

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights

Section: Rights Protection System Policy and Procedure (6.20)

Approved: 11/24/03

Rescinds: 3/16/98 Rights Protection System Policy

Review Committee: Recipient Rights Advisory Committee

Review Date: 10/22/09

I. Purpose:

To establish a process to protect recipients from, and prevent repetition of, violations of rights guaranteed by Chapter 7 and 7a of the Michigan Mental Health Code.

II. Policy:

It is the policy of the Hiawatha Behavioral Health Authority to protect the rights of individuals receiving services by the establishment of a rights system, which include written policies and procedures concerning the rights of recipients and a simple, accessible mechanism for any individual to report apparent rights violations.

III. Procedure:

RESPONSIBILITIES OF HIAWATHA BEHAVIORAL HEALTH BOARD:

The Hiawatha Behavioral Health Authority shall ensure that:

- A. Education and training in recipient rights policies and procedures are provided to the Recipient Rights Advisory Committee and the Recipient Rights Appeal Committee.
- B. A Recipient Rights Advisory and Appeals Committee is appointed.
- C. The process for funding the office of recipient rights includes a review of the funding by the Recipient Rights Advisory Committee.
- D. The Office of Recipient Rights shall be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties.
- E. The Office of Recipient Rights shall have unimpeded access to all of the following:
 - 1. All programs and services operated by or under contract with Hiawatha Behavioral Health.
 - 2. All staff employed by or under contract with Hiawatha Behavioral Health.
 - 3. All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.
- F. Staff of the Office of Recipient Rights receive training each year in recipient rights protection.
- G. Each contract between Hiawatha Behavioral Health and a provider requires both of the following:

1. That the provider and his/her employees receive recipient rights training on an annual basis.
2. That recipients shall be protected from rights violations while they are receiving services under the contract.

H. Hiawatha Behavioral Health and each licensed hospital under contract with Hiawatha Behavioral Health shall endeavor to ensure all of the following:

1. Complainants, Rights Officers, and any employee acting on behalf of an individual receiving services will be protected from harassment or retaliation resulting from recipient rights activities in accordance with agency policy and procedure, and that appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.
2. 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.

THE CHIEF EXECUTIVE OFFICER:

The Chief Executive Officer shall ensure that:

- A. Select a director of the Office of Recipient Rights who has the education, training, and experience the responsibilities of the office.
 1. The Chief Executive Officer shall not select, replace, or dismiss the director of the Office of Recipient Rights without first consulting with the Recipient Rights Advisory Committee.
 2. The director of the Office of recipient Rights shall have no direct clinical service responsibility.
- B. In the absence of the Recipient Rights Officers, the Hiawatha Behavioral Health Recipient Rights Advisor, Emergency Services personnel, Chief Executive Officer or designee, shall provide necessary rights services and shall inform the Recipient Rights Officers of the same.
- C. Appropriate action is taken to ensure protection for complainants and rights staff if there is evidence of harassment concerning an alleged rights violation or a rights complaint.
- D. Appropriate remedial action is taken to resolve violations of rights.
- E. Protect the Office of Recipient Rights from pressures which could interfere with impartial, even-handed, and thorough performance of its duties, and shall ensure that.
- F. Submit to the Authority a annual report prepared by the Office of Recipient Rights on the current status of recipient rights in the Hiawatha Behavioral Health system and a review of the Office of Recipient Rights. The annual report shall be submitted not later than December 30 of each year for the preceding fiscal year and shall include all of the following:
 1. Summary data by category regarding the rights of individuals receiving services from Hiawatha Behavior Health including complaints received, the number of reports filed, and the number of reports investigated by provider.
 2. The number of substantiated rights violations by category and provider.
 3. The remedial actions taken on substantiated rights violations by category and provider.
 4. Training received by staff of the Office of Recipient Rights.
 5. Training provided by the Office of Recipient Rights to contract providers.

6. Desired outcomes established for the Office of Recipient Rights and progress towards these outcomes.
7. Recommendations to the Hiawatha Behavioral Health Authority.

THE OFFICE OF RECIPIENT RIGHTS:

The Office of Recipient Rights / Recipient Rights Officer shall:

- A. Ensure that 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. Ensure that a complete copy of Chapters 7 & 7a of the Mental Health Code is readily available for review by applicants and recipients.
- C. Ensure that the telephone number, address, and the names of the Rights Officers are conspicuously posted in all service sites.
- D. Ensure that all individuals employed by the agency, or under contract with the agency, receive training related to recipient rights within 30 days after hire. A newly hired employee shall receive a copy of chapters 7 & 7a during their orientation.
- E. Maintain a record system for all reports of apparent or suspected rights violations received, including a mechanism for logging in all complaints and a mechanism for secure storage of all investigative documents and evidence.
- F. Ensure that each site is visited and assessed annually or on as needed basis. The Rights Office shall ensure that each site has all of the following:
 1. Recipient Rights Pamphlets to include inserts.
 2. Incident/Accident Report forms.
 3. Complaint forms.
 4. Summary of Abuse and Neglect Reporting Requirements chart.
 5. Whistleblowers' Protection Act summary.
 6. Posting of the name, address, and telephone number of the Recipient Rights Officers.
- G. Shall not have direct service responsibilities;
- H. Shall be subordinate only to the Chief Executive Officer.
- I. Ensure that all reports of apparent or suspected violations of rights received within the Hiawatha Behavioral Health system are investigated in accordance with section 330.1778 of the Michigan Mental Health Code and that those reports that do not warrant investigation are recorded and responded to in accordance with subdivision (d).
- J. May act to resolve disputes relating to alleged rights violations.
- K. May act on behalf of recipients to obtain remedy for any alleged rights violations;
- L. Shall otherwise endeavor to safeguard the rights guaranteed by the Mental Health Code and Administrative Rules.
- M. Shall provide or coordinate rights activities and functions for all services operated by or under contract with Hiawatha Behavioral Health;

N. Review the recipient rights policies and the rights system of each provider of mental health services under contract with Hiawatha Behavioral Health to ensure that the rights protection system of each provider is in compliance with Public Act 258 of 1974, as amended, and is of a uniformly high standard.

O. Participate in the development of policies and procedures pertinent to the rights of individuals receiving services.

P. Serve as consultant to the Hiawatha Behavioral Health Chief Executive Officer, employees, and individuals receiving services, in matters related to recipient rights.

Q. Receive training in rights protection on an annual basis.

R. Prepare a semi-annual/annual report to the Hiawatha Behavioral Health Chief Executive Officer and Recipient Rights Advisory Committee.

RECIPIENT RIGHTS ADVISORY COMMITTEE:

A. The Hiawatha Behavioral Health Governing Board shall appoint a Recipient Rights Advisory Committee consisting of at least 6 members. The Recipient Rights Advisory Committee shall 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 consumers or family members, and of that 1/3, at least 1/2 shall be primary consumers.

B. The Recipient Rights Advisory Committee shall do all of the following:

1. Meet at least quarterly or as necessary to carry out its responsibilities.
2. Maintain a current list of members' names to be made available to individuals upon request.
3. Maintain a current list of categories represented to be made available upon request.
4. Protect the Office of Recipient Rights from pressures that could interfere with the impartial, even-handed, and thorough performance of its functions.
5. Serve in an advisory capacity to the Chief Executive Officer and the Director of the Office of Recipient Rights.
6. Recommend candidates for the director of the Office of Recipient Rights to the Chief Executive Officer, and consult with the Chief Executive Officer regarding any proposed dismissal of the Director of the Office of Recipient Rights.
7. Review and provide comments on the annual report submitted by the Chief Executive Officer to the board under section 330.1755 of the Mental Health Code.
8. Review the semi-annual summary of complaint data prepared by the office.
9. Serve as the Appeals committee under section 330.1784 of the Mental Health Code.
10. Review the process for funding of the Office of Recipient Rights.

C. Meetings of the Recipient Rights Advisory Committee are subject to the Open Meetings Act, Act No.267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Minutes shall be maintained and made available to individuals upon request.

IV. Application

All Programs directly operated and under contract to the Hiawatha Behavioral Health Authority.

V. Cross References and Legal Authority

- A. Act 258 of the Public Acts of 1974, as amended, Michigan Mental Health Code Sections 330.1100a, 330.1100b, 330.100c, 330.1722, 330.1755, 330.1757.
- B. Open Meetings Act, Act 267 of the Public Acts of 1976.
- C. Recipient Rights Advisory Committee Duties and Responsibilities.
- D. Recipient Rights Complaint and Appeal Processes Policy and Procedure.