
Title	Northern Lakes CMH Policies
Part 105	Office of Recipient Rights Protection System
Subpart A	Office of Recipient Rights Protection System
Policy No.	105.105
Subject	Duty to Report

Applicability

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all workforce members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that have elected to adopt and adhere to Northern Lakes CMHA policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

A workforce member, contract workforce member, or volunteer of Northern Lakes CMHA or a contracted provider shall report any alleged, apparent, or suspected violation of the rights of a recipient directly to the Office of Recipient Rights as required by the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1752).

The terms "apparent" or "suspected" in the context of a rights violation mean any and all incidents that the workforce member or volunteer has either directly witnessed or received reports of, that constitute, or may constitute, a violation of the rights of a recipient as defined by the Michigan Mental Health Code, Michigan Department of Health and Human Services Administrative Rules, or Northern Lakes CMHA policy and procedures, whether or not the workforce member believes the allegation to be true.

Failure to report apparent or suspected rights violations will result in administrative and potentially disciplinary action up to and including termination, and also constitutes a violation of rights.

STANDARDS:

All workforce members, volunteers, contract workforce members, and their agents have a duty to directly report to the Office of Recipient Rights within established timeframes and in the appropriate manner under the following circumstances:

- A. Whenever a recipient or another person acting on the recipient's behalf alleges a violation of the rights of a recipient:

1. The workforce member, contract workforce member, or volunteer shall either assist the complainant in filing a Recipient Rights Complaint or shall direct the individual to the Office of Recipient Rights.
 2. Any written complaints received by a workforce member, contract workforce member, or volunteer shall be promptly forwarded without delay directly to the Office of Recipient Rights.
 3. Should the complainant choose to not contact the Office of Recipient Rights, this does not alleviate the duty of the workforce member, contract workforce member, or volunteer to report directly to the Office of Recipient Rights in accordance with this policy.
- B. When the abuse, neglect, unexplained or serious injury, or death of a recipient is apparent to, or suspected by an workforce member, contract workforce member or volunteer:
1. The workforce member shall make an immediate oral report, in person or by phone, directly to the Office of Recipient Rights. The oral report may be made by voice mail if the apparent or suspected rights violation occurred after regular business hours, but must contain sufficient details including the name of the reporting Workforce member and the recipient; and
 2. Subsequent to the oral report, a complete and thorough written report of the apparent or suspected abuse or neglect must be forwarded to the Office of Recipient Rights within 24 hours (Refer to Policy 106.1303 Recipient Abuse and Neglect for more guidance).
- C. Excluding apparent or suspected abuse or neglect, whenever a violation of the rights of a recipient is apparent or suspected, or reported to a workforce member, contract workforce member, or volunteer:
1. The workforce member shall promptly make an oral report to the Office of Recipient Rights as described above; and
 2. In the circumstances outlined in the Northern Lakes CMHA policy and procedure, Incident Reporting, the report must be additionally documented on an agency approved incident report form with a copy forwarded directly to the Office of Recipient Rights within 24 hours.
- D. A workforce member, contract workforce member, or volunteer may choose, but is not required, to file a Recipient Rights complaint on behalf of a recipient, provided that a report is made to the Office of Recipient Rights as required by this policy.
- E. workforce members of the Office of Recipient Rights will provide assistance to all reporting individuals in filing Recipient Rights complaints or may file a complaint on behalf of a recipient.

Procedures

None.

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March 27, 2012
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