

# **SWMBH**

## **Recipient Rights and Enrollee Rights and Protections Information**

All providers shall abide by Sections 4, 4a, 7 and 7a of the Mental Health Code and corresponding Administrative Rules in their entirety.

The following is a summary only and should be considered as such.

### **Office of Recipient Rights (ORR)**

- Each Community Mental Health Service Provider (CMHSP) and each Licensed Hospital (LH) shall establish an Office of Recipient Rights reporting directly to the CMHSP executive director or hospital director.
  - A director of ORR will be selected based on education, training and experience to fulfill the duties.
  - The director of ORR cannot be selected, replaced, or dismissed without the recipient rights advisory committee being consulted first. The director of ORR shall have no direct clinical responsibility.
- Each CMHSP and LH shall ensure all of the following:
  - Education and training in recipient rights policies and procedures to the recipient rights advisory committee, recipient rights appeals committee, all providers and their respective staff
  - The ORR will be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties.
  - Will have unimpeded access to all programs and services operated by CMHSP or LH, all staff employed or under contract, and all evidence necessary to conduct a thorough investigation or monitoring duties.
  - Staff will receive training each year in recipient rights protections.
  - Customers will be protected from rights violations while receiving services.
- Each CMHSP and LH shall do the following:
  - Provide or coordinate the protection of recipient rights for all directly operated and contracted services.
  - Ensure telephone number and address of the ORR and names of the rights officers are posted in plain sight, in a common area, and in all service sites.
  - Maintain a record system for all reports of apparent or suspected rights violations received, including secure storage of all investigative documents and evidence according to HIPAA Guidelines.
  - Ensure that each service site is visited with the frequency needed for the protections of rights but in no case less than annually.
  - Ensure that staff employed at the CMHSP, contract agency, or LH receives recipient rights training before or within 30 days of employment.
  - Review the recipient rights policies and rights system of each provider of mental health services under contract with the CMHSP or LH to ensure the rights program of each provider is in compliance.
  - Provide a categorized substantiated summary of complaint data and remedial action semiannually to the department (MDCH) and recipient rights advisory committee.
  - Provide an annual report to the department (MDCH) and the governing board of the CMHSP or LH on the current status of recipient rights in the CMHSP or LH and a review of the operations of the ORR. The report shall be submitted no later than December 30 for the preceding fiscal year.
  - Establish policies and procedures including at a minimum:

- Complaint and appeal processes
- Consent to treatment and services
- Sterilization, contraception, an abortion
- Fingerprinting, photographing, audiotaping and use of 1-way glass
- Abuse and neglect, including detailed categories of type and severity
- Confidentiality and disclosure
- Treatment by spiritual means
- Qualifications and training for recipient rights staff
- Change in type of treatment
- Medication procedures
- Use of psychotropic drugs
- Use of restraint
- Right to be treated with dignity and respect
- Least restrictive setting
- Services suited to condition
- Policies and procedures that address matters with respect to residents i.e. property and funds, freedom of movement, use of seclusion, communication, mail, telephone use, visits, access to entertainment materials, news

### **Recipient Rights Advisory Committee**

- Each CMHSP shall appoint a recipient rights advisory committee consisting of at least 6 members. At least 1/3 shall be primary customers or family members and of that 1/3 at least ½ shall be primary customers.
- Unless otherwise provided by contract with the local CMHSP, each LH shall appoint an advisory committee. At least 1/3 membership shall consist of primary customers or family members and of that 1/3, at least ½ shall be primary customers.
- The advisory committee shall do the following:
  - Meet at least semiannually or as necessary to meet responsibilities
  - Maintain a current list of member's names.
  - Maintain a current list of categories represented.
  - Recommend candidates for director of ORR to the executive director, and consult with the executive director regarding any proposed dismissal of the director of ORR.
  - Serve as the appeals committee if designated.
  - Meet 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.