

**CMHSP RIGHTS SYSTEM ASSESSMENT**

Date of Visit

**Attachment C**

**Complaint Investigation and Intervention Case File Review**

**See pertinent Attachment A Standards for statutory references.**

**See Investigative Case File Review form and Comments form for individualized scores and comments.**

Yes	No	STANDARD	COMMENTS/ SUGGESTIONS	REQUIRED ACTION
		<b><u>I. INVESTIGATIONS:</u></b>		
		<b><u>COMPLAINTS:</u></b> Were all complaints put in writing?		
		Were all complaints logged/ recorded upon recipient by ORR?		
		<b><u>ACKNOWLEDGEMENT LETTERS:</u></b> Were they sent out within 5 business days after receipt of complaint?		
		Did they include a copy of complaint?		
		Did they contain a mechanism to advise Complainant of availability of advocacy organizations and offer to refer Complainant to them? * Alternatively, such notice can be posted in common areas, distributed in rights booklets.		
		In the absence of assistance from advocacy organizations, did they offer ORR's assistance in preparing a written complaint?		
		Did they inform Complainant of option of mediation?		
		If complaint did NOT involve alleged abuse, neglect, serious injury, or death, was investigation initiated in a <i>timely and efficient manner</i> ?		
		If complaint DID involve alleged abuse, neglect, serious injury, or death, was investigation initiated <i>immediately</i> ?		
		<b><u>STATUS REPORTS:</u></b> Were they issued every 30 calendar days during the course of the investigation?		
		Did they contain Allegations, Issues, Citations, Investigative Progress to Date, and Expected Date of Completion?		

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		<b><u>REPORT OF INVESTIGATIVE FINDINGS:</u></b> Was RIF completed in 90 calendar days?		
		If RIF not completed in 90 days, was the delay due to pending action by an external agency?		
		<b><i>ALLEGATIONS:</i></b> Did it include date received by ORR?		
		Was it clear who filed the complaint, i.e. recipient, staff, ORR, anonymous, etc.?		
		Was the Allegation <i>sufficiently clarified</i> to inform reader what the investigation addressed (including alleged rights violation, recipient and accused staff involved)? <i>** If during the course of the investigation the suspected rights violation changes – it should be explained/clarified in the allegation section.</i>		
		<b><i>CITATIONS:</i></b> Were all applicable, relevant, and correct portions of citations from <i>MHC</i> quoted, including definitions?		
		Were all applicable, relevant, and correct portions of the citations from the MDCH Administrative Rules quoted, including definitions?		
		Were all relevant portions of citations from <i>CMH policy</i> (if different), <i>other</i> federal and state laws, and <i>other</i> applicable citation sources quoted?		
		<b><i>ISSUES:</i></b> Were issues written as questions?		

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	Were all relevant elements of the citations addressed in the issues?		
	Were the issues specific to the allegation?		
	<b><i>FINDINGS:</i></b> Was the complainant interviewed? If not, was there an explanation?		
	Were all potential witnesses identified and interviewed, including recipient witness? If not, was there an explanation?		
	Was it clear how witnesses had their knowledge – i.e. visual/audible observation (firsthand knowledge), told by other staff, read info in document, etc.?		
	Was the accused interviewed? If not, was there an explanation?		
	Did the interview with the accused require them to respond specifically to the allegation?		
	Was the involved recipient interviewed? If not, was there an explanation?		
	Did the Findings contain all relevant evidence? <ul style="list-style-type: none"> <li>- testimonial (verbal or written)</li> <li>- documentary</li> <li>- observation</li> <li>- physical</li> </ul>		
	Did Findings contain dates of interviews and dates evidence gathered?		

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		Were all inconsistencies that were identified from the testimony and documents, if any, addressed?		
		If staff names were coded, was there a code sheet in the file?		
		Was the code sheet sent along with the Report of Investigative Findings?		
		<b>CONCLUSION:</b> Was it clear that a preponderance of evidence was the standard of proof used?		
		Were all the Issue questions referenced and answered?		
		Was evidence used from the Findings to establish a logical rationale for the conclusion?		
		Was the code protected right involved identified?		
		Was a determination been made to substantiate or not substantiate the allegation?		
		Was the staff person(s) or entity responsible clearly identified?		
		If a violation was substantiated against an entity, instead of against an individual, was there an explanation as to why?		
		Was the recipient(s) that was the subject of the allegation clearly identified?		

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		<b>RECOMMENDATION:</b> Did it recommend action that: a) corrects or provide a remedy for the rights violation? b) is to be implemented in a timely manner? c) attempts to prevent a recurrence?		
		Was disciplinary action (as defined by AR 7035 for abuse or neglect) recommended for substantiated allegations of abuse, neglect and harassment/retaliation?		
		Were investigation activities accurately recorded in ORR file?		
		Was RIF sent to Respondent and RMHA?		
		Upon completion, was RIF signed by rights officer and dated?		

Yes	No	STANDARD	COMMENTS/ SUGGESTIONS	REQUIRED ACTION
		<b>SUMMARY REPORT:</b> Was it issued/ sent within 10 business days from date of RIF?		
		Was it sent to Appellants: Complainant, recipient if different than complainant, guardian?		
		Did it contain sections for Allegations, Citations, Issues, Summary of Investigative Findings, Conclusions, Recommendations of ORR, and Plan of Action/ Action Taken?		
		Were the Findings <i>described sufficiently</i> to reflect all relevant evidence obtained during investigation, including dates evidence was obtained?		

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	Did the Plan of Action/ Action Taken: a) correct or provide remedy for the rights violation, b) be implemented in a timely manner, and c) attempt to prevent recurrence of the rights violation?		
	If disciplinary action was required to be taken by Respondent, did it meet the requirements of AR 7035(1): official reprimand, demotion, suspension, reassignment, or dismissal?		
	If action was taken against an individual, were they identified?		
	Was documentation of remedial action in case file?		
	Was information in Summary Report provided within the constraints of confidentiality and privileged communication?		
	Did information in Summary Report NOT violate the rights of any employee?		
	Was the completed Summary Report signed by the Executive Director and dated?		
	Did Summary Report include a Statement of Appeal Rights that described the <i>timeframe</i> for appealing, the <i>grounds</i> for appeal, and the <i>location/ address</i> to submit the appeal to?		
	Did Statement of Appeal Rights advise appellants that there were advocacy organizations available to assist in preparing the written appeal, and offer to make the referral?		
	In the absence of assistance from an advocacy organization, did ORR offer to assist with a written appeal?		
	Did Statement of Appeal Rights inform appellants of the option of mediation?		

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N/A	N/A	<b>Best Practice:</b> If the Plan of Action was not completed when Summary Report was sent out, was an Addendum to Summary Report issued once the proposed action was taken?		
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Yes	No	STANDARD	COMMENTS / SUGGESTIONS	REQUIRED ACTION
		<b><u>II. INTERVENTIONS:</u></b> See Intervention File Review forms for specific individualized scores and comments.		
		Were all complaints put in writing?		
		Were all complaints logged/ recorded upon receipt by ORR, including those that were designated as interventions, no right involved, and outside jurisdiction?		
		Was an Acknowledgement Letter and copy of complaint sent to Complainant within 5 business days from date of receipt?		
		Did Ack. Letter contain a mechanism to advise Complainant of availability of advocacy organizations and offer to refer Complainant to them? * Alternatively, such notice can be posted in common areas, distributed in rights booklets, etc.		
		In the absence of assistance from advocacy organizations, did it offer ORR's assistance in preparing complaint?		
		Did complaint involve an allegation in which: a) The facts were clear, b) The remedy, if applicable, was clear and easily obtainable, and c) Did not involve statutorily required disciplinary action?		
		If complaint wasn't resolved prior to the 5 day Ack. Letter being sent, did Complainant receive an Intervention Response within 30 days?		

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		Was the allegation clearly stated and further clarified as necessary, including date received by ORR, date of alleged violation, name of involved recipient, name of accused staff?		
		Did the Intervention Response describe specific action taken by ORR on behalf of Complainant to resolve the complaint, including who was talked to, what was reviewed, etc.?		
		Was the involved code protected right identified?		
		Did the Interv. Response specify if the identified rights violation was substantiated or not substantiated?		
		If intervention substantiated a violation, was the specific remedial action taken described?		
		Was documentation of remedial action in case file?		
		Was Complainant offered, in writing, an opportunity to express dissatisfaction with the intervention and informed of the opportunity to request an investigation?		
		Was the intervention converted into an investigation if: 1) it was determined that it did not meet intervention criteria or; 2) it could not be completed within 30 days? <i>*Status reports would be required.</i>		