

CMHSP  
 RIGHTS SYSTEM ASSESSMENT  
Standards - Attachment A

Dates:  
 ORR Reviewers:  
 Score: xxx points out of possible 277 : FC = 277; SC = 263  
 2 = COMPLIANCE 1 = PARTIAL COMPLIANCE 0 = NON-COMPLIANCE

Score	REQUIRED CHARACTERISTIC I. CMHSP Responsibilities	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A. The CMH has established a recipient rights office subordinate only to the executive director. (MHC 755[1])		
	B. The CMHSP ensured all of the following: B.1. Education and training in recipient rights policies and procedures are provided to its recipient rights advisory committee and its appeals committee. (MHC 755[2][a])		
	B.2. The process for funding the rights office includes a review of the funding by the recipient rights advisory committee. (MHC 755[2][b])		
	B.3. The recipient rights office will be protected from pressures that could interfere with the impartial, even-handed and thorough performance of its duties. (MHC 755[2][c])		
	B.4. The rights office will have unimpeded access to all of the following: (a) All programs and services operated by or under contract to the CMHSP. (b) All staff employed by or under contract to CMHSP. (c) All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function. (MHC 755[2][d][i-iii])		
	B.5. Rights office training requirements: (a) Staff of the rights office received training each year in recipient rights protection. (MHC 755[2][e]) (b) The CMHSP rights officer/advisor attended and successfully completed the Basic Skills Training programs offered by the Department's Office of Recipient Rights within 3 mos. of hire. DCH/CMH Contract FY09-10, 6.3.2.)		
	C. The CMHSP endeavored to ensure the following: C.1. Complainants, rights office staff, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities including appropriate disciplinary action if there is evidence of retaliation and harassment. MHC 755[3][a]; (Whistleblowers Protection Act)		
	C.2. Each contract between the CMHSP and a provider required all of the following: C.2.(a) That the provider and his/her employees receive recipient rights training. (MHC 755[2][f][i])		
	C.2.(b) That recipients will be protected from rights violations while they are receiving services under the contract. (MHC 755[2][f][ii])		
	C.2.(c) That all contractual agreements with service providers, who: (1) are required by the Mental Health Code to implement their rights system or,		

Score	REQUIRED CHARACTERISTIC I. CMHSP Responsibilities	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	(2) through contractual agreement are required to implement their own rights investigation system, include language which requires staff appointed as Rights Officers/Advisors (and those identified as their alternates) to attend and successfully complete the Basic Skills Training programs offered by the Department's Office of Recipient Rights within 3 mos. of hire. (DCH/CMH Contract FY09-10, 6.3.2.)		
	D. The executive director has selected a director of the rights office who has the education, training and experience to fulfill the responsibilities of the office. (MHC 755[4])		
	E. The executive director did not select, replace or dismiss the director of the rights office without first consulting the recipient rights advisory committee. (MHC 755[4])		
	F. The director of the rights office has no direct clinical service responsibilities. (MHC 755[4])		

Section I Score (out of 26): _____ Weighing: 1.5 Total Section I Points = _____ out of 39
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Score	REQUIRED CHARACTERISTIC II. ORR Requirements	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A. The Office of Recipient Rights did all of the following: A.1. Provided or coordinated the protection of recipient rights for all directly operated or contracted services. (MHC 755[5][a])		
	A.2. Ensured that recipients, parents of minor recipients, and other legal representatives have access to summaries of the rights guaranteed by Chapter 7 and 7A of the Mental Health Code and are notified of these rights in an understandable manner, both at the time services are initiated and periodically during the time services are provided to the recipient. (MHC 755[5][b])		
	A.3. Ensured there is a mechanism to advise recipients or other individuals that there are advocacy organizations available to assist in preparation of a written rights complaint and offered to make the referral. (MHC 776[5])		
	A.4. In the absence of assistance from an advocacy organization, the office assisted in preparing a written complaint, which contained a statement of the allegation, the right allegedly violated, and the outcome desired by complainant. (MHC 776[2], 776[5])		
	A.5. Ensured the phone number and address of the rights office and names of rights officers are conspicuously posted in all service sites. (MHC 755[5][c])		

Score	REQUIRED CHARACTERISTIC II. ORR Requirements	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A.6. Maintained a record system for all reports of apparent or suspected rights violations received within the CMHSP including a mechanism for logging all complaints.		
	A.7. Maintained a record system for all reports of apparent or suspected rights violations received within the CMHSP including a mechanism for secure storage of all investigative documents and evidence. (MHC 755[5][d])		
	A.8. Ensured that each service site is visited with the frequency necessary for protection of rights but in no case less than annually. (MHC 755[5][e])		
	A.9. Ensured that all individuals employed by the CMHSP or contract agency receive training related to recipient rights protection before or within 30 days after being employed. (MHC 755[5][f])		
	A.10. Reviewed recipient rights policies and the rights system of each provider under contract with the CMHSP to ensure the rights system provider is in compliance with the Mental Health Code and is of a uniformly high standard. (MHC 755[5][g])		
	A.11. Reviewed and commented as needed on all CMHSP policies impacting on rights of recipients. (MHC 755[5][a][h])		
	A.12. Served as a consultant to the executive director and to CMHSP staff in rights related matters. (MHC 755[5][h])		
	A.13. Attended Behavior Treatment Committee meetings as an ex-officio member. (AR 7199[g]), DCH/CMH Contract FY09-10, Attachment C 6.8.3.1		

Section II Raw Score (out of 26): _____ Weighing: 1.5 Total Section II Points = _____ out of 39
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Score	REQUIRED CHARACTERISTIC III. Semi & Annual Report	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A. Semi-annually provided summary complaint data consistent with the required annual report together with a summary of remedial action taken on substantiated complaints by category to DCH and to the recipient rights advisory committee of the CMHSP. (MHC 755[5][j])+B67		
	B. The executive director, no later than 12/30 for the preceding fiscal year, submitted to the board of the CMHSP and the DCH an annual report prepared by the recipient rights office on the current status of recipient rights in the CMHSP and a review of the operations of the rights office. (MHC 755[6])		

Score	<b>REQUIRED CHARACTERISTIC III. Semi &amp; Annual Report</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	<p>C. The annual report included, at a minimum, all of the following: (MHC 755[6][a-g]), DCH/CMH Contract, Attachment C 6.5.1.1</p> <p>(a) Summary data, by category, including complaints received, number of reports filed, number of reports investigated by provider.</p> <p>(b) Number of substantiated rights violations by category, provider and recipient population.</p> <p>(c) Remedial action taken on substantiated violations by category, provider and recipient population.</p> <p>(d) Training received by staff of the rights office.</p> <p>(e) Training provided by rights office to contract providers.</p> <p>(f) Desired outcomes established for the rights office and progress toward these outcomes.</p> <p>(g) Recommendations to the CMHSP Board.</p>		

Section III Score (out of 6): _____  Weighing: 1.0  Total Section III Points = _____ out of 6
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Score	<b>REQUIRED CHARACTERISTIC IV. Policies</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	A. CMHSP policies and procedures specified how rights services will be provided, including in the temporary absence of the Rights staff. (MHC 752[1])		
	B. The policies and procedures provided a mechanism for prompt reporting, review, investigation and resolution of apparent or suspected rights violations, are consistent with Chapter 7 and 7A of the Mental Health Code, and are designed to protect recipients from, and prevent repetition of, violations of rights guaranteed by Chapter 7 and 7A. (MHC 752[1])		
	C. Policies and procedures included, at a minimum: (MHC 752[1][a-o])		
	C.1 Complaint and appeal processes.		
	C.2 Consent to treatment and services.		
	C.3 Sterilization, abortion and contraception.		
	C.4 Fingerprinting, photographing, audio taping, use of 1-way glass.		
	C.5 Abuse and neglect including detailed categories of type and severity.		
	C.6 Confidentiality and disclosure.		
	C.7 Treatment by spiritual means.		
	C.8 Qualifications and training for recipient rights staff.		
	C.9 Change in type of treatment.		
	C.10 Medication procedures.		
	C.11 Use of psychotropic drugs.		

Score	REQUIRED CHARACTERISTIC IV. Policies	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	C.12 Use of restraint.		
	C.13 Right to be treated with dignity and respect.		
	C.14 Least restrictive setting.		
	C.15 Services suited to condition.		
	D. Policies and procedures that address all the following with respect to residents: (MHC 752[p][i-vii])		
	D.1 Right to entertainment materials, information, and news.		
	D.2. Comprehensive exams.		
	D.3. Property and funds.		
	D.4. Freedom of movement.		
	D.5. Resident labor.		
	D.6. Communication and visits.		
	D.7. Use of seclusion.		
	E. The CMHSP has a policy and procedure that ensures a person centered planning process is used to develop a written IPOS in partnership with the recipient. ( MHC 712; DCH/CMH Contract FY 09-10, Attachment C 3.4.1.1)		

Section IV Score (out of 50): _____  Weighing: 1.0  Total Section IV Points = _____ out of 50
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Score	REQUIRED CHARACTERISTIC V. Recipient Rights Advisory Committee	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A. The Board of CMHSP has appointed a Recipient Rights Advisory Committee (RRAC) consisting of at least 6 members who represent the various perspectives of the CMHSP's geographic area. (MHC 757[1])		
	B. At least 1/3 of membership are primary consumers or family members. . At least 1/2 of the above 1/3 are primary consumers. (MHC 757[1])		
	C. The RRAC met at least semiannually or as necessary to carry out its responsibilities. (MHC 757[2][a])		
	D. The RRAC maintained a current list of members' names and a separate list of categories represented by members which are available to individuals upon request. (MHC 757[2][b])		
	E. The RRAC maintained a current list of categories represented by members which is available to individuals upon request. (MHC 757[2][c])		
	F. The RRAC protects the recipient rights office from pressures which could interfere with the impartial, even-handed and thorough performance of its duties. (MHC 757[2][d])		
	G. The RRAC recommends candidates for director of the rights office to the executive director and consults with the executive director regarding any proposed dismissal of the director of the rights office. (MHC 757[2][e])		

Score	<b>REQUIRED CHARACTERISTIC V. Recipient Rights Advisory Committee</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	H. The RRAC serves in an advisory capacity to the executive director and the director of the rights office. (MHC 757[2][f])		
	I. The RRAC reviewed and provided comments on the annual rights report submitted by the executive director to the Board of the CMHSP. (MHC 757[2][g])		
	J. If designated by the Board of the CMHSP, served as the appeals committee for recipient rights complaint appeals. (MHC 757[2][h])		
	K. Meetings of the RRAC complied with the Open Meetings Act, Act No. 267 of the Public Acts of 1976, MCL 15.261 to 15.275. (MHC 757[2][i])		
	L. Minutes of RRAC meetings were maintained and made available to individuals upon request. (MHC 757[2][i])		

Section V Score (out of 22): _____  Weighing: 1.0  Total Section V Points = _____ out of 22
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Score	<b>REQUIRED CHARACTERISTIC VI. Complaint Investigation &amp; Resolution</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	A. The CMH Rights Officer assured that recipients, parents of minors, guardians and others had ready access to complaint forms. (MHC 776[1], 776[5])		
	B. The rights office assisted the recipient or other individual with the complaint process as necessary. (MHC 776[5])		
	C. Each rights complaint was recorded upon receipt by the rights office. (MHC 776[3])		
	D. Acknowledgment of the recording in C. above was sent along with a copy of the complaint to complainant within 5 business days. (MHC 776[3])		
	E. The rights office notified the complainant within 5 business days after it received the complaint if it determined that no investigation of the complaint was warranted. (MHC 776[4])		
	F. The rights office informed the recipient or other individual of the option of mediation and under what circumstances and when it may be exercised. (MHC 776[5])		
	G. If a rights complaint had been filed regarding the conduct of the executive director, the rights investigation was conducted by the office of another CMHSP or by the state Office of Recipient Rights as decided by the CMHSP Board of Directors. (MHC 776[6])		
	H. In cases not warranting an investigation, the rights office conducted an intervention of an apparent or suspected rights violation in compliance with the standards established by DCH. (Attachment C, DCH/CMH Contract FY 09-10, Attachment C 6.5.1.1)		

Score	<b>REQUIRED CHARACTERISTIC</b> <b>VI. Complaint Investigation &amp; Resolution</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	I. The rights office initiated investigation of apparent or suspected rights violations in a timely and efficient manner. (MHC 778[1])		
	J. Investigation was immediately initiated in cases involving alleged abuse, neglect, serious injury, or death of a recipient when a rights violation was apparent or suspected. (MHC 778[1])		
	K. The rights office issued a written status report every 30 calendar days during the course of the investigation. (MHC 778[4])  K.1. The status report was sent to the complainant, respondent and the responsible mental health agency (RMHA). (MHC 778[4])		
	K.2. The 30 day status reports contained: (a) Statement of the allegations. (b) Statement of the issues. (c) Citations to relevant provisions to the Mental Health Code, rules, policies and guidelines. (d) Investigative progress to date. (e) Expected date for completion. (MHC 778[4])		
	L. Investigation activities for each rights complaint were accurately recorded by the office. (MHC 778[2])		
	M. Subject to delays involving pending action by external agencies (DHS, law enforcement, etc.) the office completed investigations no later than 90 calendar days following receipt. (MHC 778[1])		
	N. Upon completion of the investigation, the office completed a written investigative report. (MHC 778[5])  N.1. The office submitted the written report to the respondent and to the executive director of the CMHSP. (MHC 778[5])		
	N.2. The written investigative report included all of the following: (MHC 778[5][a-f])  N.2.(a) Statement of allegations as required by DCH standards. (Attachment C)		
	N.2.(b) Citations to relevant provisions of the Mental Health Code, rules, policies and guidelines.		
	N.2.(c) Statement of the issues involved as required by DCH Standards. (Attachment C)		
	N.2.(d) Investigative findings. Investigation included a detailed inquiry and systematic examination of the allegation. (MHC 772[e], Attachment C)		
	N.2.(e) Conclusions. ORR used a preponderance of evidence as its standard of proof in determining whether a right was violated. (MHC 778[3], Attachment C)		
	N.2.(f) Recommendations for appropriate remedial action, if any. (MHC 778[5], 755[3][b], AR 7035[1])		

Score	<b>REQUIRED CHARACTERISTIC</b> <b>VI. Complaint Investigation &amp; Resolution</b>	<b>COMMENTS /</b> <b>SUGGESTIONS</b>	<b>REQUIRED</b> <b>ACTION</b>
	<p>O. On substantiated rights violations, the CMHSP ensured that the respondent took appropriate remedial action that met all the following requirements:</p> <p>(a) Corrects or provided remedy for the rights violation.</p> <p>(b) Is implemented in a timely manner.</p> <p>(c) Attempts to prevent a recurrence of the rights violation. (MHC 755[3][b], 780[1])</p>		
	<p>P. The CMHSP ensured that appropriate disciplinary action was taken against those who have engaged in abuse or neglect. (MHC 722[2])</p>		
	<p>Q. The CMHSP ensured that each service provider under contract with the CMHSP, including those allowed/required to establish their own rights protection system, ensured that appropriate disciplinary action was taken against those who have engaged in abuse or neglect. (MHC 722[2])</p>		
	<p>R. The remedial action taken was documented and made part of the record maintained by the rights office. (MHC 780[2])</p>		
	<p>S. The executive director submitted a written summary report to the complainant, recipient if different, guardian/parent of a minor recipient. (MHC 782[1])</p>		
	<p>S.1. The written summary report was issued within 10 days of the executive director's receipt of the investigative report. (MHC 782[1])</p>		
	<p>S.2. The written summary report contained all of the following: (MHC 782 [1][a-g])</p> <p>(a) Statement of the allegations.</p> <p>(b) Statement of the issues involved.</p> <p>(c) Citations to relevant provisions of the Mental Health Code, rules, policies and guidelines.</p> <p>(d) Summary of investigation findings of the rights office.</p> <p>(e) Conclusions of the rights office.</p> <p>(f) Recommendations made by the rights office.</p> <p>(g) Action taken, or plan of action proposed, by the respondent.</p>		
	<p>S.3. In the summary report from the executive director the complainant, recipient, if different, guardian or parent of a minor were informed of all of the following: (MHC 782[1][h])</p> <p>(a) An appeal may be filed no later than 45 days after receipt of the summary report.</p> <p>(b) The grounds for appeal are:</p> <p>(1) The investigative findings of the rights office are not consistent with the facts, law, rules, policies or guidelines.</p> <p>(2) The action taken or plan of action proposed by the respondent does not provide an adequate remedy.</p> <p>(3) An investigation was not initiated or completed on a timely basis. (MHC 772 [c]; 782[1]; 784[2])</p> <p>(c) Where to send the appeal.</p>		
	<p>S.4. The rights office advised the appellant that there are advocacy organizations available to assist in preparing the written appeal and offered to make the referral. (MHC 784[3])</p>		

Score	REQUIRED CHARACTERISTIC VI. Complaint Investigation & Resolution	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	S.5. In the absence of assistance from an advocacy organization, the rights office assisted the appellant in meeting the procedural requirements of a written appeal. (MHC 784[3])		
	S.6. The potential appellants were informed of the option of mediation. (MHC 784[3])		
	S.7. Information in the summary report was provided within the constraints of the confidentiality/privileged communications sections (748, 750) of the Mental Health Code. (MHC 782[2])		
	S.8. Information in the summary report did not violate the rights of any employee (ex. Bullard-Plawecki Employee Right to Know Act, Act No. 397 of the Public Acts of 1978, MCL 423.501 et.seq) (MHC 782[2])		
	T. When either CMHSP or provider personnel failed to report suspected violations of rights, appropriate remedial action was taken. (MHC 752[1])		

Section VI Score (out of 70): \_\_\_\_\_

Weighing: 1.5

Total Section VI Points = \_\_\_\_\_ out of 105

Score	REQUIRED CHARACTERISTIC VII. Appeal/Dispute Resolution	COMMENTS / SUGGESTIONS	REQUIRED ACTION
	A. The Board of the CMHSP has done one of the following: Appointed an appeals committee consisting of 7 individuals to hear appeals of recipient rights matters which meets the following criteria: (a) None of the 7 persons are employed by DCH or the CMHSP (b) At least 3 members are members of the RRAC. (c) At least 2 are Board members. (d) At least 2 are primary consumers. (A member may represent more than 1 category). (MHC 774[2][a])  <b>OR</b> Designated the RRAC as the appeals committee. (MHC 774[2][b])		
	B. A member of the appeals committee who has a personal or professional relationship with an individual involved in an appeal abstains from participating in that appeal as a member of the committee. (MHC 774[6])		
	C. Within 5 business days after receipt of a written appeal, the Appeals Committee reviewed the appeal to determine whether it met criteria and notified the appellant in writing whether the appeal was accepted or denied.[see VII. W.8.] (MHC 784[4])		

Score	<b>REQUIRED CHARACTERISTIC VII. Appeal/Dispute Resolution</b>	<b>COMMENTS / SUGGESTIONS</b>	<b>REQUIRED ACTION</b>
	D. Within 30 days after the written appeal was received, the Appeals Committee met in a non-public session and reviewed the facts as stated in all complaint investigation documents. (MHC 784[5])		
	E. The Appeals Committee did one of the following in deciding upon an appeal: (MHC 784[5][a-d]) (a) Upheld the findings of the rights office and the action taken or plan of action proposed by respondent/CMHSP. (b) Returned the investigation to the rights office with request that it be reopened or reinvestigated. (c) Upheld the investigative findings of the rights office but recommended that respondent take additional or different action to remedy the violation. (d) Recommended that the Board of the CMHSP request an external investigation by the DCH Office of Recipient Rights.		
	F. The Appeals Committee documented its decision in writing. (MHC 784[6])		
	G. Within 10 days after reaching its decision, the Appeals Committee provided copies of the decision to the respondent, appellant, recipient, if different than appellant, recipient's guardian, if one has been appointed, the CMHSP, and the rights office. (MHC 784[6])		
	H. Copies of Appeals Committee decision included a statement of appellant's right to appeal to the DCH, the time frame for appeal (45 days from receipt of decision) and ground for appeal (investigative findings of the rights office are inconsistent with facts, rules, policies or guidelines.) (MHC 786)		

Section VII Score (out of 16): _____ Weighing: 1.0 Total Section VII Points = _____ out of 16
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CMHSP  
RIGHTS SYSTEM ASSESSMENT  
Standards - Attachment A

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<b>TOTAL ASSESSMENT SCORE</b>	
Section I: CMHSP Responsibilities =	_____
Section II; ORR Requirements =	_____
Section III: Semi/Annual Reports =	_____
Section IV: Policies =	_____
Section V: RRAC =	_____
Section VI: Complaint Investigation/Resolution =	_____
Section VII: Appeal/Dispute Resolution =	_____
Total out of 277 =	_____
(263 or higher needed, with no repeat citations, for substantial compliance)	