
Title	Northern Lakes CMH Policies
Part 105	Recipient Rights Protection System
Subpart A	Recipient Rights Protection System
Policy No.	105.102
Subject	Office of Recipient Rights

Applicability

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all employees 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

Northern Lakes CMHA shall establish an Office of Recipient Rights with the authorities and responsibilities pursuant to Section 755 of the Michigan Mental Health Code (Public Act 258 of 1974) and acting in compliance with certification standards established by the Michigan Department of Health and Human Service (MDHHS)/Community Mental Health Services Provider (CMHSP) Specialty Supports and Services Contracts and the MDHHS Office of Recipient Rights.

STANDARDS:

- A. The Recipient Rights Director, as designated by the Chief Executive Officer, acts as the Director of the Northern Lakes Community Mental Health Authority Office of Recipient Rights.
- B. The Recipient Rights Director shall be solely subordinate to the Chief Executive Officer.
- C. The Recipient Rights Director and all employees of the Office of Recipient Rights shall have no direct clinical service responsibilities.
- D. In the event the Recipient Rights Director is unable to perform his or her assigned duties due to an illness and/or absence, a Recipient Rights Advisor will be designated as alternate Recipient Rights Director and will assume his or her duties until such time that the Recipient Rights Director returns or the Chief Executive Officer appoints an individual to replace him or her.
- E. Employees of the Office of Recipient Rights will be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties.

- F. Employees of the Office of Recipient Rights will have unimpeded access to all programs and services operated by or under contract with Northern Lakes CMHA, all employees employed by or under contract with Northern Lakes CMHA, and all evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.
- G. The Office of Recipient Rights shall do all of the following:
- a. Directly provide or coordinate for the protection of Recipient Rights for all directly operated or contracted services.
 - b. Serve as consultant to the Chief Executive Officer, the Board of Directors, the Recipient Rights Advisory and Appeals Committees, employees of the community mental health services program, and contracted providers in matters related to Recipient Rights.
 - c. Make recommendations with regard to the prevention of and/or correction of practices and conditions that may represent or contribute to violations or potential violations of rights.
 - d. Serve as a consultant member of agency committees as appointed by the Chief Executive Officer, attend individual case consultation meetings at the request of a provider, and attend Person-Centered Planning meetings at the request of a recipient or his/her legal representative.
 - e. Provide information and referrals regarding Recipient Rights to recipients, parents, guardians, and other interested parties, upon request, as appropriate.
 - f. Ensure that all individuals employed by the CMHSP, or by a contract provider, receive training related to Recipient Rights protection before or within 30 days after being employed.
 - g. Develop and implement a Recipient Rights provider/consumer strategy to provide continuing education and training to providers and consumers in current rights protection issues.
 - h. Provide annual training in Recipient Rights, the Rights Protection system, Rights policies and procedures, and the Recipient Rights Advisory and Appeals Committees.
 - i. Ensure that all service sites and all programs directly operated or under contract with Northern Lakes CMHA are monitored through site visits with the frequency necessary for the uniform protection of rights, but in no case less than annually. All providers shall be monitored using a standardized assessment tool, providing a written response to providers of the results, and requesting corrective action when deficiencies are discovered.
 - j. Coordinate with Contract Management employees regarding recipient rights issues affecting contracted providers, ensuring that the Contracts Manager is notified in the event that a violation is established as a result of a complaint investigation or when deficiencies are discovered as a result of monitoring activities.

- k. Develop, and/or review the recipient rights policies and the rights system of each provider of mental health services under contract with the CMHSP or licensed hospital to ensure that the rights protection system of each provider is in compliance with this act and is of a uniformly high standard.
- l. Ensure that recipients, parents of minor recipients, and guardians or other legal representatives have access to summaries of the rights guaranteed by chapter 7 and chapter 7a of the Mental Health Code and are notified of those rights in an understandable manner, both at the time services are initiated and periodically during the time services are provided to the recipient.
- m. Ensure that the telephone number and address of the Office of Recipient Rights and the names of Recipient Rights employees are conspicuously posted in all service sites.
- n. Ensure that all reports of apparent or suspected violations of rights within the Northern Lakes CMHA system are investigated in accordance with Section 778 of the Michigan Mental Health Code. Each investigation shall be completed in a manner that does not violate the confidentiality of any recipient and does not violate the rights of any employee. Additionally, the Office of Recipient Rights shall conduct interventions when appropriate in accordance with standards established by the MDHHS Office of Recipient Rights.
- o. Ensure that all reports of apparent or suspected rights violations that do not warrant investigation are recorded in accordance with section 778, coordinating when appropriate with to the Northern Lakes CMHA Grievance and Appeal Coordinator.
- p. Maintain a record system for all reports of apparent or suspected rights violations received within the CMHSP system or the licensed hospital system, including a mechanism for logging in all complaints and a mechanism for secure storage of all investigative documents and evidence. Records compiled in the course of investigating an alleged rights violation shall be retained by Office of Recipient Rights employees, shall be maintained independent of recipient case records, and shall be subject to the confidentiality safeguards of Section 748 of the Michigan Mental Health Code.
- q. Monitor to assure that planned remedial actions have been taken in response to violations.
- r. Semiannually provide summary complaint data consistent with the annual report required in subsection G(s) of this policy, together with a summary of remedial action taken on substantiated complaints by category, to the Chief Executive Officer, the Recipient Rights Advisory Committee, the Board of Directors, and the department.
- s. Submit to the Chief Executive Officer, the Recipient Rights Advisory Committee, the Board of Directors, and the department an annual report prepared by the Office of Recipient Rights on the current status of recipient rights in the CMHSP system and a review of the operations of the Office of Recipient Rights. The report shall be submitted not later than December 30 of each year for the preceding fiscal year or

period specified in contract. The annual report shall include, at a minimum, all of the following:

- i. Summary data, by category, regarding the rights of recipients receiving services from the CMHSP including complaints received, the number of reports filed, and the number of reports investigated by provider.
- ii. The number of substantiated rights violations by category and provider.
- iii. The remedial actions taken on substantiated rights violations by category and provider.
- iv. Training received by employees of the Office of Recipient Rights.
- v. Training provided by the Office of Recipient Rights to contract providers.
- vi. Desired outcomes established for the Office of Recipient Rights and progress toward these outcomes.
- vii. Recommendations to the Board of Directors.

Procedures

None.

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