

*"You can only protect your liberties in this world  
by protecting the other man's freedom"*

*Clarence Darrow*



*THE 2014 SEMI-ANNUAL REPORT  
OF THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
OFFICE OF RECIPIENT RIGHTS  
JOHN T. SANFORD, ESQ. DIRECTOR*

Michigan Department  
of Community Health



Rick Snyder, Governor  
James K. Haveman, Director

## RIGHTS PROTECTION IN MICHIGAN

PA 258 of 1974, the Michigan Mental Health Code (Code), creates an internal rights protection system for recipients of public mental health services across the State. Chapter 7 of the Code identifies the rights, in addition to basic civil rights, that are provided to these recipients.

It also mandates the establishment of an Office of Recipient Rights in the Department of Community Health, each Community Mental Health Services Program (CMHSP) and every psychiatric hospital or unit (LPH/U) licensed by the Department of Licensing and Regulatory Affairs (LARA). As of the end of FY13, there were 46 CMHSP(s) and 58 LPH/U(s) in Michigan.

Through this network of Rights Officers and Advisors, rights protection is provided to the recipients of public mental health services throughout the State of Michigan.



Section 330.1754 of the Code defines the roles and responsibilities for the State Office of Recipient Rights. Section 330.1755 of the Code defines the roles and responsibilities for recipient rights offices within the CMHSP and the LPH/U systems. Each office is responsible for carrying out four basic functions:

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## PREVENTION

Rights staff offer consultation on rights-related matters to agency staff and recipients. They notify the Agency Director of inappropriate practices, policies that are out of compliance, or other issues that have the potential to become rights violations. They participate in rights-related policy development and review and assist the Agency in preparing for CMH, DCH, CARF or other accreditation reviews.

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## MONITORING

The monitoring function required of ORR includes visitation to every service site at least annually to ensure that information about the rights system is readily and clearly available to all recipients and to assure that the service site is in compliance with the Code and other applicable laws and rules. The monitoring responsibility also includes the collection of data to be reported as part of this annual report and to committees and staff within the agency itself. Rights staff also monitor agency contracts to assure they contain appropriate rights-related language, review reports of unusual incidents to ascertain if rights violations have occurred and review the circumstances surrounding the death of a recipient for apparent or suspected violations of rights.

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## EDUCATION

The rights office is responsible for training *all employees* of the agency, and those of any contractual provider, in the rights of recipients and their role in the protection of those rights. Rights staff must also receive training in rights on an annual basis, accumulating 36 hours of continuing education credit in a three year period.

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## COMPLAINT RESOLUTION

The Mental Health Code mandates that the Office of Recipient Rights will:

*“Ensure that all reports of apparent or suspected violations of rights.....are investigated...”<sup>1</sup>*

Based upon this mandate all ORR offices receive and investigate, or intervene on, complaints made by recipients, family members, agency staff, and other interested parties. Across the system during the semi annual reporting period, 6,412 allegations of potential rights violations were received by the ORR system (both CMH and LPH/U combined).

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<sup>1</sup> As pertains to the State Office of Recipient Rights - MCL 330.1754(6)(k) and as pertains to CMHSP and LPH/U Offices of Recipient Rights - MCL 330.1755(5)(i)

**Chapter 7A** of the Mental Health Code defines the parameters under which the Recipient Rights system carries out its investigative responsibilities. It is applicable to the State, CMHSP, and LPH/U systems.

It is believed to be the most prescriptive process for the protection of the rights of mental health

Investigations are conducted in the manner prescribed in Chapter 7A of the Code. This chapter also provides guidelines for appropriate remedial action when violations of a recipient's rights have been substantiated, a process for appeal of the decision of the ORR investigation and/or the action taken by the agency involved, and a method for the mediation of dispute.

#### THE SEMI-ANNUAL REPORT

October 1, 2013 – March 31, 2014

This Semi-Annual Report reflects the requirements outlined in the Michigan Mental Health Code at MCL 330.1754 (6) (l) and MCL 330.1755

*Sec. 754 (6) The state office of recipient rights shall do all of the following:*

*(l) Review semiannual statistical rights data submitted by community mental health services programs and licensed hospitals to determine trends and patterns in the protection of recipient rights in the public mental health system and provide a summary of the data to community mental health services programs and to the director of the department.*

*Sec. 755 (5) Each office of recipient rights [Community Mental Health Services Program and Licensed Psychiatric Hospital/Unit] established under this section shall do all of the following:*

*(j) Semiannually provide summary complaint data consistent with the annual report required in subsection (6), together with a summary of remedial action taken on substantiated complaints by category, to the department and to the recipient rights advisory committee of the community mental health services program or licensed hospital.*

**Licensed Psychiatric Hospital  
Rights Office Staffing**

LPH/U	Hours/40
Allegiance Health	12
Alpena Regional	1
Beaumont	5
Behavioral Center	60
Borgess Medical Center	16
Botsford Hospital	10
Bronson-Battle Creek	.5
Bronson-Lakeview	1
Chelsea	4
Community Health Center – Branch Co.	20
Critteton Hospital	24
DMC-Detroit Receiving	40
DMC-Madison	28
DMC-Sinai Grace	32
Doctor’s Hospital	40
Forest View	20
Harbor Oaks	28
Havenwyck Hospital	40
HealthSource Saginaw	40
Henry Ford Kingswood	40
Henry Ford Macomb	30
Henry Ford Wyandotte	40
Herrick Memorial	4
Hillsdale Community Health center	12
Holland Community Hospital	4
Hurley	8
Lakeland	4
Marquette General	40
McLaren Bay region	8
McLaren Greater Lansing	1
McLaren Lapeer Region	8
McLaren Medical Center – Flint	5
McLaren Oakland	20
McLaren Port Huron	20
Memorial Healthcare-Owosso	4
Mercy Healthcare Muskegon	25
Mercy Health St. Mary’s	1

**Licensed Psychiatric Hospital  
Rights Office Staffing**

Mercy Memorial	8
Mid-MI Medical Center - Gratiot	5
Mid-MI Medical Center – Midland	10
Munson	18
Oaklawn Hospital	4
Oakwood Taylor	20
Pine Rest	20
Providence	20
Samaritan	60
Sparrow St. Lawrence	36
Spectrum Health Ludington	???
St. John Hospital and Medical Center	104
St. John Macomb	5
St. John Oakland	5
St. Joseph Mercy Ann Arbor	8
St. Joseph Mercy Oakland	5
St. Mary Mercy	28
StoneCrest Center	40
University of Michigan Medical Center	28
War Memorial	10

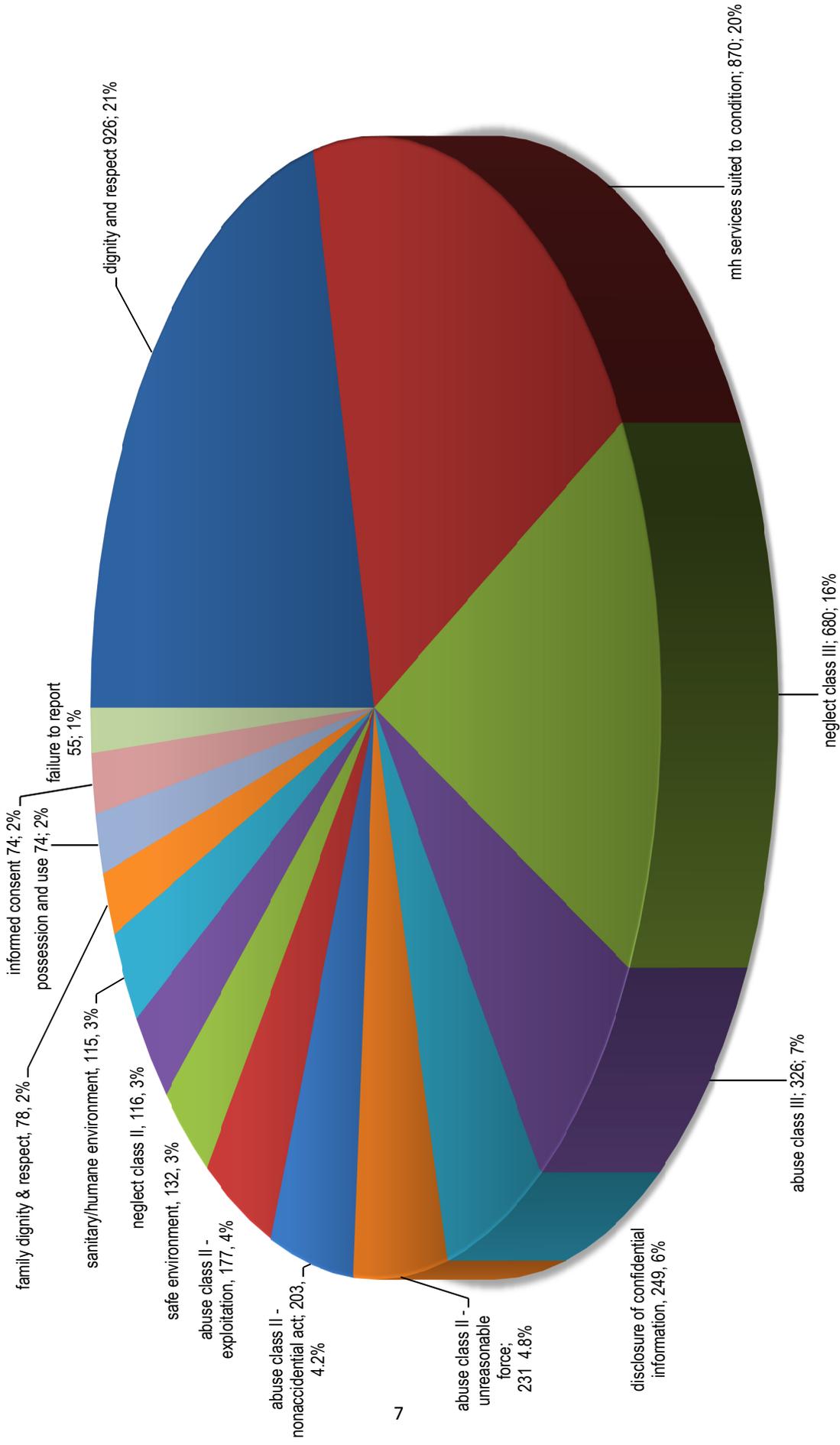
**Community Mental Service Programs  
Rights Office Staffing Levels**

CMHSP	FTE
Allegan	1.0
AuSable	.6
Barry	.5
Bay-Arenac	2.5
Berrien-Riverwood	1.8
Centra Wellness	1.0
CEI	4.0
CMH for Central Michigan	5.2
CMHSAS - St. Joseph County	3.0
CMH Services - Muskegon	2.5
Copper Country	.6
DWMHA	35
Genesee	5.0
Gogebic	.25

**Community Mental Service Programs  
Rights Office Staffing Levels**

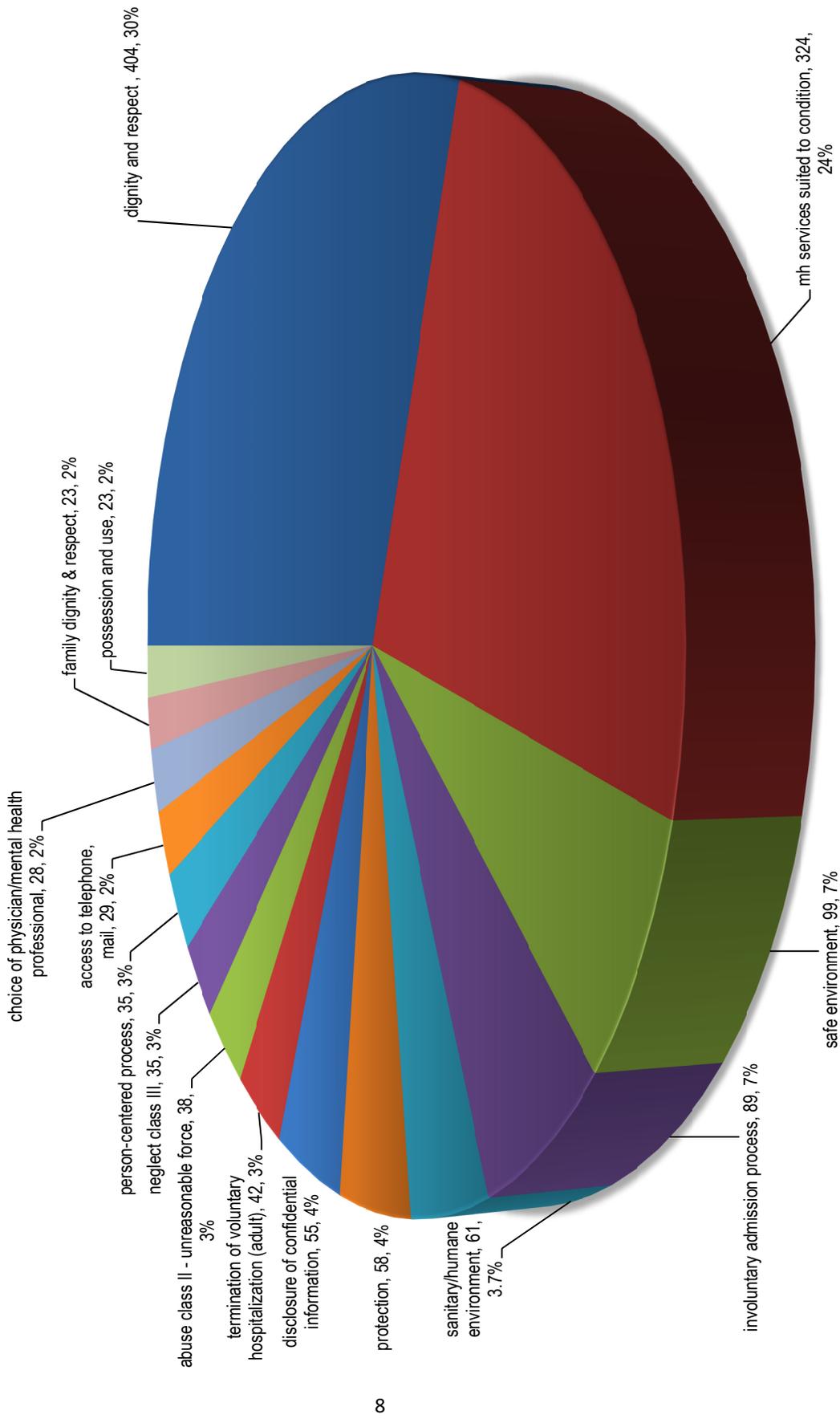
Gratiot	.5
Hiawatha	1.3
Huron	.5
Ionia	.5
Kalamazoo	6.5
Lapeer	1.0
Lenawee	1.25
Lifeways	3.0
Livingston	2.0
Macomb	17.5
Monroe	2.0
Montcalm	1
network 180	4.25
Newaygo	1.25
North Country	2.0
Northeast	1.5
Northpointe	2.0
Northern Lakes	3.0
Oakland	16
Ottawa	2.0
Pathways	4.0
Pines	.5
Saginaw	2.5
Sanilac	1.7
Shiawassee	2.0
St. Clair	1.7
Summit Pointe	1.6
Tuscola	1.0
VanBuren	1.0
Washtenaw	4.5
West Michigan	1.33
Woodlands	.6

# Top 15 Allegations Received by CMHSP Rights System 10/01/13 - 4/30/14



Based on a total number of 4778 allegations of code protected rights

# Top 15 Allegations Received by LPH/U Rights System 10/01/13 - 4/30/14



Based on a total number of 1634 allegations of code protected rights