
Title	Northern Lakes CMH Policies
Part 105	Recipient Rights Protection System
Subpart A	Recipient Rights Protection System
Policy No.	105.111
Subject	Recipient Rights Investigations

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

It is expected that all Northern Lakes CMHA employees and contractual providers respect and support the rights of recipients, and that protecting those rights is an important part of all of our jobs. A key part of this is to have an effective and efficient rights complaint resolution process. This includes the requirement that all employees and contractual providers fully cooperate with the Office of Recipient Rights (ORR) during the course of rights activities conducted by ORR.

If a Northern Lakes CMHA ORR employee believes that a Northern Lakes CMHA employee is not fully cooperating with a rights investigation or he/she are subjected to any form of pressure, coercion, or influence that may interfere with the impartial, even-handed and thorough performance of its duties, the Recipient Rights Director shall immediately inform the Northern Lakes CMHA Chief Executive Officer and the Human Resource Officer verbally, and in writing within 5 business days of the alleged behavior occurring.

If a Northern Lakes CMHA ORR employee believes that an employee of a contract provider is not fully cooperating with a rights investigation or he/she are subjected to any form of pressure, coercion, or influence that may interfere with the impartial, even-handed and thorough performance of its duties, the ORR employee shall immediately inform the Northern Lakes CMHA Recipient Rights Director and the contract provider verbally, and in writing within 5 business days of the alleged behavior occurring.

With this understanding the below expectations have been developed to guide every day practice.

A. Expectations for Persons Being Interviewed.

- Make yourself available for interviews as soon as possible following the request

- by ORR consistent with this policy.
- Be honest, cooperative, and professional.
- Provide clear, succinct and complete responses.
- Ensure factual accuracy.
- Support your position with relevant documents and facts.

B. Expectations for ORR Employees

- Treat individuals being interviewed with respect and in a professional manner.
- Conduct interviews in an appropriate setting, e.g., within an office or building and in a confidential setting.
- Inform Interviewees that they are being interviewed regarding a complaint and describe the nature of the complaint at the beginning of the interview.
- Be respectful of the routine work schedule of persons being interviewed and be sensitive to competing time demands.
- Complete interviews as soon as possible following notification of the rights complaint.
- Be prepared for the interview and be an active listener.
- Take accurate and complete notes.

C. Timeframes for Response:

The Michigan Mental Health Code and Northern Lakes CMHA policy requires rights investigations be initiated immediately in cases involving abuse, neglect, serious injury, death of a recipient involving an apparent or suspected rights violation, or retaliation/harassment of recipients for rights related activities. All other apparent or suspected violations shall be investigated in a timely and efficient manner.

Interviews:

The person alleged to have committed a rights violation or a witness shall arrange his/her work schedule to complete the interview as soon as possible following a request by ORR (unless for good cause, e.g. medical leave, or reschedule by ORR).

This requires the full cooperation of all parties, e.g., persons being interviewed, a union representative when the Northern Lakes CMHA employee reasonably believes her/his interview could lead to discipline, and recipient rights employees.

Written Statements:

In addition to the interview, employees and contract providers may also be asked by the ORR, or choose, to submit a written statement. Any written statement should be provided to the ORR within the time frame indicated by ORR.

D. Actions Constituting Impeding Access and/or Failure to Cooperate with an Investigation:

The Michigan Mental Health Code and Northern Lakes CMHA policy require all programs and services operated by, or under contract with, Northern Lakes CMHA, and all employees employed by or under contract with Northern Lakes CMHA provide unimpeded access and all evidence necessary for ORR to conduct a thorough investigation. Examples of impeding access or failing to cooperate include but are not limited to the following:

- Failure to arrange an interview as soon as possible following a request by ORR.
- Failure to participate in the scheduled interview without good cause.
- Failure to complete a written statement within the reasonable time frame indicated by the ORR.
- Refusal to provide or permit access to employees, program sites, or necessary

evidence.

- Refusal to answer questions, giving false information, or destroying evidence.
- Retaliating against or harassing ORR workforce members, complainants, consumers or any employees acting on behalf of a consumer for rights related activity.

Procedures

None.

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