COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **01**
Subject **Rights System**	**Authorization**		**Approved: 11/26/19** **Replaces: 03/26/19**	

Updated: October 2024; October 2025

I. PURPOSE: To establish the office of Recipient Rights and to delineate its duties.

II. APPLICATION: All programs under the governance of the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Family member: A parent, stepparent, spouse, sibling, child, or grandparent of a primary recipient, or an individual upon whom a primary recipient is dependent for at least 50% of his or her financial support.

B. Primary recipient: An individual who has received or is receiving services from the Department of Health and Human Services (MDHHS), GCMHA or its contract agencies, or services from the private sector equivalent to those offered by MDHHS, GCMHA, or its contract agencies.

C. Substantial changes to the rights system: Alterations to levels of funding, staffing, or to functions required by the Office.

D. Continuing Education Unit (CEU): One CEU is defined as one clock hour (60 minutes) of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. The primary purpose of the CEU is to provide a permanent record of the educational accomplishments of an individual who has completed one or more significant educational experiences.

IV. POLICY:

A. GCMHA will protect the rights of recipients in accordance with the Mental Health Code.

B. An Office of Recipient Rights shall be established which is subordinate only to the Chief Executive Officer (CEO); which is protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties, and whose staff have the education, training, and experience to fulfill the responsibilities of the Office.

C. A Recipient Rights Advisory Committee (RRAC), which also functions as the Appeals Committee, be appointed by the GCMHA Board.

1. The CEO shall ensure that:

a. The Recipient Rights Officer (RRO) does not have direct service responsibilities and any duties in addition to recipient rights are not in conflict with the basic purpose of the Office of Recipient Rights (Office).

b. Within the first three months (90 days) of employment, the RRO and all Rights Office staff (excluding clerical staff) shall attend and successfully complete the Basic Skills Training programs offered by the Department's Office of Recipient Rights. In addition, within every one (1) year period subsequent to their completion of Basic Skills, the RRO and all Rights Office staff (excluding clerical staff) must comply with the requirements specified in Attachment C6.3.2.3 "Recipient Rights Training Technical Requirement".

c. Training in Recipient Rights

1) All staff employed to provide recipient rights services must complete a minimum of 8 hours of training annually.

2) Training topics must be relevant to directly providing rights protection, in topics that assist in the effective operation of the rights office, or in areas that enhance the rights staff's knowledge of the delivery of behavioral health services.

3) All training courses or topics not directly presented or sponsored by MDHHS require prior approval from the MDHHS ORR Director of Education, Training, and Compliance utilizing the process described in section II.C. below.

4) Training completion can be verified through provision of a certificate of attendance, a copy of a training record, or a copy of an attendance/sign-in sheet.

5) Recipient rights staff should retain training verification documentation for a period of 4 years from the date of attendance. It is suggested that the following information be kept on file:

- **i.** The title of the course or program and any identification number assigned to it by MDHHS ORR.
- **ii.** The number of hours completed.
- **iii.** The provider's name.
- **iv.** Verification of attendance by the provider.
- **v.** The date and location of the course.

6) Training data must be reported annually to MDHHS ORR as detailed in Attachment C6.5.1.1 of this contract.

7) Compliance with this technical requirement will be assessed by MDHHS ORR during triennial recipient rights system assessments.

d. Training Approval Process

1) Requests for training approval must be submitted to the MDHHS ORR Director of Education, Training, and Compliance as expediently as possible but no later than 30 days before the end of each fiscal year to be included in training for that year.

2) Only trainings that meet the stated topic areas listed in II.B.2. above will be considered for approval. Training topics targeted to clinical service providers or trainings required by an agency or employer for its normal operations will not be considered as meeting recipient rights training.

3) Individuals requesting approval must submit:
   i. The training topic.
   ii. A preprinted agenda or flyer if applicable.
   iii. The individual or agency presenting the training.
   iv. The date, time, and length of the training.
   v. Training objectives.
   vi. A statement describing how the training meets standards as described above.

4) Requests must be submitted by clicking the Application for Recipient Rights Training Approval link. The link may also be found on the MDHHS ORR website.

5) The Director of Education, Training, and Compliance will review the request as expediently as possible to determine if the training meets the training requirements stated above. Written approval or notice of disapproval will be provided to the applicant.

6) Requests for reconsideration in the event a training is not approved must be submitted to the MDHHS ORR Director. The decision of the MDHHS ORR Director is final.The process for funding the Office of Recipient Rights includes a review of the funding by the RRAC.

2. **<u>The Office will have unimpeded access to all of the following:</u>**

a. All programs and services operated by or under contract with the agency.

b. All staff employed by or under contract with the agency.

c. All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.

d. Employees and recipients have unimpeded access to the Office.

e. Each contract between the agency requires all of the following:

1) The provider and all individuals employed by the provider receive recipient rights training before or within 30 days after being employed.

2) The RRO, advisor and alternate of those service providers allowed/required by contract to establish their own rights system attend MDHHS-ORR Basic Skills I and II within the first 90 days of employment.

3) Recipients will be protected from rights violations while they are receiving services under the contract.

4) Prior to the renewal of an existing contract or implementation of a new contract, the Recipient Rights Officer will review contract for accurate and sufficient rights language.

f. Complainants, staff of the Office, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities in accordance with agency policies and procedures, and that appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.

g. Education and training in recipient rights policies and procedures are provided to its RRAC.

h. Staff of the Office receive training each year in recipient rights protection.

i. Appropriate remedial action is taken to resolve violations of rights and notify the complainants of substantiated violations in a manner that does not violate employee rights.

3. <u>The Office of Recipient Rights shall ensure that:</u>

a. Recipients, parents of minor recipients, and guardians or other legal representatives have access to summaries of the rights guaranteed by Chapters 7 and 7a of the Mental Health Code and are notified of those rights in an understandable manner, both at the time services are requested and/or initiated, and annually during the time services are provided to the recipient.

b. A complete copy of Chapters 7 and 7a of the Mental Health Code is readily available for review by applicants and recipients.

c. The telephone number and address of the Office and the names of rights staff are conspicuously posted in all service sites.

d. Per MDHHS/CMHSP Contract Attachment C6.3.2.3, all individuals employed by the agency, or a contract agency, receive training related to recipient rights protection including training regarding the appeal process and the employee and recipient grievance procedure before or within 30 days after being employed which shall include receiving an accurate written summary of rights during the agency's orientation training. In addition, see the "Core Learning Areas", below, as a part of same Contract Attachment.

MDHHS/CMHSP Managed Mental Health Supports and Services Contract: Attachment C6.3.2.3
Revision Date: 10/01/2025

Exhibit A: Core Learning Areas

Rights identified in the Mental Health Code
Abuse/Neglect
Choice of Mental Health Professional
Civil Rights
Communications & Visits, including mail and telephone
Confidentiality, including access to the record and correction
Consent/Informed Consent
Dignity/Respect
Entertainment Information & News
Family Planning
Family Rights
Fingerprinting, Photographs, Audio recording, or Use of 1-way Glass, including video surveillance
Freedom of Movement
Notice of Clinical Status
Performance of Labor
Person Centered Planning
Personal Property, including search
Physical and Mental Examination
Psychotropic Medications
Restraint and Seclusion
Safe, Sanitary, Humane Environment
Services Suited to Condition, including least restrictive setting
Treatment by Spiritual Means
Recipient Right System
Employee Rights
ORR Investigative Process
Overview of the Rights System
Reporting Requirements

e. Each service site:

1) Is visited with the frequency necessary for protection of rights but in no case less than annually.

2) The Rights Office is responsible for assuring rights protection is provided to recipients of services in **ALL** service settings, contracted or GCMHA run (residential, GCMHA offices, vocational, day program, etc.). The requirement for visiting service sites is once each year (not to exceed 395 days from the previous visit). A service site where there is a contract but no placements **does not have to be visited**; however, once a placement occurs, the Rights Office **must** be notified. In order to assure adequate rights protection is available, it will be the responsibility of the Office of Recipient Rights to visit or to assure that a visit is conducted at that site **within 10 business days**.

3) Has an adequate supply of all of the following:

- Recipient rights booklets
- Complaint forms
- Incident Report forms
- MDHHS-ORR Summary of Abuse and Neglect Reporting Requirements chart
- Summary of the Whistleblowers' Protection Act
- Poster with the name, address, and telephone number of rights staff

V. PROCEDURE:

A. General Responsibilities - the Office shall:

1. Provide or coordinate the protection of recipient rights for all directly operated or contracted services.
2. Participate in the development and annual review of policies and procedures pertinent to the rights of recipients.
3. Review the recipient right's policies and the rights system of each provider of mental health services under contract with the agency to determine that the rights protection system of each provider is in compliance with the Mental Health Code and is of a uniformly high standard.
4. Serve as consultant to the CEO, staff, and recipients of the agency in matters related to recipient rights.

B. Staffing - the CEO shall:

1. Select a director of the Office, known as the Recipient Rights Officer, who has the education, training, and experience to fulfill the responsibilities of the Office.
2. Consult the RRAC prior to selecting, replacing, or dismissing the Recipient Rights Officer and prior to any substantial changes to the rights system.

C. Funding - the CEO shall consult with the RRAC prior to any alterations to levels of funding for the Office.

D. Investigation - the Office shall:

1. Maintain a record system for all reports of apparent or suspected rights violations received by the Office, including a mechanism for logging all complaints and a mechanism for secure storage of all investigative documents and evidence.
2. Investigate all reports of apparent or suspected violations of rights within the agency in accordance with Section 778 of the Mental Health Code and record those that do not warrant investigation.
3. Semiannually provide summary complaint data consistent with the annual report required in subsection (6) of Section 755 of the Mental Health Code, together with a summary of remedial action taken on substantiated complaints by category, to MDHHS and to the agency's RRAC.

E. Annual Report

1. The CEO shall submit to the Board and to MDHHS an annual report prepared by the Office on the current status of recipient rights in the agency and a review of the operations of the Office. The report shall be submitted to MDHHS no later than December 30th of each for the preceding fiscal year or period specified in the contract with the Department.
2. The RRAC shall review and provide comments on the report.
3. The annual report shall include, at a minimum, all of the following:
    a) Summary data by category regarding the rights of recipients receiving services from the agency including complaints received, the number of reports filed, and the number of reports investigated by the Office.
    b) The number of substantiated rights violations by category and provider.
    c) The remedial actions taken on substantiated violations by category and provider.
    d) Training received by staff of the Office of Recipient Rights.
    e) Training provided by the Office to employees and contract providers.
    f) Desired outcomes established for the Office and progress toward these outcomes.
    g) Recommendations to the Board.

F. Recipient Rights Advisory Committee (RRAC)

1. The Board shall appoint an RRAC as a committee of the Board. The membership of the RRAC shall be broadly based so as to best represent the varied perspectives of the agency's geographic area. At least 1/3 of the membership shall be primary recipients or family members, and of that 1/3, at least 1/2 shall be primary recipients. One Board member shall be a member of the RRAC.
2. The RRAC shall:
    a) Meet at least quarterly or as necessary to carry out its responsibilities.
    b) Maintain a current list of members' names to be made available to individuals upon request.
    c) Maintain a separate current list of categories represented to be made available to individuals upon request. The identity of specific recipients may not be disclosed without informed consent or such disclosure.

d) Protect the Office from pressures that could interfere with the impartial, even-handed, and thorough performance of its functions.

e) Review applications of candidates for Recipient Rights Officer and make recommendations to the CEO and consult with the CEO regarding any proposed dismissal or replacement of the Officer and prior to any substantial changes to the rights system.

f) Serve in an advisory capacity to the Board, the CEO and the Recipient Rights Officer.

g) Inform the Board of the Committee's position when there is disagreement between the Committee and the CEO.

h) Report directly to the Board when necessary to carry out its responsibilities in an effective and efficient manner.

i) Review the semiannual summary of complaint data prepared by the Office.

j) Review and provide comments on the annual report submitted by the CEO to the Board under Section 755 of the Mental Health Code.

k) Annually review the funding of the Recipient Rights Office.

3. Meetings of the RRAC are subject to the open meetings act, Act No. 267 of the Public Acts of 1976. Minutes shall be maintained and made available to individuals upon request.

VI. REFERENCES AND LEGAL AUTHORITY: Act 258 of the Public Acts of 1974, as amended (Mental Health Code) Sections 100a, 100b, 100c, 722, 755, 757, 778; Act 267 of the Public Acts of 1976, Open Meetings Act; MDHHS/CMHSP FY 17 Contract Attachment C6.3.2.3A

VII. EXHIBITS: Acknowledgement of Recipient Rights Training; Application for Recipient Rights CEU Credit