

COPPER COUNTRY MENTAL HEALTH SERVICES BOARD

POLICY AND PROCEDURE

DATE: June 24, 2020 RIGHTS SYSTEM.P10

RESCINDS: June 28, 2017

CATEGORY: Recipient Rights

SUBJECT: Rights System

POLICY: It is the policy of Copper Country Mental Health Services Board that the rights of recipients shall be protected through the establishment of a Rights System, written policies and procedures concerning the rights of recipients and a simple, accessible mechanism for recipients and others to report apparent violations.

PURPOSE: The purpose of this procedure is to establish the Rights System to ensure that programs are developed, implemented, and supported in a system that does not violate recipient rights; to provide a resource to staff, recipients and other providers on legal rights of recipients; and to ensure immediate response to complaints filed and provide corrective action to address rights problems.

PROCEDURE: The Copper Country Mental Health Services Office of Recipient Rights is comprised of an Officer of Recipient Rights, Rights Advisors for clerical support, and a Recipient Rights Advisory Committee.

I. THE OFFICE OF RECIPIENT RIGHTS:

- A. Shall be protected from pressures, which could interfere with impartial, even-handed, and thorough performance of its duties;
1. The Executive Director shall take appropriate action to ensure protection for complainants and rights staff if there is evidence of harassment concerning an apparent violation of rights or a rights complaint.
 2. An Advisory Committee shall be appointed and shall be drawn from Center staff, the Community Mental Health Board, government officials, attorneys, and mental health recipient interest groups.
- B. Shall have unimpeded access to all the following:

1. All programs and services operated by or under contract to Copper Country Mental Health Services Board.
 2. All staff employed by or under contract to Copper Country Mental Health Services Board.
 3. All volunteers/students associated with Copper Country Mental Health Services Board.
 4. All evidence necessary to conduct a thorough investigation or to fulfill the required monitoring functions.
- C. Funding for the office shall be provided by the Copper Country Mental Health Services Board and reviewed by the Recipient Rights Advisory Committee.
- D. The Recipient Rights Officer shall have the education, training and experience to fulfill the responsibilities of the office.
- E. The CMH Recipient Rights Advisory Committee shall consult with the Executive Director regarding candidates to head the Office of Recipient Rights when a vacancy occurs, and an Officer of Recipient Rights shall not be dismissed without the Executive Director consulting with the Recipient Rights Committee;
- F. The Recipient Rights Officer and Agency staff shall participate annually in training activities that are relevant to recipient rights protection.
- G. The Recipient Rights Officer and Advisor shall attend and successfully complete the Basic Skills Training programs offered by the Michigan Department of Health and Human Services (MDHHS) Office of Recipient Rights within three months of hire.
- H. In addition, the Rights Officer and Rights Advisor will comply with the continuing education requirements identified in the contract attachment.
- I. The Recipient Rights Officer and Advisor must complete a minimum of twelve (12) of the required thirty-six (36) credit hours in programs classified as Category I or II. The Recipient Rights Officer and Rights Advisor will acquire at least three (3) continuing education credits each calendar year.

II. THE RECIPIENT RIGHTS OFFICER:

- A. shall be subordinate only to the Executive Director;
- B. shall not have direct service responsibilities;
- C. shall receive, acknowledge and investigate as appropriate reports of alleged violations of rights;
- D. may act to resolve disputes relating to apparent violations;
- E. may act on behalf of recipients to obtain remedy for any apparent violations;
- F. shall otherwise endeavor to safeguard the rights guaranteed by the Mental Health Code;
- G. shall provide or coordinate rights activities and functions for all services operated by or under contract with the CMH Board;
- H. shall ensure that recipients, parents of minor, guardians, and others have ready access to recipient "Your Rights" pamphlets and complaint forms;
- I. shall ensure that all CSM service locations are visited at least annually, or as necessary for protection of rights guaranteed by the Mental Health Code and MDHHS Administrative Rules;
- J. shall serve as an ex-officio, non-voting member of the Behavior Treatment Committee, and the Recipient Rights Advisory Committee;
- K. shall serve as a consultant to the Executive Director and staff in rights matters;
- L. shall provide or ensure training for all CCMHS staff, and providers under contract with CCMHS, within thirty (30) days of hire or the beginning of the contract, and annually thereafter;
- M. shall provide or ensure training in the full extent of recipients' rights including recipient complaints/grievances, recipient rights complaints, and appeals;
- N. shall update training annually to assure adherence to policy and procedures particularly in the area of "DUE PROCESS";
- O. participates in the review and development of Agency policies/procedures and standards relating to recipient rights.

III. THE RECIPIENT RIGHTS ADVISORY COMMITTEE:

- A. shall be a committee of at least seven members, appointed by the Copper Country Mental Health Services Board;
- B. shall be broadly based so as to represent the varied perspectives of the CCMHSB geographic area. At least one-third of the membership shall be primary recipients or family members and of that one-third, at least one half shall be primary recipients.
- C. all members shall have equal voting privileges.
- D. the Rights Officer shall be an ex-officio, nonvoting member of the committee;
- E. shall meet at a minimum of two times per year;
- F. shall have access to the Executive Director;
- G. shall assist the Rights Officer in standardizing policies and procedures that are in compliance with the Mental Health Code;
- H. shall monitor the activities of the Rights Office;
- I. shall provide the Executive Director and the Board with an annual report regarding rights activities;
- J. shall serve as a link to the Community Mental Health Board, and shall channel information and communication through the Board Chairperson;
- K. shall serve as the Appeals Committee for rights appeals.
- L. see Attachment A for further information regarding duties and responsibilities of the Recipient Rights Advisory Committee.

IV. THE RIGHTS ADVISORS:

- A. shall be appointed by the Executive Director to provide clerical support to the Recipient Rights Office;
- B. shall be under the direction of the Recipient Rights Officer for the purpose of guidance and direction in carrying out the duties associated with the appointment;
- C. shall provide forms for rights complaints, on demand, to recipients or others acting on their behalf;

- D. shall receive reports or take messages of recipient rights complaints and forward those to the Recipient Rights Office including:
 - 1. verbal reports by the recipient or others acting on his/her behalf;
 - 2. written reports by the recipient or others acting on his/her behalf;
 - 3. anonymous reports by the recipient or others acting on his/her behalf.
 - E. participate in training activities provided by the Recipient Rights Officer, when approved by supervisor;
 - F. shall serve as Recording Secretary for the Recipient Rights Advisory Committee;
 - G. shall facilitate contact with a substitute Recipient Rights Officer in the temporary absence of the CCMHS Recipient Rights Officer.
- V. ALL STAFF:
- A. All staff are required to cooperate in Recipient Rights Investigations as a condition of employment.
 - B. Rights office staff, any staff (or other complainant) acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities.
 - C. Appropriate disciplinary action will be taken if there is harassment related to recipient rights advocacy.
 - D. Appropriate remedial action is taken to resolve violations of rights and to notify the complainants of substantiated violations in a manner that does not violate employee rights.

ATTACHMENTS: Recipient Rights Advisory Committee Duties and Responsibilities

APPLICATION: All programs.

CROSS REFERENCE: Michigan's Mental Health Code & Administrative Rules
Whistleblower's Protection Act
Bullard-Plawecki Employee Right To Know Act
No-Reprisal System for Reporting Suspicious Activities

COPPER COUNTRY MENTAL HEALTH SERVICES BOARD

ATTACHMENT A

RECIPIENT RIGHTS ADVISORY COMMITTEE

DUTIES AND RESPONSIBILITIES

1. Serve as appointed by the Copper Country Mental Health Services Board.
2. Meet at least semi-annually or as necessary to carry out responsibilities.
3. Participate in education and training in Recipient Rights Policies and Procedures as provided by the Board.
4. Adhere to the provisions of the Open Meetings Act.
5. Maintain a current list of member's names to be available to recipients upon request.
6. Maintain a current list of categories represented to be made available to recipients upon request.
7. Protect the Office of Recipient Rights from pressures that could interfere with the impartial, even-handed, and thorough performance of its functions.
8. Review the funding of the Office of Recipient Rights.
9. Recommend candidates for Director of the Office of Recipient Rights to the Executive Director, and consult with the Executive Director regarding any proposed dismissal of the Director of the Office of Recipient Rights.
10. Serve in an advisory capacity to the Executive Director and the Directors of the Office of Recipient Rights.
11. Review and provide comments on the Annual Report prepared by the Office of Recipient Rights and submitted by the Executive Director to the Copper Country Mental Health Services Board and the Michigan Department of Health and Human Services.
12. Serve as the Appeals Committee for a rights appeal as required by Chapter 7-A of the Mental Health Code.