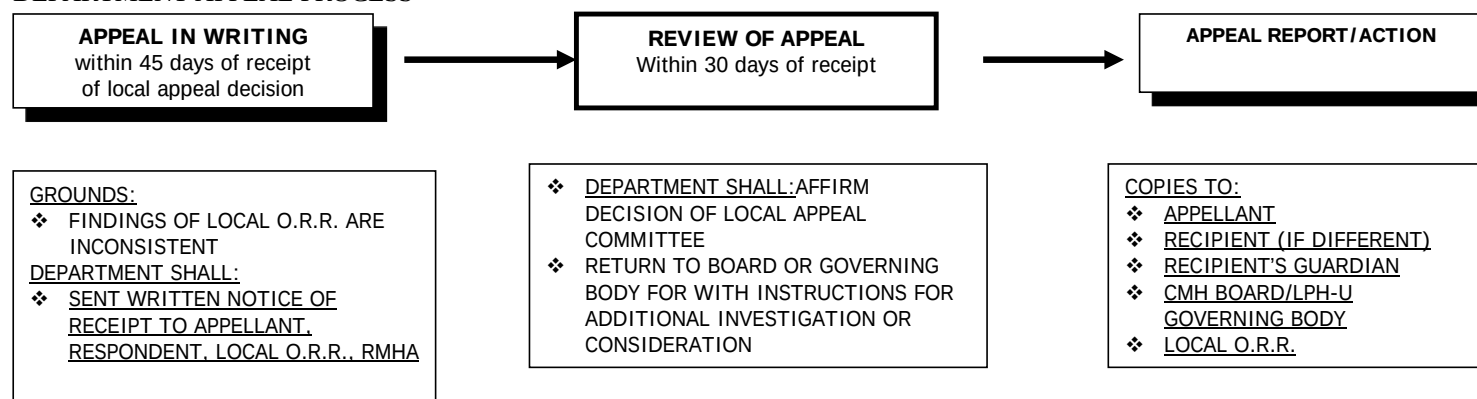
INSTRUCTIONS:
IF YOU BELIEVE THAT ONE OF YOUR RIGHTS HAS BEEN VIOLATED YOU (OR SOMEONE ON YOUR BEHALF) MAY USE THIS FORM TO MAKE A COMPLAINT. A RIGHTS OFFICER/ADVISOR WILL REVIEW THE COMPLAINT AND MAY CONDUCT AN INVESTIGATION. KEEP THE PINK COPY FOR YOUR RECORDS AND SEND THE OTHER COPIES TO THE RIGHTS OFFICE AT YOUR CMH SERVICES PROGRAM, HOSPITAL, OR TO:

RUTH HEWETT, RRO NORTHEAST MI COMM MENTAL HLTH 400 JOHNSON STREET ALPENA, MI 49707	MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF RECIPIENT RIGHTS LEWIS CASS BUILDING LANSING, MI 48913
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COMPLAINANT'S NAME	RECIPIENT'S NAME (If different from complainant)	
WHERE DID THE ALLEGED VIOLATION HAPPEN?	PHONE NUMBER	
COMPLAINANT'S ADDRESS	WHEN DID IT HAPPEN? (Date and time)	
WHAT RIGHT WAS VIOLATED?		
DESCRIBE WHAT HAPPENED		
WHAT DO YOU WANT TO HAVE HAPPEN IN ORDER TO CORRECT THE PROBLEM?		
COMPLAINANT'S SIGNATURE	DATE	NAME OF PERSON ASSISTING COMPLAINANT

THE RECIPIENT RIGHTS COMPLAINT PROCESS CHAPTER 7A P.A. 290 OF 1995



APPEAL PROCESS**CHAPTER 7A P.A. 290 OF 1995****LOCAL APPEAL PROCESS****DEPARTMENT APPEAL PROCESS**

Adult Foster Care Licensing rules for small group homes (12 or less)

R 400.14304 Resident rights; licensee responsibilities.

Rule 304. (1) Upon a resident's admission to the home, a licensee shall inform a resident or the resident's designated representative of, explain to the resident or the resident's designated representative, and provide to the resident or the resident's designated representative, a copy of all of the following resident rights:

- (a) The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, handicap, marital status, or source of payment in the provision of services and care.
 - (b) The right to exercise his or her constitutional rights, including the right to vote, the right to practice religion of his or her choice, the right to freedom of movement, and the right of freedom of association.
 - (c) The right to refuse participation in religious practices.
 - (d) The right to write, send, and receive uncensored and unopened mail at his or her own expense.
 - (e) The right of reasonable access to a telephone for private communications. Similar access shall be granted for long distance collect calls and calls which otherwise are paid for by the resident. A licensee may charge a resident for long distance and toll telephone calls. When pay telephones are provided in group homes, a reasonable amount of change shall be available in the group home to enable residents to make change for calling purposes.
 - (f) The right to voice grievances and present recommendations pertaining to the policies, services, and house rules of the home without fear of retaliation.
 - (g) The right to associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice.
 - (h) The right to participate in the activities of social, religious, and community groups at his or her own discretion.
 - (i) The right to use the services of advocacy agencies and to attend other community services of his or her choice.
 - (j) The right of reasonable access to and use of his or her personal clothing and belongings.
 - (k) The right to have contact with relatives and friends and receive visitors in the home at a reasonable time. Exceptions shall be covered in the resident's assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.
 - (l) The right to employ the services of a physician, psychiatrist, or dentist of his or her choice for obtaining, medical, psychiatric, or dental services.
 - (m) The right to refuse treatment and services, including the taking of medication, and to be made aware of the consequences of that refusal.
 - (n) The right to request and receive assistance from the responsible agency in relocating to another living situation.
 - (o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.
 - (p) The right of access to his or her room at his or her own discretion.
 - (q) The right to confidentiality of records as stated in section 12(3) of the act.
- (2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.

Exhibit E

CERTIFIED MAIL – RETURN RECEIPT

Date

Name
Address
City, State Zip

RE: Recipient Rights Investigation Appeal

Dear:

The Appeals Committee met and reviewed your written appeal. It appears as though the appeal meets the criteria as set forth in the Mental Health Code, and will be accepted.

The committee will meet again and a decision will be made within 30 days. Within 10 days of reaching a decision, the committee will provide you with written notification of the decision as well as any appeal rights that you may have.

Sincerely,

Appeals Committee Chairperson

cc: Cathy S. Meske, Director, NeMCMHA (letter and copy of appeal)

Exhibit F

CERTIFIED MAIL – RETURN RECEIPT

Date

Name
Address
City, State Zip

RE: Recipient Rights Investigation Appeal

Dear:

The Appeals Committee met and reviewed your written appeal. The appeal has been denied because it does not meet the criteria as set forth in the Mental Health Code. MHC 330.1784(2) An appeal under subsection (1) shall be based on 1 of the following grounds:

- (a) The investigative findings of the office are not consistent with the facts or with law, rules, policies, or guidelines.
- (b) The action taken or plan of action proposed by the respondent does not provide an adequate remedy.
- (c) An investigation was not initiated or completed on a timely basis.

Sincerely,

Appeals Committee Chairperson

CERTIFIED MAIL – RETURN RECEIPT

Date

Name
Address
City, State Zip

RE: Recipient Rights Investigation Appeal Decision

Dear:

The Appeals Committee met and reviewed the facts as stated in all complaint investigation documents. The decision of this committee is as checked below:

- ☐ Upheld the investigative findings of the rights office and the action taken or plan of action proposed by the respondent.
- ☐ Returned the investigation to the rights office and requested that it be reopened or reinvestigated.
- ☐ Upheld the investigative findings of the rights office but recommend that the respondent take additional or different action to remedy the violation.
- ☐ Recommended the Board request an external investigation by the state office of recipient rights.

Should you disagree with this decision, you have the right to file an appeal with the Department of Community Health. This appeal must be in writing and submitted within 45 days from the day you receive this letter. The grounds for an appeal at the State level must be that the findings of the local office of recipient rights are inconsistent with the facts or with law, rules, policies, or guidelines. The appeal request should be directed to the Department of Community Health, Administrative Tribunal, Attn: Rights Appeal, P O Box 3076, Lansing, MI 48909. Their telephone number is 1-877-833-0870.

Sincerely,

Appeals Committee Chairperson

cc: Cathy S. Meske, Director, NeMCMHA
Appellant
Individual served by the Agency (if different than appellant)
Guardian
Office of Recipient Rights