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

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## **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.

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## **Policy**

An employee, contract employee, 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 employee 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 employee 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 employees, volunteers, contract employees, 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 employee, contract employee, 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 an employee, contract employee, 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 employee, contract employee, 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 employee, contract employee or volunteer:
1. The employee 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 employee 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 106.1025 Freedom from Abuse & 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 an employee, contract employee, or volunteer:
1. The employee 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. An employee, contract employee, 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. Employees 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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July 12, 2021 PK