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Note: Appendices C-F are printed separately and can be found online at [www.michigan.gov/recipientrights](http://www.michigan.gov/recipientrights)

# INTRODUCTION

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## *THE OFFICE OF RECIPIENT RIGHTS*

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The Michigan Mental Health Code, PA 258 of 1974, established the Michigan Department of Community Health Office of Recipient Rights (MDCH-ORR), and, in Section 330.1754, defined its functions, and responsibilities. The primary mandates of the office are to: 1) provide direct rights protection and advocacy services to individuals admitted to state psychiatric hospitals and centers for developmental disabilities, and 2) to monitor the quality and effectiveness of the rights protection systems in community mental health service programs (CMHSP) and licensed private psychiatric hospitals/units (LPH/U). In order to fulfill these mandates, MDCH-ORR is organized into three distinct units (see organizational chart p. 4):

- The Field Unit carries out the day-to-day rights operations in MDCH-operated hospitals and centers. ORR has field offices located at each of the five state hospitals. These offices investigate complaints of rights violations at the facilities and, where appropriate, recommend remedial actions to the directors of the facilities.
- The Training Unit develops and presents training to foster consistent implementation of recipient rights protection across the state. The unit provides workshops to rights staff from the Department, licensed private hospital/units, CMHSPs and their contract agencies. The unit offers programs for other persons involved in the recipient rights arena (Recipient Rights Advisory Committee and Recipient Rights Appeals Committee members, staff from other state agencies, service providers) whose roles although ancillary, are essential to preserving and promoting the rights of recipients. The Unit also oversees the implementation of the annual Recipient Rights Conference.
- The Community Rights Unit provides oversight and technical assistance to CMHSP and LPH/U's. The Mental Health Code requires the establishment of an office of recipient rights in each Community Mental Health Services Program (CMHSP) and every licensed psychiatric hospital or unit (LPH/U) licensed by the Department of Consumer and Industry Services. There are currently forty-nine CMHSPs and sixty-seven LPH/Us in Michigan. The Community Rights Unit creates standards for certification of CMHSP ORR programs.

## *MISSION AND VISION*

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*THE MISSION OF THE MDCH OFFICE OF RECIPIENT RIGHTS IS TO PROTECT AND PROMOTE THE CONSTITUTIONAL AND STATUTORY RIGHTS OF RECIPIENTS OF PUBLIC MENTAL HEALTH SERVICES AND EMPOWER RECIPIENTS TO FULLY EXERCISE THESE RIGHTS.*

*IT IS THE VISION OF THE MDCH OFFICE OF RECIPIENT RIGHTS THAT ALL RECIPIENTS OF PUBLIC MENTAL HEALTH SERVICES ARE EMPOWERED TO EXERCISE THEIR RIGHTS AND ARE ABLE TO FULLY PARTICIPATE IN ALL FACETS OF THEIR LIVES.*

This Annual Report reflects the requirements outlined in Section 330.1754.

*The state office of recipient rights shall submit to the director of the department and to the committees and sub-committees of the legislature with legislative oversight of mental health matters, for availability to the public, an annual report on the current status of recipient rights for the state. The report shall be submitted not later than March 31 of each year for the preceding fiscal year. The annual report shall include, at a minimum, all of the following:*

- i. Summary data by type or category regarding the rights of recipients receiving services from the department including the number of complaints received by state facility and other state-operated placement agency, the number of reports filed, and the number of reports investigated*
- ii. The number of substantiated rights violations in each state facility by category*
- iii. The remedial actions taken on substantiated rights violations in each state facility by category*
- iv. Training received by staff of the state office of recipient rights*
- v. Training provided by the state office of recipient rights to staff of contract providers*
- vi. Outcomes of assessments of the recipient rights system of each community mental health services program*
- vii. Identification of patterns and trends in rights protection in the public mental health system in this state*
- viii. Review of budgetary issues including staffing and financial resources*
- ix. Summary of the results of any consumer satisfaction surveys conducted<sup>1</sup>*
- x. Recommendations to the department*

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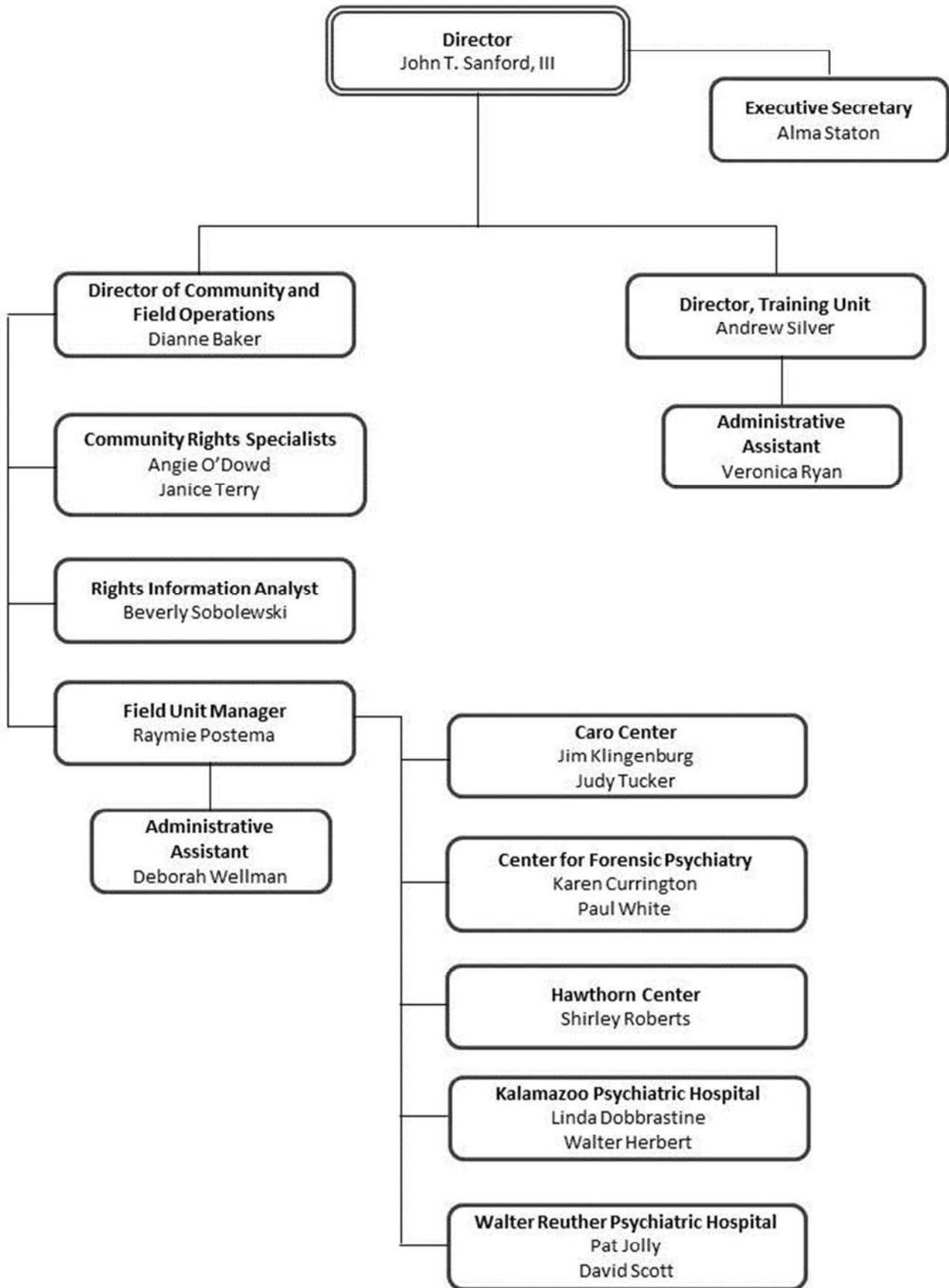
***“You can only protect your liberties in this world by protecting the other man's freedom.”***

***Clarence Darrow***

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<sup>1</sup> No surveys were conducted in FY 2010

OFFICE OF RECIPIENT RIGHTS ORGANIZATIONAL CHART FY2010



# PART I – ORR INITIATIVES

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During FY 2010, ORR has been involved in two initiatives that are designed to specifically improve quality of services for individuals receiving services at state operated hospitals and centers in 2009/2010. The two initiatives include the Peer Support Partnership Project and MDCH Restraint/Seclusion Task Force. A brief description of each is provided below.

## *PEER SUPPORT PARTNERSHIP PROJECT*

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MDCH, through a grant obtained by the Office of Recipient Rights, contracted with Kalamazoo County Mental Health and Substance Abuse Services (KCMHSAS) to provide wellness/recovery services to individuals receiving services at Kalamazoo Psychiatric Hospital (KPH). KCMHSAS has subcontracted with InterAct of Michigan, Inc. to have Certified Peer Support Specialists provide the following direct services:

### WRAP – Wellness Recovery Action Planning

The eighth semester of WRAP classes was completed in September 2010. The WRAP materials have been divided into 12-week sessions that fit into the KPH Psycho-Social Rehabilitation Program two mornings a week. The classes are 45 minutes in length and are led by two Certified Peer WRAP Facilitators. During FY 2010, 55 different individuals participated in WRAP classes. Due to the varying KPH discharge dates, not all participants complete their WRAP, however all participants were given WRAP notebooks to take with them for use either in their continued stay at KPH or in their home community upon discharge. Participants in the WRAP sessions are given the Modified Recovery Scale to complete prior to starting a session and at the end of the 12-week program. The survey includes 20 statements with a 5-point Likert scale (Strongly Agree to Strongly Disagree). The statements measure the feelings of participants in the areas of hope and recovery. Participants that completed the pre/post Modified Recovery Scale improved their overall recovery scores by over an average 8%, with improvements in some individual areas as high as 35%.

### Steps to Change

This peer support group meets one evening a week at KPH for one hour. This session is open to all patients at KPH and individuals come from all seven of the treatment units. The support group averaged 10 individuals per session resulting in a total of 459 for FY 2010. This group is available to individuals who have not yet committed to participate in WRAP classes or who may be waiting to get into the next semester.

## *MDCH RESTRAINT/SECLUSION PROCESS IMPROVEMENT TASK FORCE*

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The fourth strategic objective in the Michigan Department of Community Health's Strategic Plan, 2009-2011, indicated that the department will: "*Continue to Develop, Maintain, and Enhance our Ability to Protect Citizens of Michigan.*" One of the action steps for that objective states: "*In a joint effort, the Office of Recipient Rights and the Bureau of Hospital, Center and Forensic Mental Health Services, [will] develop processes to reduce or eliminate the use of seclusion, restraint or physical management.*"

In its FY2009 Annual Report, MDCH-ORR recommended the following:

*“The Michigan Department of Community Health Leadership should establish and participate in a Process Improvement Task Force to steer the system transformation of our state hospitals and centers toward one of a Culture of Person-Centered Gentleness...”*

In furtherance of the strategic objective and above recommendation, MDCH-ORR arranged for a one-day conference on alternatives to restraint and seclusion. The National Association of State Mental Health Program Directors (NASMHPD) Office of Technical Assistance conducted this program on August 31, 2010 at the Center for Forensic Psychiatry (CFP). Attendees included ORR representatives, administrative, clinical, medical, and psychiatric leadership from Caro Center, CFP, Hawthorn Center, Kalamazoo Psychiatric Hospital, and Walter Reuther Psychiatric Hospital.

● ● ●  
**VISION STATEMENT**

*It is the vision of the Restraint/Seclusion Process Improvement Task Force that by creating a person-centered, trauma informed, recovery based system of care in all MDCH hospitals and centers, the use of restraint, seclusion, and physical management can be significantly reduced or eliminated.*

Subsequent to this conference, Michigan was invited by NASMHPD to send a team from CFP to Baltimore, Maryland in November to participate in a two-day meeting on “Preventing Violence and Promoting Recovery Through Positive Culture Change.” Representatives from MDCH –ORR and CFP continue to participate in the Learning Collaborative established by the participating states at this meeting.

● ● ●  
On October 14, 2010, the Restraint/Seclusion Process Improvement Task Force met for the first time and has met monthly since. The Task Force members include representatives from each state operated hospital/center, ORR and the Bureau of Hospitals, Centers and Forensic Mental Health. The first charge of the Task Force was to establish standard core and supplemental measures of utilization of restraint (including physical management/manual holds) and seclusion. These were to be based on the National Technical Assistance Center (NTAC) Six Core Strategies to Reduce the Use of Seclusion and Restraint<sup>®</sup>, specifically:

- Strategy One: Leadership Towards Organizational Change
- Strategy Two: Using Data to Inform Practice

**MISSION STATEMENT**

It is the mission of the Restraint/Seclusion Process Improvement Task Force to steer the system transformation of our state hospitals and centers toward a Culture of Person-Centered Gentleness through a philosophy congruent with the following:

- Principles of recovery,
- Building a strong trauma informed system of care,
- Reduction in the use of seclusion, restraint, and physical management,
- Creation of a treatment environment that is based upon care and comfort,
- Assuring safe environments for patients and staff,
- Continuity of care between the hospital or center and the community mental health system through efficient and effective person-centered planning, and
- Reintegration into the community

## SHARED CORE VALUES

We recommend that the MDCH hospitals and centers adhere to the following shared core values<sup>2</sup> in this effort:

- We believe in the principles and values of recovery, and the importance of developing a culture of recovery.
- We believe that individualized treatment works and supports people in their recovery process.
- We believe that the key to a successful treatment program is the active collaboration between treatment provider and person served.
- We believe in the expectation that leadership, at every level, sets a standard for positive interactions.
- We believe that the leadership is responsible for setting measurable standards and providing a system for monitoring these outcomes and offering regular feedback to staff and patients/consumers on the progress.
- We believe staff training begins with a common understanding and appreciation of the vision and then mastering communication skills to develop therapeutic alliances. Our success at fostering an environment of care and comfort depends on increased understanding of patients' rights, the development of improved staff communication skills, verbal de-escalation skills and safe physical management techniques in situations where there is an imminent risk of physical injury or harm.
- We believe that merely expressing anger or distress does not require the use of a restrictive measure.
- We believe that successful reduction in the use of seclusion and restraints requires a basic and profound respect for every patient/consumer and caregiver.
- We believe that the use of seclusion or restraint is not treatment.

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*"A right is not what someone gives you; it is what no one can take from you"*

*Ramsey Clark, U.S. Attorney General*

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<sup>2</sup> The Wisconsin Department of Health and Family Services, Division of Disability and Elder Services, *DDES INFO MEMO 2005-0*, April 7, 2005

## PART II: FIELD UNIT

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The Field Unit carries out the day-to-day rights operations in MDCH-operated hospitals and centers. ORR has field offices located at each of the five state hospitals. The staff in these offices investigate complaints of rights violations and, when appropriate, recommend remedial actions to the directors of the facilities. They also provide new hire and annual update training to all employees of the facility and educate consumers about their rights. During FY 2010, ORR had field offices providing rights protection services to individuals receiving inpatient treatment at each of the five state-operated hospitals and centers: Caro Center, Hawthorn Center, Kalamazoo Psychiatric Hospital, Walter Reuther Psychiatric Hospital, and the Center for Forensic Psychiatry. As of September 30, 2010, the Field Unit consisted of a Field Manager, one Administrative Assistant, and nine Rights Advisors.

### *RELEVANT DEFINITIONS*

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**Allegation:** An assertion of fact made by an individual that has not yet been proved or supported with evidence.

**Investigation:** A detailed inquiry into and a systematic examination of an allegation raised in a rights complaint and reported in accordance with Chapter 7A (must be conducted on allegations of abuse, neglect, serious injury or death when reasonable suspicion exists that a rights violation may have occurred), and may be conducted on other allegations at the discretion of the rights officer/advisor.

**Intervention:** To act on behalf of a recipient to resolve a complaint alleging a violation of a code-protected right when the facts are clear and the remedy, if applicable, is clear, easily obtainable and does not involve statutorily required disciplinary action.

**Preponderance:** A standard of proof which is met when, based upon all the available evidence, it is more likely that a right was violated than not; greater weight of evidence, not as to quantity (number of witnesses), but as to quality (believability and greater weight of important facts provided).

**Substantiation:** A determination that a right was violated, utilizing a preponderance of evidence standard (evidence which is of greater weight or more convincing than the evidence offered in opposition to it) as proof.

**Appropriate Remedial Action:** If it has been determined through investigation that a right has been violated, the respondent shall take appropriate remedial action that meets all of the following requirements: (a) Corrects or provides a remedy for the rights violations. (b) Is implemented in a timely manner. (c) Attempts to prevent a recurrence of the rights violation. It is the responsibility of the ORR to maintain a record of the documented action.

### *COMPLAINT DATA AND REMEDIAL ACTION*

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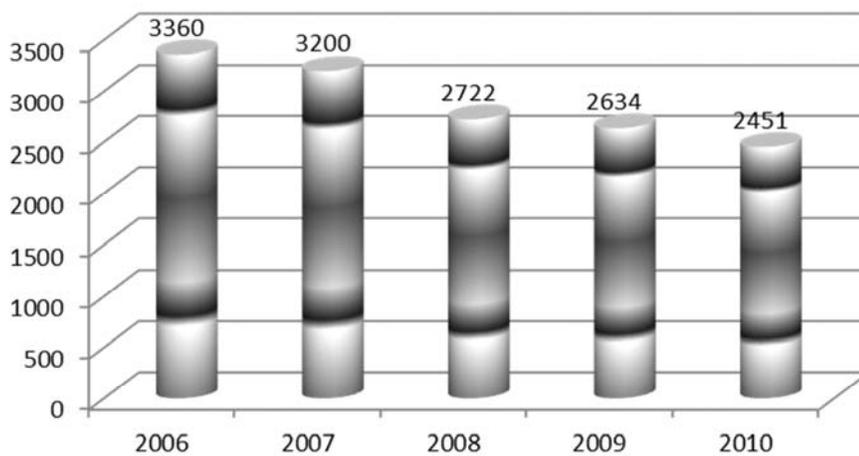
During FY 2010, ORR implemented a new data collection system in MDCH Hospitals and Centers. We are now tracking the number allegations in addition to the number of complaints (one complaint may have more than one allegation). This data is indicated in the chart below:

| Complaints | Allegations | Allegations Investigated | Allegations Substantiated |
|------------|-------------|--------------------------|---------------------------|
| 2451       | 2477        | 353                      | 77                        |

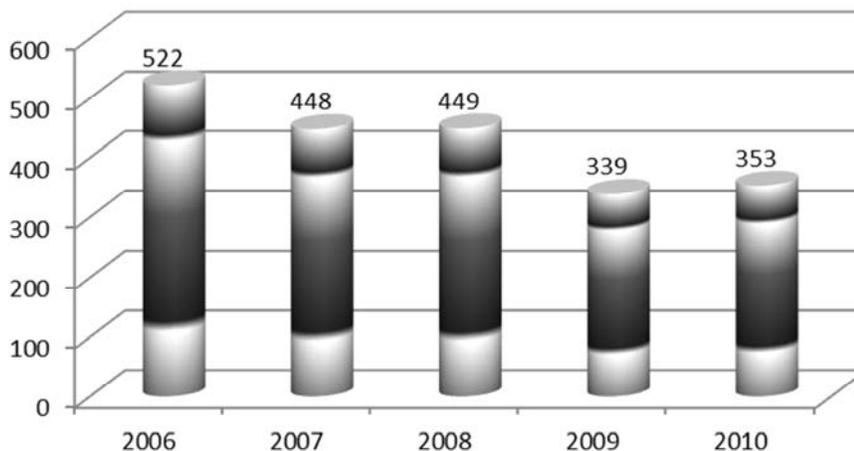
Of the 2477 *allegations* received in state facilities for FY 2010, alleging a violation of a code protected right, 1681 were resolved through intervention. Of these, approximately 2% were substantiated. 353 of the allegations were investigated and, of these, 22% were substantiated. The other 443 allegations received did not involve a code protected right or were outside the jurisdiction of the facility’s rights office. Of these, 123 were opened and handled as an intervention to help the person resolve the complaint, even though there was a determination that no rights violation was alleged, and 320 were not opened. Hospital/Center specific data on types of rights violations and remedial action taken to remedy them can be found in Appendix A.

The charts below are comparisons of complaint, investigation, and substantiation activity over the past five fiscal years:

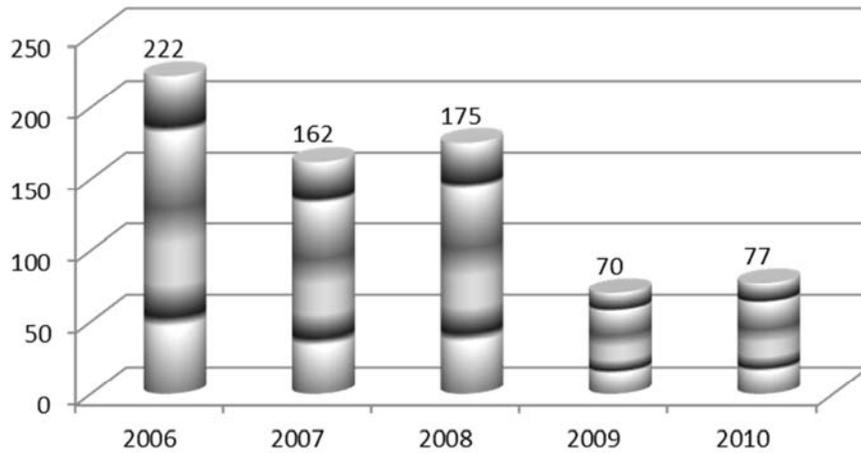
**Complaints Received FY 06 - FY 10**



**Complaints Investigated FY 06 - FY 10**

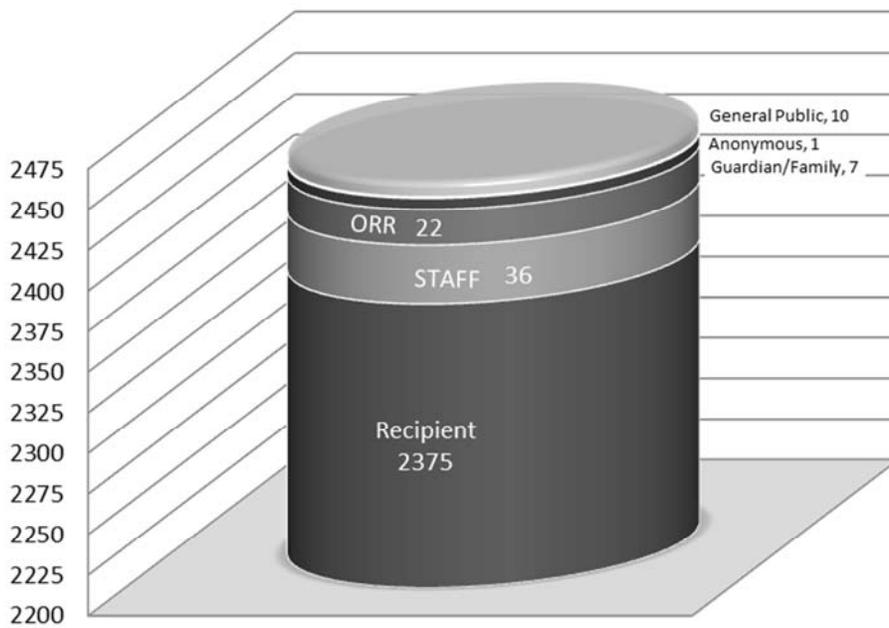


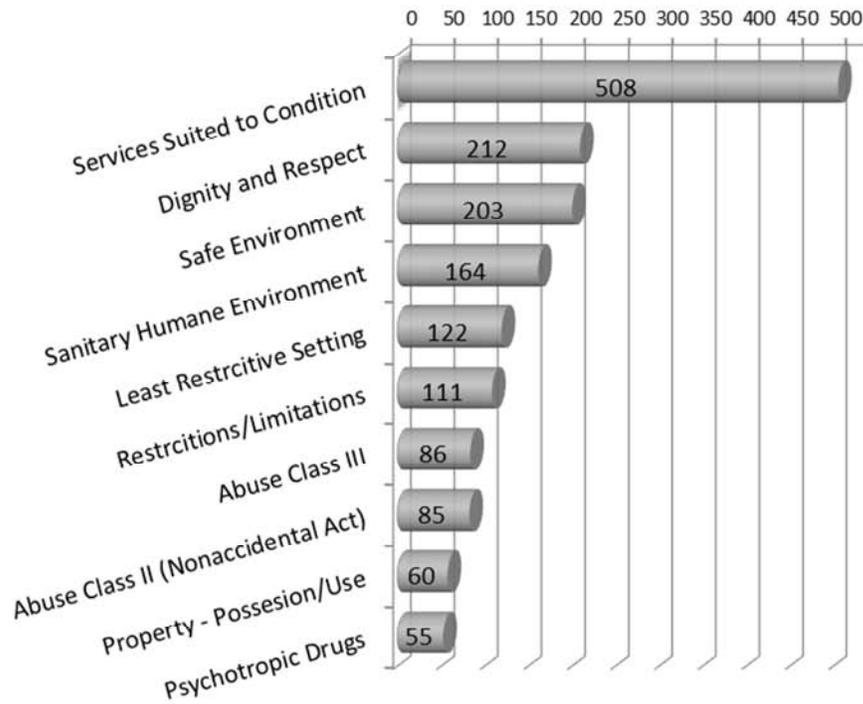
### Complaints Substantiated FY 06 - FY10



In FY 2010, information was gathered for the first time in regards to the source of complaints filed with MDCH Hospitals and Centers:

### Complaints by Source FY 2010 MDCH Hospitals and Centers

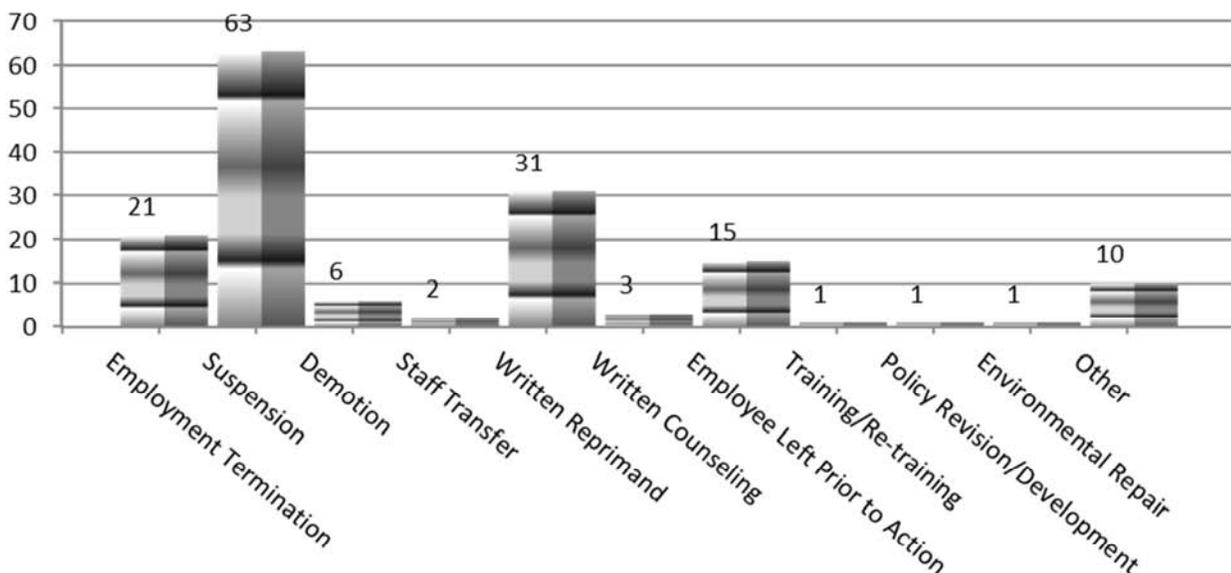




**Top Ten Types of Complaints Received  
MDCH Hospitals and Centers  
FY10**

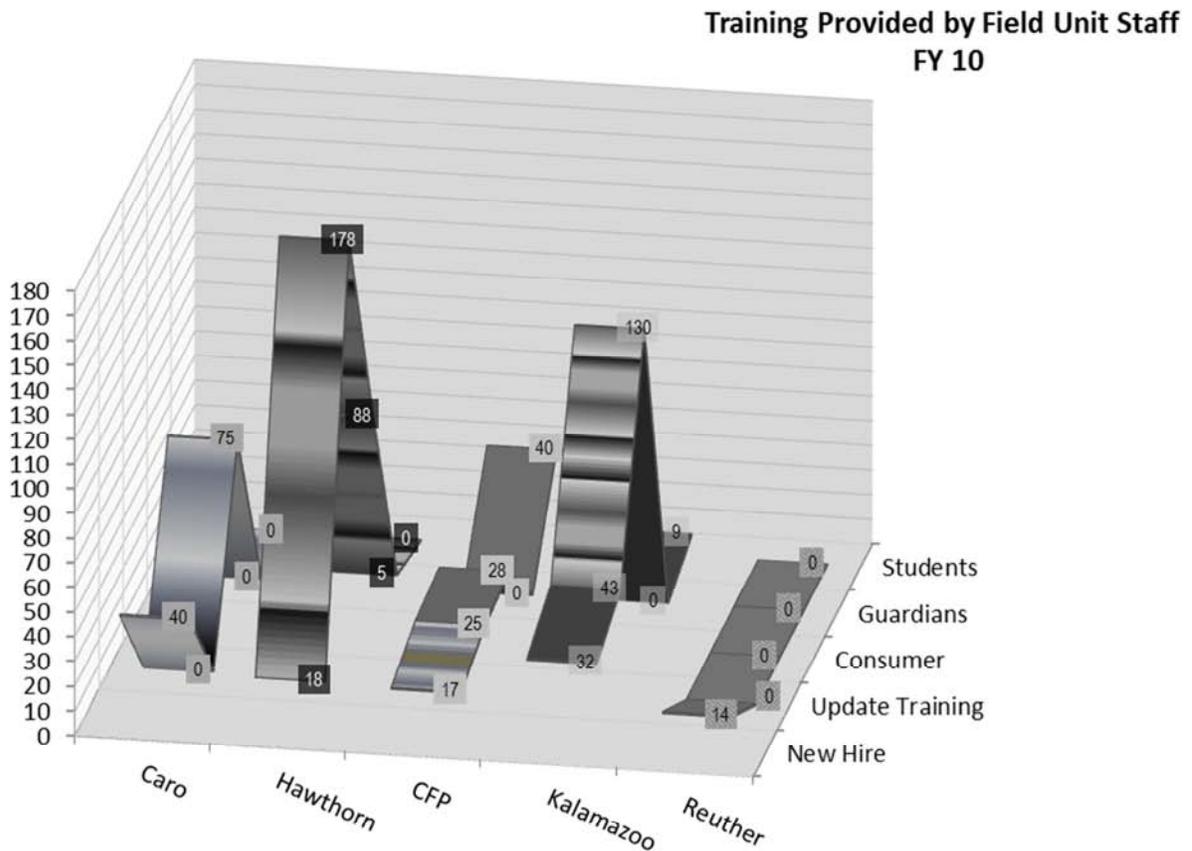
During the period FY 2008 - FY 2010, 958 investigations into allegations of abuse or neglect were conducted and 144 (15%) were substantiated. MHC 330.1722 requires that disciplinary action be taken when an allegation of abuse or neglect is substantiated. The disciplinary actions taken over the 3-year period are indicated in the chart below.

**Remedial Action on Abuse and Neglect Violations  
MDCH Hospitals and Centers FY 08 - FY 10**



*RIGHTS TRAINING FOR STAFF AT MDCH OPERATED HOSPITALS AND CENTERS*

The MDCH-ORR Field Unit staff works in conjunction with Training Unit to provide mandatory rights training to staff. These trainings, carried out by Field Unit staff, are focused on (1) meeting the mandate that all staff hired by the Department will receive training on recipient rights within the first thirty days of hire, and (2) adhering to the policy requirement that hospital and center staff are provided annual in-service training. Education of consumers receiving services in MDCH operated facilities on Mental Health Code protected rights is also a function of the MDCH-ORR staff. The chart below indicates the training activities carried out by Field Unit Staff during FY 2010<sup>3</sup>



<sup>3</sup> Not reflected in the chart is a one-time training on handling rights complaints provided to 490 staff at KPH.

## PART III – TRAINING UNIT

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The Mental Health Code, Section 330.1754, states, The Department shall ensure... *“Technical assistance and training in recipient rights protection are available to all community mental health services programs and other mental health service providers subject to this act.”* Under this mandate, the Office of Recipient Rights Training Unit develops and presents instructional programs with the charge of assuring consistent implementation of recipient rights protection processes across the state.

In order to carry out this mission, the Training Unit:

- Provides a six-day orientation (Basic Skills) program that all new recipient rights staff from MDCH facility rights offices, licensed private hospital/units (LPH/U), community mental health service providers (CMHSP) and their contract agencies must successfully complete;
- Provides rights education programs for newly hired CMHSP Directors;
- Coordinates recipient rights training programs provided to all staff in MDCH Hospitals and Centers;
- Oversees the new hire rights orientation for all MDCH Central Office staff;
- Develops and presents additional rights related training programs for recipient rights staff from MDCH, CMH, and LPH/U providers;
- Develops the curriculum for, and oversees the implementation of, the annual Recipient Rights Conference

Mental Health Code, Section 330.1755 (2) states: *“Each community mental health services program and each licensed hospital shall ensure all of the following: (e) Staff of the office of recipient rights receive training each year in recipient rights protection.”* In addition, the MDCH/CMHSP Managed Mental Health Supports and Services Contract: FY10 requires that:...*“every three (3) years during their employment, the Rights Officer/Advisor and any alternate(s) must complete a Recipient Rights Update training as specified by the Department.”*

During FY2010, the Training Unit developed and distributed a “Technical Advisory” which clarified the update training requirement. The Technical Advisory states:

*“All staff employed or contracted to provide recipient rights services shall receive education and training oriented toward maintenance, improvement or enhancement of the skills required to perform the functions as rights staff.*

*A minimum of 36 contact hours of education or training shall be required over a three (3) year period subsequent to the completion of the Basic Skills requirements, and in every three (3) year period thereafter.”*

The development of these standards is intended to assure that all rights staff meet the Mental Health Code and contract mandates of continuing education in rights protection. This guideline became a “Technical Advisory” attached to the FY2011 MDCH/CMHSP Managed Mental Health Supports and Services Contract.

### **Basic Skills I and II**

The initial comprehensive, training program for recipient rights staff. This is a two-part, 48 hour program that provides the education and skill development required to carry out the responsibilities mandated in Chapters 7 and 7A of the Mental Health Code. Part I focuses on the legal basis for rights, the role of the rights office, its interaction with other segments of the agency, outside entities, and consumers, a detailed analysis of the Mental Health Code, and development of training skills to assist in carrying out the education component of the position. Part II concentrates on the skills necessary to do a thorough and effective investigation and write the reports required by the Code, and provides an understanding of the appeals process.

### **Building Blocks of Report Writing**

This course provides a review of the basic concepts of Investigative Report Writing. The content covers the areas of recognizing appropriate citations, development of issue questions, and coming to an effective conclusion. It is recommended that rights staff enroll in this course six months after completing Basic Skills.

### **Rights Training for CMHSP Executive Directors**

Participation in recipient rights training is mandatory for new executive directors at CMHSP agencies. The content of this program provides the attendee with an overview of the rights system, the roles and responsibilities the executive director has in overseeing the rights office and facilitating a quality rights protection system.

### **Recipient Rights Advisory Committee**

This program is designed for Rights Advisory Committee members. Course content includes an overview of the applicable Mental Health Code and MDCH Administrative Rule citations pertaining to the committee membership and functions, details about the relationship between the committee and the rights office and the CMHSP, LPH/U or department director, and what actions the committee can take to carry out its mandate to protect and advise the rights office and director.

### **Recipient Rights Appeals Committee**

This course is a primer for Appeals Committee members and rights office staff on the proper processes and functioning of the committee when it is conducting an appeals hearing. The material covered includes the legal grounds for filing an appeal, identification of those with appropriate standing to appeal, processes for conducting the appeal review and actions that the committee can take in regard to an appeal.

### **Rights Training for Staff of MDCH Central Office**

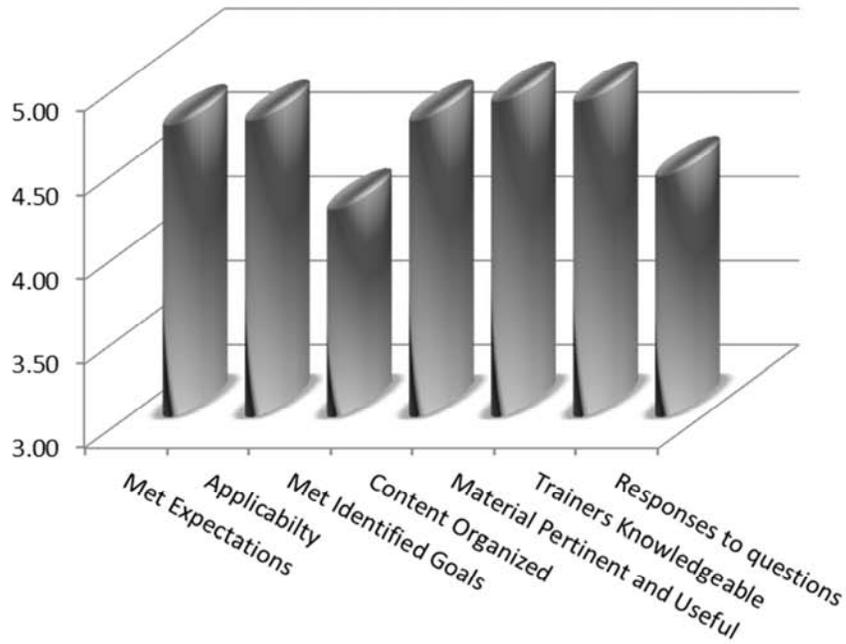
The Training Unit has developed an online Recipient Rights Training Course for all newly hired staff of MDCH Central Office. During FY 2010, 1207 people went through this training program.

### **Civil Rights Training for Rights Staff**

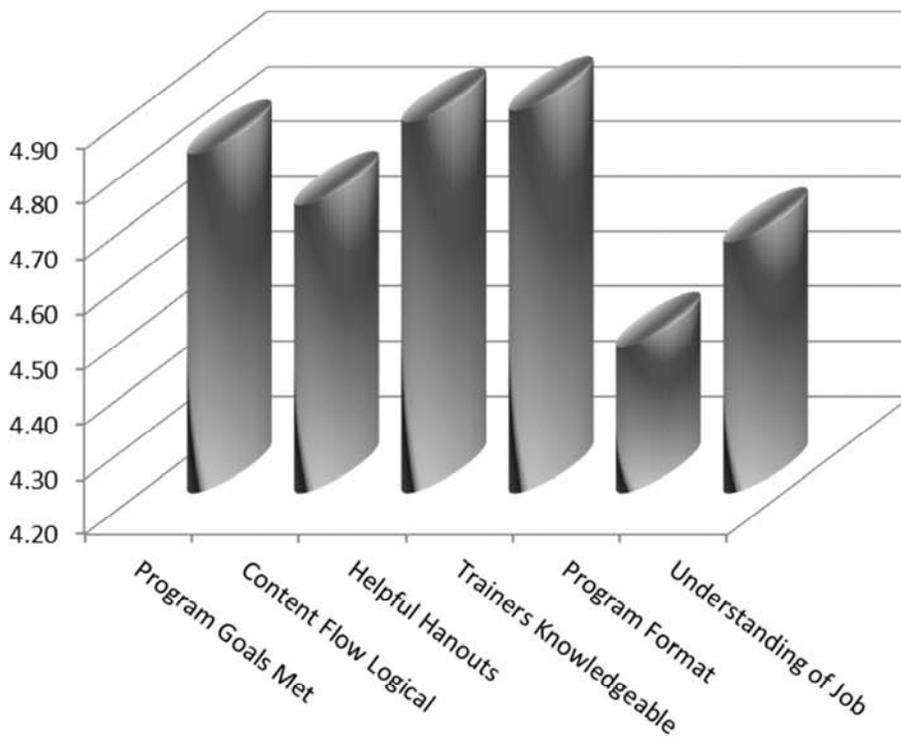
In conjunction with the Michigan Department of Civil Rights, the Training Unit developed an online training program for rights staff. Content of the two modules include an overview of the Michigan Department of Civil Rights, complaint filing, and methods for working with disabled persons who may have had their rights violated. Twenty-one staff went through these online modules during FY 2010.

A total of 1523 persons participated (in person or online) in MDCH-ORR sponsored training programs during FY2010. Responses to the evaluations for the respective programs are as follows (scale 5 = excellent to 1 = poor):

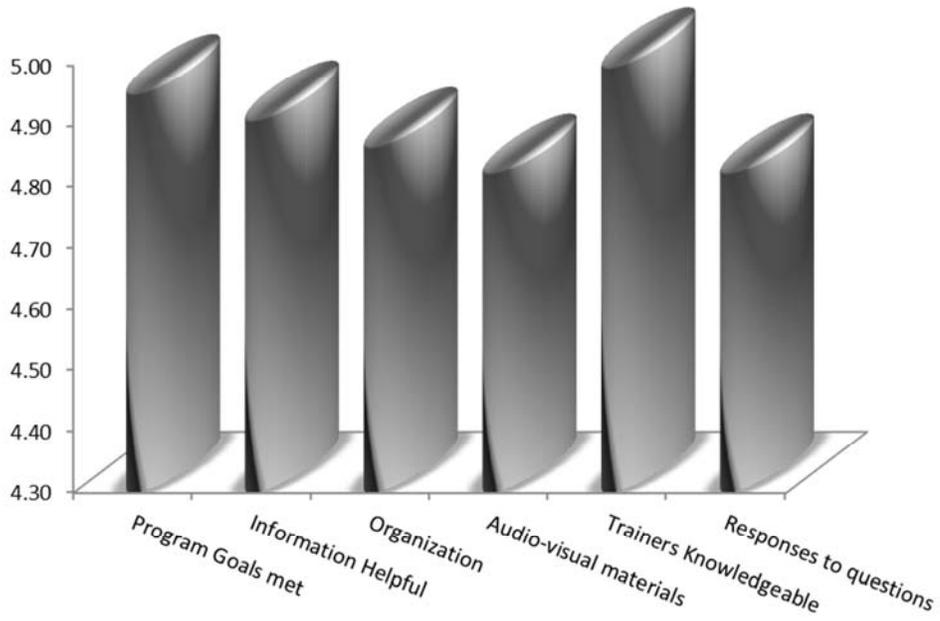
### CMHSP Executive Director Training



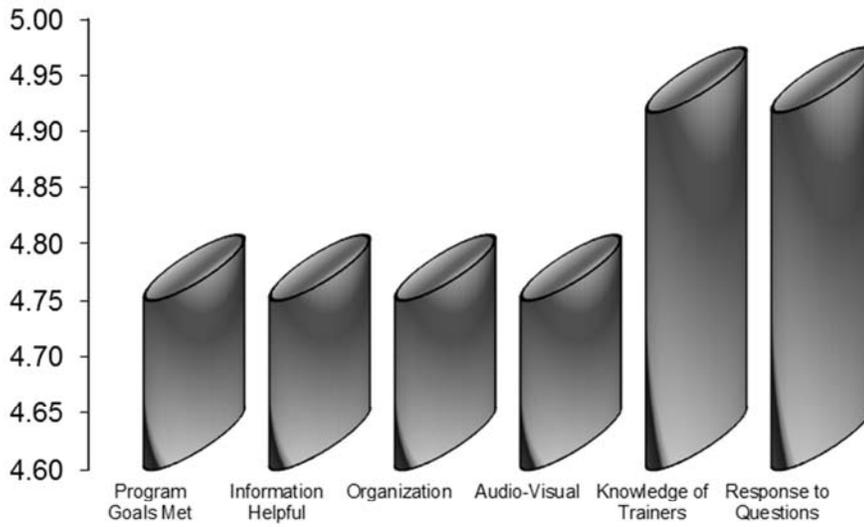
### Basic Skills I & II



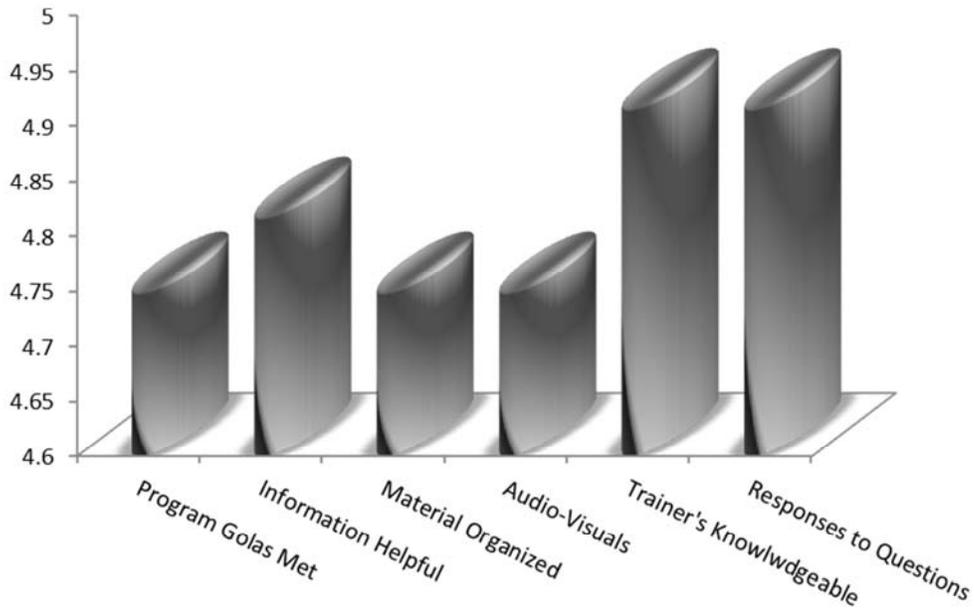
### Building Blocks of Report Writing



### Appeals Committee Training



## Advisory Committee Training



### 2009 RECIPIENT RIGHTS CONFERENCE

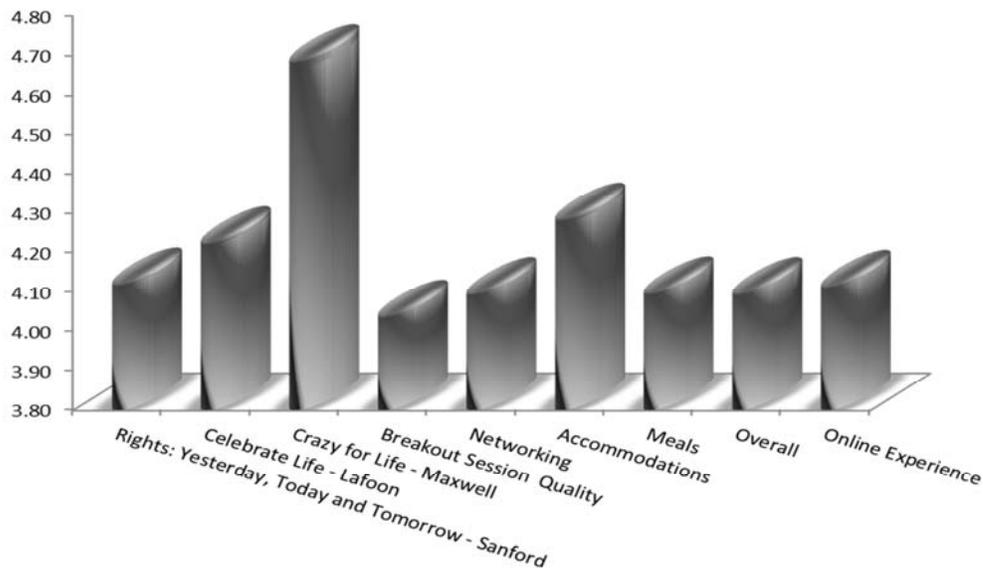
The Recipient Rights Conference has been held each year since 1994. The goal of the conference is to: 1) offer educational opportunities for rights staff to comply with the training requirements as mandated by the Mental Health Code, 2) foster the coordination and integration of rights protection services, and 3) assure an informed and knowledgeable consumer population. The Recipient Rights Conference is self-funded, using no general fund resources. Each year, the conference offers mental health consumers from across the state the opportunity to attend the sessions through the consumer scholarship fund, a collaboration of the conference and CMHSP's. The conference covers the cost of registration and hotel accommodations; travel expenses are provided by the sponsoring CMHSP. The manager of the Training Unit, in collaboration with a steering committee composed of representatives from state and local rights offices, has responsibility for planning and implementing the conference.



The 16th annual conference was held October 6 – 9, 2009, at the Radisson Plaza Hotel in Kalamazoo. Approximately 250 individuals attended, including eight consumers who were chosen to receive scholarships. Once again, this year, the Michigan Social Work Continuing Education Collaborative approved the conference for continuing education units for Michigan Social Workers.

The conference featured a pre-conference session on Scientific Content Analysis (SCAN), a tool for determining the truthfulness of statements provided by persons interviewed during the investigative process, 19 breakout sessions whose topics included Investigating Sexual Assault and Domestic Violence Allegations, HIPAA and the Mental Health Code, Effective Utilization of Consumers in Rights Offices, and the Culture of Gentleness: Implications for Rights. The closing session featured actor and mental health advocate, Victoria Maxwell. Responses to the conference evaluation indicated an overall satisfaction level of 4.20 on a scale of 1 to 5. These responses, and the areas they evaluated, are depicted in the graph below:

### 2009 Recipient Rights Conference



### *MDCH DIRECTOR'S AWARDS FOR RECIPIENT RIGHTS*

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The 2009 MDCH Director's Awards for Recipient Rights were presented at the Rights Conference. Honorees were:

James Tenuta (Doctors Hospital of Michigan, Pontiac) for Innovation in Rights Protection

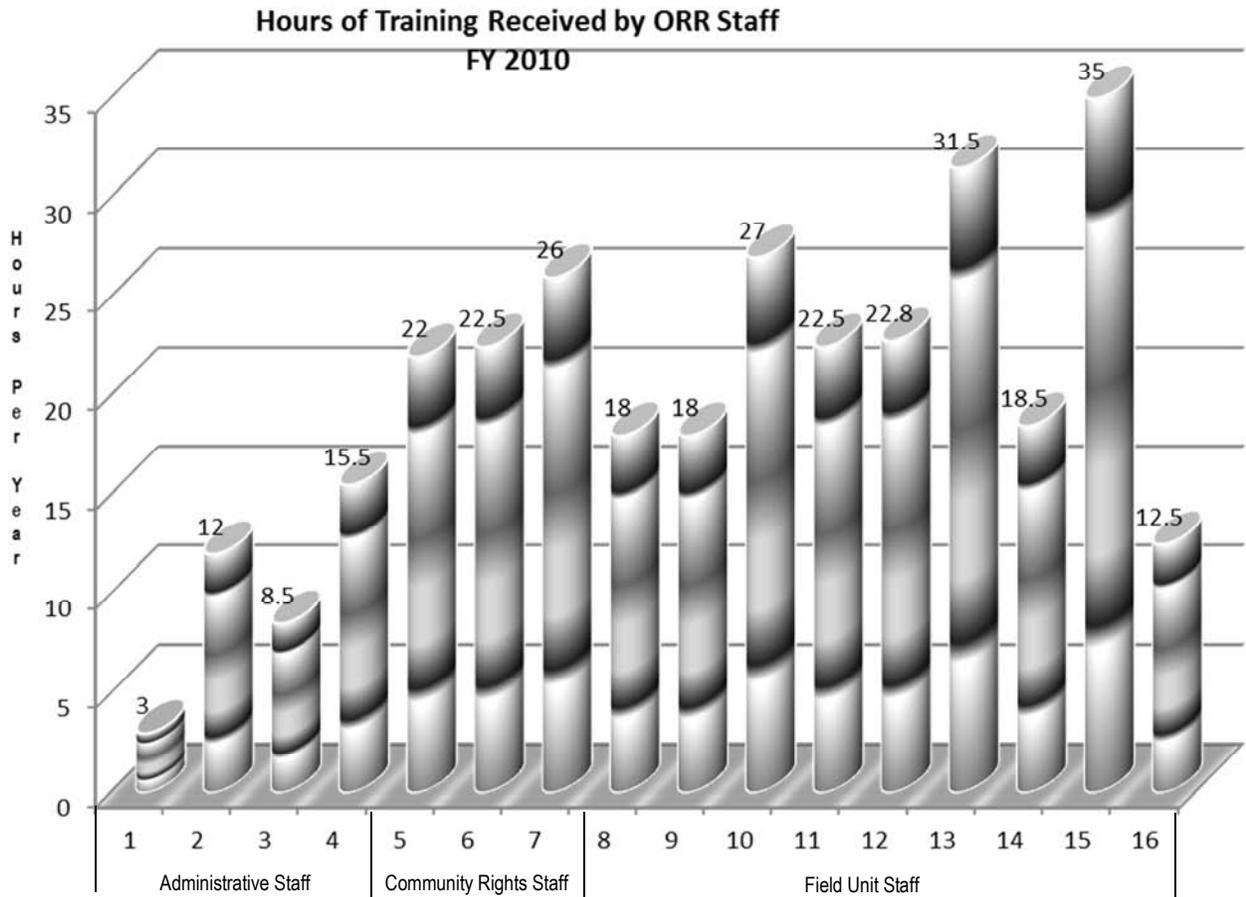
Les Behnken (Oakwood Heritage Hospital, Dearborn) for Advocacy on Behalf of Mental Health Recipients;

Shannon Kaufmann (InterAct of Michigan, Kalamazoo) for Consumer Empowerment.

### *TRAINING RECEIVED BY MDCH ORR RECIPIENT RIGHTS STAFF*

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The Mental Health Code Section 330.1754 (1)(d) requires that "Staff of the state office of recipient rights receive training each year in recipient rights protection." The chart on the next page indicates the number of hours received by each ORR staff person during FY2010.



## PART IV - COMMUNITY RIGHTS UNIT

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### *CMHSP RIGHTS SYSTEMS ASSESSMENTS*

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Section 755 of the Michigan Mental Health Code requires the establishment of an office of recipient rights in each community mental health services program (CMHSP).

Chapter 2 of the Mental Health Code requires that the Department of Community Health promulgate rules to establish standards for certification and the certification review process for CMHSPs. Administrative Rule 330.2801 requires the department to assess the CMHSPs compliance with certification standards by determining the degree to which all of the following provisions apply:

- a) The CMHSP has established processes, policies, and procedures necessary to achieve the required result.
- b) The established processes, policies, and procedures are properly implemented.
- c) The expected result of the processes, policies, and procedures is being achieved.

The Mental Health Code also requires that MDCH, through its Office of Recipient Rights established pursuant to Section 754 of the statute, review the CMHSP rights systems in order to "ensure a uniformly high standard of recipient rights protection throughout the state."

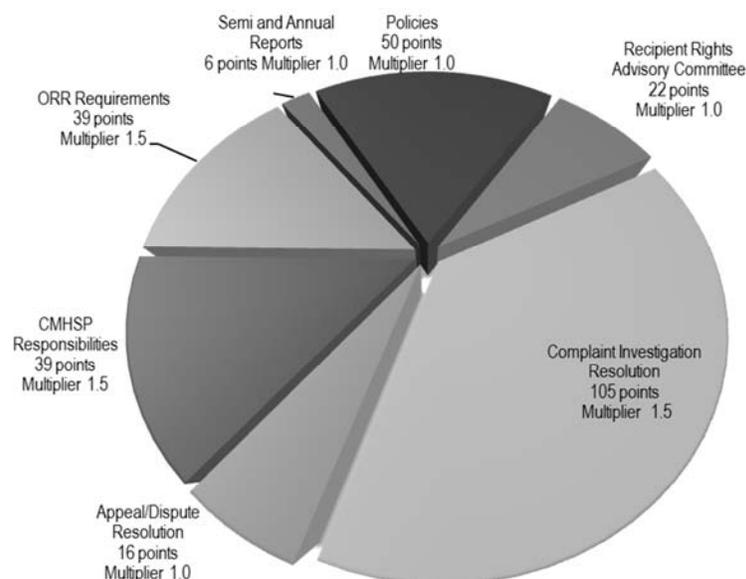
The certification standards must include those for the protection and promotion of recipient rights (MCL 330.232a[1][b]). Although standards as to matters of CMHSP governance, resource management, quality improvement, service delivery and safety management may be waived by the department in whole or in part as the result of the CMHSP's accreditation by a nationally recognized accrediting body, this is not the case relative to standards established by the department in regard to the protection and promotion of recipient rights.

## ASSESSMENT PROCESS

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Two ORR Community Rights Specialists assess each CMHSP recipient rights system annually and follow-up on semi-annual and annual reports prepared by each CMHSP rights office and submitted by their executive director. Annually, the Rights Specialists also conduct an on-site assessment of approximately one-third of the CMHSPs. This three-day on-site review includes an entrance conference; compliance review of complaint case files, logs, Code-mandated reports and notices, appeals cases; review of contract language to ascertain clarity as to how rights will be protected during the contract period; review of training records for agency staff, contracted service providers and employees of contracted service providers; compliance review of all 23 rights-related policies required by the Code and an exit conference. Site visits were discontinued in FY 2008 in order that the Community Rights Specialists could provide more direct technical assistance to the CMHSP rights office and more adequately review the quality and thoroughness of the site monitoring conducted by the CMHSP rights office through review of site monitoring records maintained by that office. Fourteen (14) CMHSP rights protection systems were evaluated through on-site assessments conducted by the Office of Recipient Rights Community Rights Unit Specialists during FY 2010.

As a means of more expediently identifying in which specific areas a rights system excels or has difficulty, Attachment A (Standards) was revised and reformatted to reflect the weighting of particular standards. Attachment A is now organized into 7 rather than 8 separate sections, each with its own weighted multiplier. The multiplier reflects the weighted difficulty or complexity of the standards contained in each section. Each standard is scored at 2 points for full compliance, 1 point for partial compliance and 0 points for non-compliance. The minimum score required for substantial compliance with established standards is 263 out of a possible 277, evidencing a 95% compliance rate.



A rights system is scored as being in less than substantial compliance, even if the overall score was in the range of substantial compliance, when the Specialist determines that a deficiency, previously cited in the last assessment (three (3) years prior) had not been corrected at the time of the current assessment. CMHSPs that were scored in this manner have an \* in the table which follows. Evidence that the repeat citation has been corrected must be provided to MDCH-ORR within 30 days of receipt by the CMHSP of the assessment report.

### *FY 2010 Assessments Results*

| ASSESSMENT DATES    | CMHSP   | SCORE | RESULTS   |
|---------------------|---|-------|-----------|
| 10/20/09 – 10/22/09 | <b>West Michigan CMH</b><br>Richard VandenHeuvel, Executive Director<br>Tina Brown, Recipient Rights Director | 292*  | FC        |
| 11/17/09 – 11/19/09 | <b>Washtenaw CMH</b><br>Patrick Barrie, Executive Director<br>Denice Virgo, Recipient Rights Director         | 292*  | FC        |
| 12/15/09 – 12/17/09 | <b>Kalamazoo CMH</b><br>Jeff Patton, Executive Director<br>Roann Bonney, Recipient Rights Director            | 292*  | FC        |
| 03/23/10 -03/25/10  | Muskegon CMH  | 271   | LSC** (1) |
| 04/06/10 – 04/08/10 | <b>Lapeer CMH</b><br>Robert Sprague, Executive Director<br>Lisa Jolly, Recipient Rights Director              | 277   | FC        |
| 04/20/10 – 04/22/10 | Saginaw CMH   | 263.5 | LSC** (9) |
| 05/18/10 – 05/20/10 | Pines Behavioral Health   | 271   | LSC** (4) |
| 06/15/10 – 06/17/10 | Northern Lakes  | 272.5 | LSC** (2) |
| 06/29/10 – 07/01/10 | St. Joseph CMH  | 271.5 | LSC** (1) |
| 07/20/10 – 07/22/10 | North Country CMH   | 274   | LSC** (1) |
| 08/17/10 – 08/18/10 | Hiawatha Behavioral Health  | 272.5 | SC        |
| 08/31/10 – 09/02/10 | network180  | 271.5 | LSC** (1) |
| 09/08/10 – 09/10/10 | AuSable Valley CMH  | 266   | SC        |
| 09/28/10 – 09/30/10 | <b>Genesee CMH</b><br>Danis Russell, Executive Director<br>Cheryl Rousseau, Recipient Rights Director         | 277   | FC        |

\* Utilized FY 2009 scoring      \*\* Due to Repeat Citations      (x) indicates number of repeat citations

### *CMHSP COMPARATIVE DATA*

In late 2007 and early 2008, MDCH-ORR conducted a series of brainstorming sessions with stakeholders in the public mental health rights protection system that could be characterized as a self-evaluation from the perspective of these individuals. Stakeholders included:

- CMHSP Executive Directors (MACMHB)
- Licensed Hospital Directors/Designees
- CMHSP Rights Officers
- Licensed Hospital Rights Advisors
- Recipient Rights Officers Association of Michigan (RROAM)
- MDCH-ORR

- Consumers of public mental health services
- Consumer advocacy groups

A brainstorming session was held November 5, 2007 at the Michigan Association of Community Mental Health Boards (MACMHB) Directors' Forum. A recurring theme was the question as to what is a sufficient staffing level for the CMHSP rights office. As a result, the template for the Office of Recipient Rights Annual Report to MDCH-ORR included the unduplicated number of consumers served and the staffing resources for each rights office. In an effort to be further responsive and provide sufficient data to allow the Executive Directors, Rights Offices and Recipient Rights Advisory Committees to do a comparative analysis, the table below indicates, in addition to the unduplicated count and the staff resources, the geographic area of the CMHSPs.

| CMHSP                        | Geographical Area in Sq. Mi. | Unduplicated Count | Number of Complaints/Allegations | Rights Office Staffing Level (FTE) |
|------------------------------|------------------------------|--------------------|----------------------------------|------------------------------------|
| Allegan                      | 827.5                        | 1443               | 34/53                            | 1                                  |
| AuSable Valley               | 1678.4                       | 2332               | 31/31                            | 0.06                               |
| Barry                        | 556.1                        | 2138               | 4/8                              | 0.05                               |
| Bay-Arenac                   | 811.1                        | 5523               | 122/137                          | 2.8                                |
| Berrien/Riverwood            | 571.0                        | 4971               | 31/31                            | 1.6                                |
| C-E-I                        | 1707.1                       | 8979               | 110/138                          | 4                                  |
| CMH for Central MI           | 3290.7                       | 9585               | 155/217                          | 5.15                               |
| Copper Country Mental Health | 3768.2                       | 1043               | 23/28                            | 0.6                                |
| Detroit-Wayne                | 614.2                        | 65751              | 1495/1495                        | 42                                 |
| Genesee                      | 639.6                        | 14660              | 441/592                          | 5                                  |
| Gogebic                      | 1101.9                       | 534                | 1/1                              | 0.25                               |
| Gratiot                      | 570.1                        | 1379               | 55/64                            | 0.5                                |
| Hiawatha                     | 3760.8                       | 1513               | 27/28                            | 1.4                                |
| Huron Behavioral Health      | 836.5                        | 1426               | 12/12                            | 0.5                                |
| Ionia                        | 573.2                        | 2333               | 63/67                            | 1                                  |
| Kalamazoo                    | 561.9                        | 8995               | 420/577                          | 5.4                                |
| Lapeer                       | 654.2                        | 1,843              | 77/77                            | 1.25                               |
| Lenawee                      | 750.5                        | 1514               | 62/80                            | 1.25                               |
| Lifeways                     | 1305.4                       | 6,524              | 204/442                          | 2                                  |
| Livingston                   | 568.4                        | 2073               | 167/202                          | 2                                  |
| Macomb                       | 480.4                        | 11874              | 152/204                          | 10                                 |
| Manistee/Benzie              | 864.9                        | 1187               | 68/91                            | 1                                  |
| Monroe                       | 551.1                        | 1570               | 152/204                          | 2                                  |
| Montcalm                     | 708.0                        | 1258               | 19/24                            | 1                                  |
| Muskegon                     | 509.1                        | 4656               | 121/189                          | 3                                  |
| network180                   | 856.2                        | 15,387             | 391/499                          | 3.26                               |
| Newaygo                      | 842.4                        | 1462               | 46/59                            | 1.25                               |
| North Country                | 3152.8                       | 4091               | 132/136                          | 1.5                                |
| Northeast                    | 2456.3                       | 2,449              | 80/80                            | 1.5                                |
| Northern Lakes               | 2459.8                       | 5822               | 191/266                          | 3                                  |

| CMHSP                                       | Geographical Area in Sq. Mi. | Unduplicated Count | Number of Complaints/ Allegations | Rights Office Staffing Level (FTE) |
|---|------------------------------|--------------------|-----------------------------------|------------------------------------|
| Northpointe Behavioral Health               | 2976.2                       | 1492               | 50/54                             | 2                                  |
| Oakland                                     | 872.5                        | 22,326             | 592/846                           | 16                                 |
| Ottawa                                      | 565.7                        | 3,090              | 76/80                             | 2                                  |
| Pathways                                    | 3894.2                       | 2,497              | 181/181                           | 3.74                               |
| Pines Behavioral Health Services            | 507.4                        | 1952               | 4/4                               | 1.1                                |
| Van Buren - Professional Management Systems | 610.9                        | 2537               | 24/35                             | 1                                  |
| Saginaw                                     | 808.9                        | 5,047              | 117/125                           | 2.8                                |
| Sanilac                                     | 963.8                        | 1386               | 61/70                             | 1                                  |
| Shiawassee                                  | 538.7                        | 1543               | 166/166                           | 1.7                                |
| St Clair                                    | 724.4                        | 4,345              | 42/42                             | 1.5                                |
| St. Joseph                                  | 503.7                        | 1992               | 32/32                             | 0.75                               |
| Summit Pointe                               | 708.7                        | 6950               | 140/140                           | 2.5                                |
| Tuscola                                     | 812.4                        | 1,386              | 54/73                             | 1                                  |
| Washtenaw                                   | 709.9                        | 3279               | 191/297                           | 3                                  |
| West Michigan                               | 1603.1                       | 2,299              | 44/55                             | 1.33                               |
| Woodlands                                   | 492.2                        | 1090               | 57/89                             | 1                                  |

## COMPLAINT DATA

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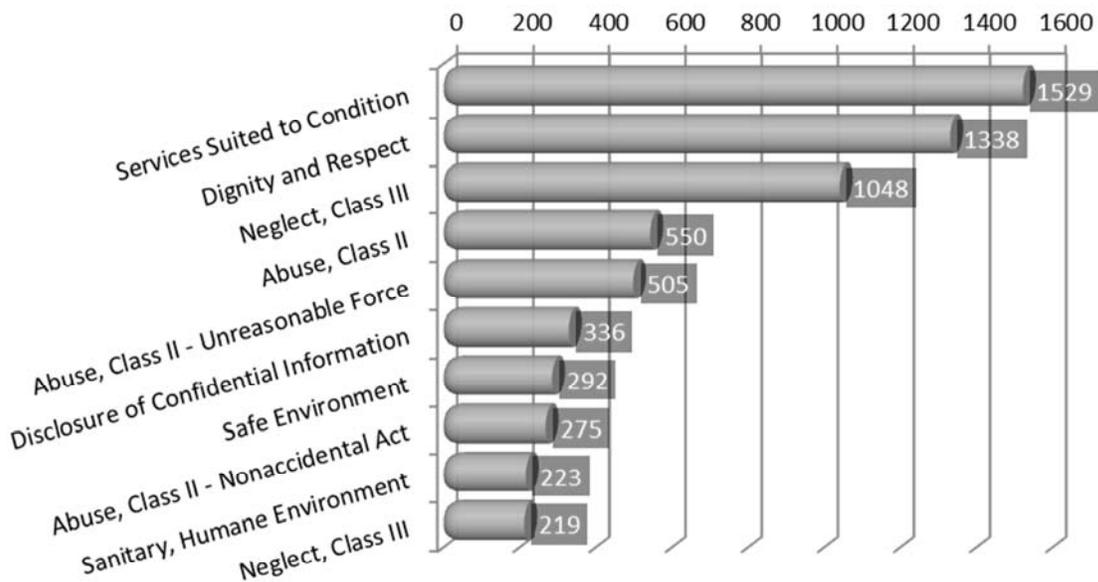
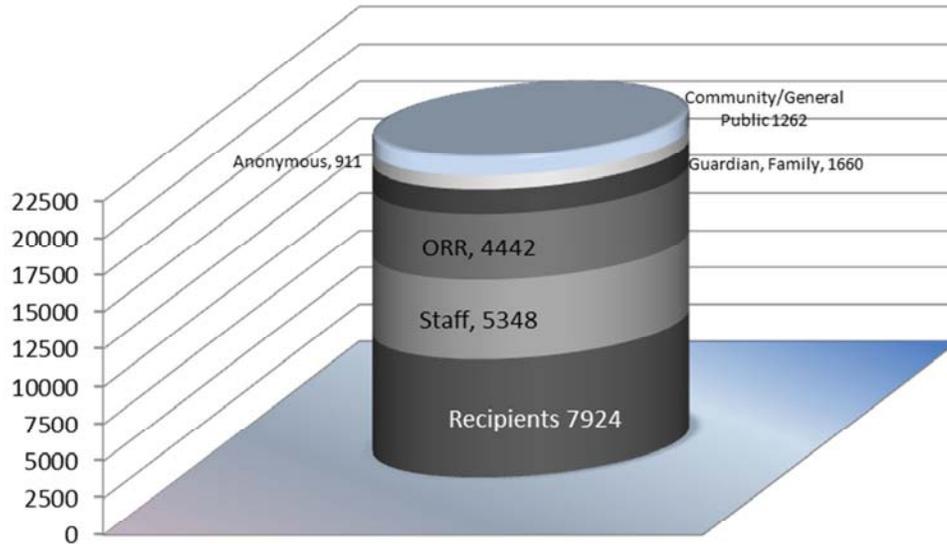
Since FY 2008, in addition to the complaint data collected in the past, all CMHSPs and LPH/U's have submitted information regarding the origin of complaints received by their offices. As the data set increases, MDCH-ORR will be better able to analyze and identify trends in Michigan's recipient rights protection system. The graphs below indicate the cumulative number of complaints, by source, for the period FY 2008 – FY 2010 and the top ten types of complaints filed in FY 2010.

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***"Injustice anywhere is a threat to justice everywhere"***

***Martin Luther King***

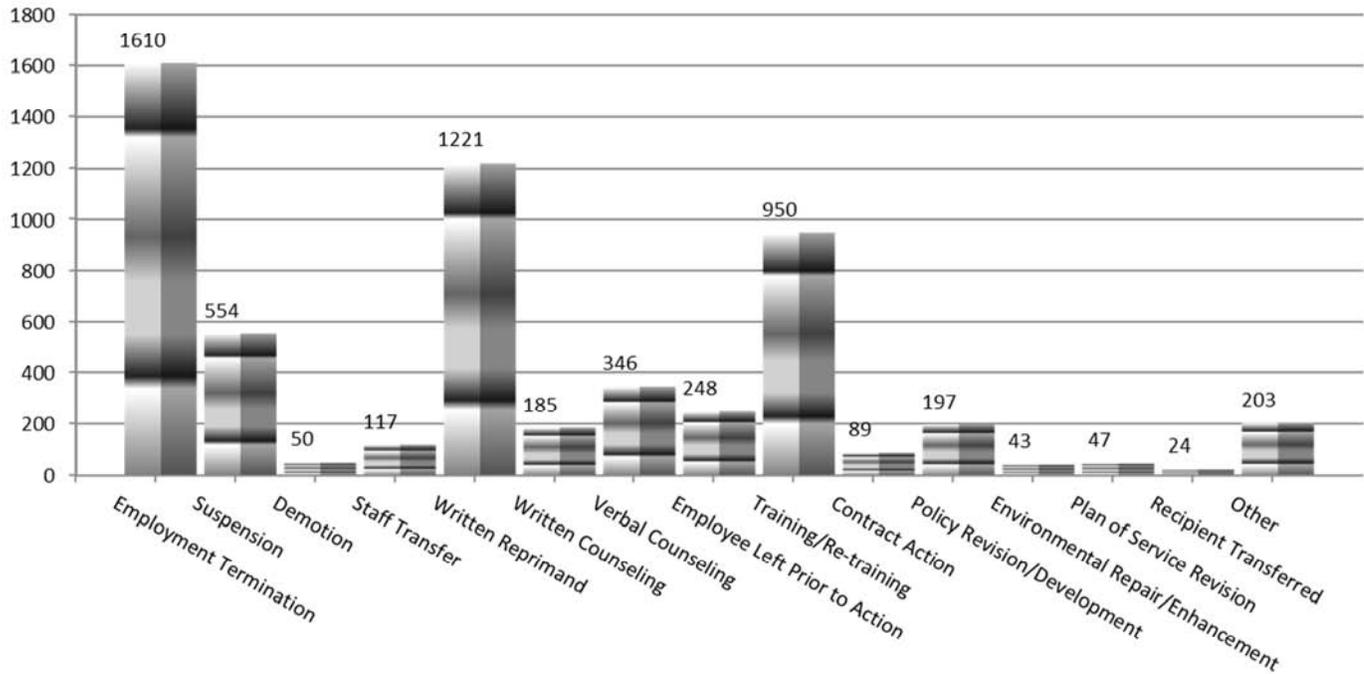
**Complaints by Source**  
**CMH FY 2008 - FY 2010**  
**Total Complaints: 21,547**



**Top Ten Types of Complaints Received**  
**CMHSP FY 10**

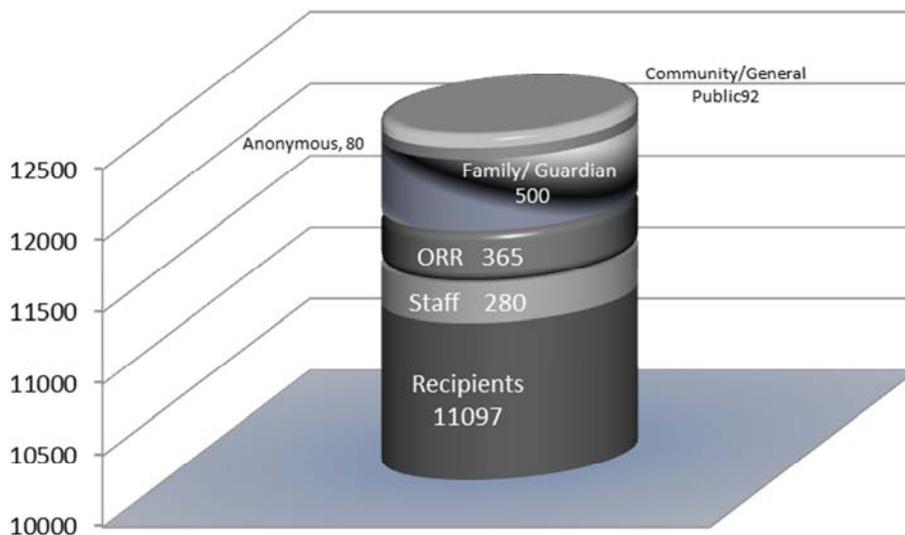
In the CMH system, 9112 investigations into allegations of abuse or neglect were conducted during the period FY 2008 - FY 2010. 3965 (43.5%) were substantiated. MHC 330.1722 requires that disciplinary action be taken when an allegation of abuse or neglect is substantiated. The disciplinary actions taken over the 3-year period are indicated in the chart below.

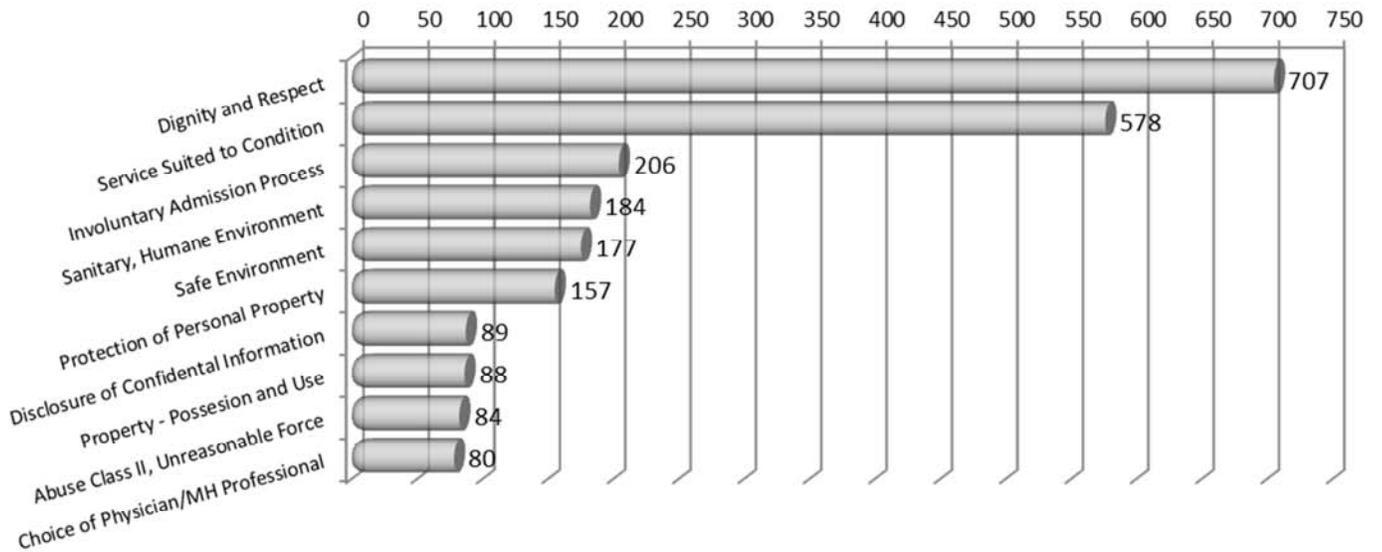
**Remedial Action on Abuse and Neglect Violations  
Community Mental Health Programs FY 08 - FY 10**



Note: The total of actions taken is higher than the number of substantiated allegations as more than one action may have been taken to remedy a violation.

**Complaints by Source LPH/U FY 08 - FY 10  
Total Complaints: 12,414**

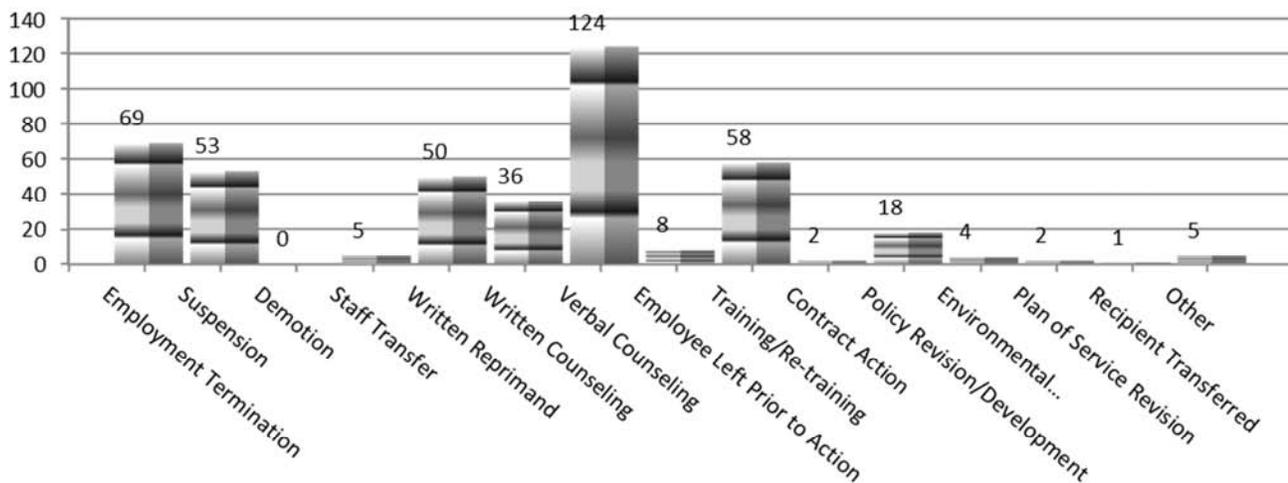




**Top Ten Types of Complaints Received  
LPH/U FY 10**

In the LPH/U system, 731 investigations into allegations of abuse or neglect were conducted during the period FY 2008 - FY 2010, and 225 (31%) were substantiated. MHC 330.1722 requires that disciplinary action be taken when an allegation of abuse or neglect is substantiated. The disciplinary actions taken over the 3-year period are indicated in the chart below.

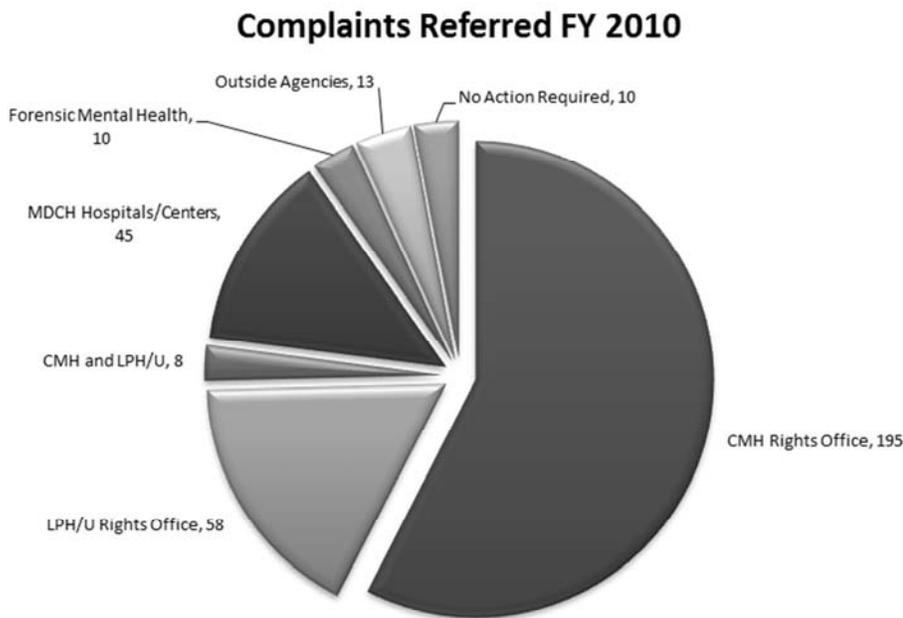
**Remedial Action on Abuse and Neglect Violations  
Licensed Private Hospitals/Units FY 08 - FY 10**



Note: The total of actions taken is higher than the number of substantiated allegations as more than one action may have been taken to remedy a violation.

The Rights Information and Referral Specialist is responsible for the provision of all information and referral services including systematic data collection, entry and analysis relative to these services, as well as the semi-annual and annual reports received from the CMHSPs and licensed private psychiatric hospitals/units.

Complaints received at the Department Office of Recipient rights in Lansing are referred to the rights office potentially having jurisdiction over the matter. Distribution of the 339 complaints received during FY 2010 is indicated in the chart below:



In order to expedite the receipt of complaints by the rights offices and agencies having jurisdiction over the complaint, all complaints are sent by fax from MDCH-ORR, unless the condition of the complaint or the number of pages prohibits this method.

The Rights Information and Referral Specialist also acts as support to the Training Unit, Community Rights Specialists and the ORR Director of Community and Field Operations. In FY2010 the specialist participated in a grant program through Bridges4Kids, providing information to families on the recipient rights complaint, investigation and appeal process. Fifty-six community members participated in the two sessions that were offered. The Rights Information and Referral Specialist maintains the rights office directory, available from the MDCH website for public use. MDCH-ORR also maintains a directory of rights officers and advisors for use by rights offices.

## PART V: MDCH RECIPIENT RIGHTS APPEALS COMMITTEE

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The Michigan Mental Health Code at Section 774 states, *“The director shall appoint an appeals committee consisting of 7 individuals, none of whom shall be employed by the department or a community mental health services program, to hear appeals of recipient rights matters. The committee shall include at least 3 members of the state recipient rights advisory committee and 2 primary consumers.”* The MDCH Appeals Committee reviews appeals of rights complaints filed by or on behalf of patients/residents of state hospitals and centers. Additionally, the Committee reviews appeals submitted by or on behalf of individuals who are or have been patients in one of the 52 licensed private psychiatric hospitals/units (LPH/U) who have entered into an agreement to use the Department’s Appeals Committee in lieu of appointing its own. Only seven (7) LPH/Us do not have an agreement with the MDCH to use its Appeals Committee. Following is a data summary of activity for the MDCH Appeals Committee for FY 2010.

|  |   |
|--|---|
| Total Number of Requests for Appeals                   | 8 |
| Acknowledgement: Total received that were not heard:   | 0 |
| Total Number Appeals Heard from State Hospital/Centers | 4 |
| Forensic Center  | 1 |
| Caro Center  | 1 |
| Walter Reuther   | 2 |
| Total Number Appeals Heard from LPH/U                  | 4 |
| Battle Creek Health System/Fieldstone                  | 1 |
| Herrick Medical Center                                 | 1 |
| Pine Rest  | 1 |
| Munson Medical Center                                  | 1 |

### **Appeal Committee Decision on Appeals Heard**

|   |   |
|---|---|
| Upheld findings of rights office and action taken       | 4 |
| Returned to ORR for re-investigation                    | 4 |
| Returned to facility for different or additional action | 0 |

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*“In giving rights to others which belong to them, we give rights to ourselves and to our country”*

*John F. Kennedy*

## PART VI - REVIEW OF BUDGETARY ISSUES

Michigan Mental Health Code, MCL 330.1754 [2] requires that the Department ensure that the “*process for funding the state office of recipient rights includes a review of the funding by the state recipient rights advisory committee.*”

Michigan Mental Health Code at MCL 330.1754 (3) requires that “*the Department endeavor to ensure that the state office of recipient rights has sufficient staff and other resources necessary to perform the duties described in this section.*”

The Office of Recipient Rights spending plans for FY2008 through FY2010 are listed in the table below.

|                        | FY 2008               | FY 2009             | Variance<br>from FY 08 | FY 2010             | Variance<br>from FY 09 |
|------------------------|-----------------------|---------------------|------------------------|---------------------|------------------------|
| Source of Expenditures | General Fund          | General Fund        |                        | General Fund        |                        |
| FTE                    | 20.0                  | 19.0                | - 1.0                  | 19.0                | 0                      |
| Salary & Fringe        | \$ 2,011,100          | \$ 1,922,000        | - 4.5 %                | \$ 1,922,000        | 0                      |
| CSS&M                  | \$ 75,000             | \$ 82,000           | + 9.0 %                | \$ 82,000           | 0                      |
| ORR Printing           | \$ 20,000             | 0                   | -100 %                 | 0                   | 0                      |
| Travel                 | \$70,000              | \$ 62,000           | - 11.5 %               | \$ 62,000           | 0                      |
| <b>Total</b>           | <b>\$ 2, 176, 100</b> | <b>\$ 2,066,000</b> | <b>- 5.1 %</b>         | <b>\$ 2,066,000</b> | <b>0</b>               |

*“We will never have a true civilization until we have learned to recognize the rights of others.”*

*Will Rogers*

## PART VII – RECOMMENDATIONS TO THE DEPARTMENT

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- 1) The Department of Community Health should continue its support of the Restraint/Seclusion Process Improvement Task Force in its efforts to reduce or eliminate the use of restraint and seclusion in MDCH hospitals and centers by fostering organizational change, workforce development, and consumer involvement, to create a culture of care and comfort.
- 2) The Department of Community Health must establish clear statutory and contractual sanctions to be taken against a CMHSP for failure to achieve substantial compliance with standards established by the department for the protection and promotion of recipient rights.
- 3) The Department of Community Health should place as a priority on its legislative agenda for FY 2011 the proposed Mental Health Code amendments submitted to the Department by this Office in January 2007.
- 4) The Department of Community Health, Behavioral Health and Developmental Disabilities Administration, should adopt a uniform system across state operated psychiatric facilities to implement person-centered planning with a focus on Wellness and Recovery.
- 5) The Department of Community Health, Behavioral Health and Developmental Disabilities Administration, Bureau of Hospital, Center, and Forensic Mental Health, should assure that each contract between a state hospital or center and a CMHSP contains the following language:
  - a. *“The CMHSP shall assure that the most current individualized plan of services/supports (IPOS) and any behavior treatment plan accompanies the consumer to the state hospital or center at admission, or within 2 working days following admission.”*
- 6) In order to fulfill its statutory mandate to *“protect the Office of Recipient Rights from pressures that could interfere with the impartial, even-handed and thorough performance of its duties”* (MCL 330.1754), the Department of Community Health should transfer the office from a line item in the Behavioral Health and Developmental Disabilities Administration budget, to a line item in the Department Director’s Office budget.

# APPENDIX A: ANNUAL REPORT FORM FY 2010

**Demographic Data for:**

**Agency Name**

**CMHSP:**

Geographic Area: \_\_\_\_\_ sq. mi

(One time- completed by DCH)

Number of Consumers Served (unduplicated count): \_\_\_\_\_

Number of Service Sites:

| Type of Site             | In Catchment Area | Out of Catchment | Site Visit Required |
|--------------------------|-------------------|------------------|---------------------|
| Out Patient              |                   |                  |                     |
| Residential MI           |                   |                  |                     |
| Residential DD           |                   |                  |                     |
| Inpatient                |                   |                  |                     |
| Day Program MI           |                   |                  |                     |
| Day Program DD           |                   |                  |                     |
| Workshop (prevocational) |                   |                  |                     |
| Supported Employment     |                   |                  |                     |
| ACT                      |                   |                  |                     |
| Case Management          |                   |                  |                     |
| Psychosocial Rehab       |                   |                  |                     |
| Partial Hospitalization  |                   |                  |                     |
| SIP                      |                   |                  |                     |
| Other                    |                   |                  |                     |

Total Number of Service Sites that Require Site Visits: \_\_\_\_\_

Total Number of Site Visits Conducted: \_\_\_\_\_

Number of Rights FTEs\*: \_\_\_\_\_

Please explain the breakdown of staff (if there is one); investigators/administrators, clerical/support, trainers:

Number of Complainants (unduplicated Count): \_\_\_\_\_

LPH/U:            Number of Patient Days: \_\_\_\_\_ (by DCH-BHS)  
                           Populations Served: \_\_\_\_\_  
                           Number of Rights FTEs\*: \_\_\_\_\_

Please explain the breakdown of staff (if there is one); investigators, clerical/support, trainers:

State Facility:    Number of Patient Days: \_\_\_\_\_  
                           Populations Served: \_\_\_\_\_  
                           Number of Rights FTEs\*: \_\_\_\_\_

Please explain the breakdown of staff (if there is one); investigators, clerical/support, trainers:

Number of Complainants (unduplicated count): \_\_\_\_\_

Michigan Department of Community Health

Recipient Rights Data Report

Agency:

CMHSP's: Indicate DCH assigned two-digit CMHSP Board Number:

Officer:

Reporting Period: 10/1/2009 to 9/30/2010

Annual  Semi-Annual

**Section I: Complaint Data Summary:**

Part A: Totals

|                              |   |
|------------------------------|---|
| Complaints Received          | 0 |
| Allegations Involved         | 0 |
| Allegations Investigated     | 0 |
| Interventions Substantiated  | 0 |
| Investigations Substantiated | 0 |
| Complaints Received          | 0 |

Complaint Source

|                          |   |
|--------------------------|---|
| Recipient                |   |
| Staff                    |   |
| ORR                      |   |
| Guardian/Family          |   |
| Anonymous                |   |
| Community/General Public |   |
| <i>Total</i>             | 0 |

**Timeframes of Completed Investigations**

|               | Total | ≤30 | ≤60 | ≤90 | >90 |
|---------------|-------|-----|-----|-----|-----|
| Abuse/Neglect | 0     | 0   | 0   | 0   | 0   |
| All others    | 0     | 0   | 0   | 0   | 0   |

| Recipient Population |   |
|----------------------|---|
| MI                   | Adult with Mental Illness (as primary diagnosis)                    |
| DD                   | Adult or Child with Developmental Disability (as primary diagnosis) |
| SED                  | Child with Serious Emotional Disturbance                            |

## Part B: Aggregate Summary

### 1. Freedom from Abuse

| Code  | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|-------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|       |  |          |               |              |                             |                              | MI                   | DD | SED |
| 72210 | abuse class I                            |          |               |              |                             |                              |                      |    |     |
| 72221 | abuse class II - nonaccidental act       |          |               |              |                             |                              |                      |    |     |
| 72222 | abuse class II - unreasonable force      |          |               |              |                             |                              |                      |    |     |
| 72223 | abuse class II - emotional harm          |          |               |              |                             |                              |                      |    |     |
| 72224 | abuse class II - treating as incompetent |          |               |              |                             |                              |                      |    |     |
| 72225 | abuse class II - exploitation            |          |               |              |                             |                              |                      |    |     |
| 72230 | abuse class III                          |          |               |              |                             |                              |                      |    |     |
| 72240 | abuse class I - sexual abuse             |          |               |              |                             |                              |                      |    |     |

### 2. Freedom from Neglect

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|       |                                       |          |               |              |                             |                              | MI                   | DD | SED |
| 72251 | neglect class I                       |          |               |              |                             |                              |                      |    |     |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |                      |    |     |
| 72261 | neglect class II                      |          |               |              |                             |                              |                      |    |     |
| 72262 | neglect class II - failure to report  |          |               |              |                             |                              |                      |    |     |
| 72271 | neglect class III                     |          |               |              |                             |                              |                      |    |     |
| 72272 | neglect class III - failure to report |          |               |              |                             |                              |                      |    |     |

### 3. Rights Protection System

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |                                 |          |               |              |                             |                              | MI                   | DD | SED |
| 7060 | notice/explanation of rights    |          |               |              |                             |                              |                      |    |     |
| 7520 | failure to report               |          |               |              |                             |                              |                      |    |     |
| 7545 | retaliation/harassment          |          |               |              |                             |                              |                      |    |     |
| 7760 | access to rights system         |          |               |              |                             |                              |                      |    |     |
| 7780 | complaint investigation process |          |               |              |                             |                              |                      |    |     |
| 7840 | appeal process/mediation        |          |               |              |                             |                              |                      |    |     |

### 4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |                      |    |     |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |                      |    |     |
| 4510 | court hearing/process                            |          |               |              |                             |                              |                      |    |     |
| 4630 | independent clinical examination                 |          |               |              |                             |                              |                      |    |     |
| 4980 | objection to hospitalization (minor)             |          |               |              |                             |                              |                      |    |     |
| 7050 | second opinion - denial of services              |          |               |              |                             |                              |                      |    |     |

5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 7041 | civil rights: discrimination, accessibility, accommodation |          |               |              |                             |                              |                      |    |     |
| 7044 | religious practice   |          |               |              |                             |                              |                      |    |     |
| 7045 | voting   |          |               |              |                             |                              |                      |    |     |
| 7047 | presumption of competency                                  |          |               |              |                             |                              |                      |    |     |
| 7284 | search/seizure   |          |               |              |                             |                              |                      |    |     |

6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 7111 | family dignity & respect                 |          |               |              |                             |                              |                      |    |     |
| 7112 | receipt of general education information |          |               |              |                             |                              |                      |    |     |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |                      |    |     |

7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 7261 | visits   |          |               |              |                             |                              |                      |    |     |
| 7262 | contact with attorneys or others regarding legal matters |          |               |              |                             |                              |                      |    |     |
| 7263 | access to telephone, mail                                |          |               |              |                             |                              |                      |    |     |
| 7264 | usage  |          |               |              |                             |                              |                      |    |     |
| 7265 | written and posted limitations, if established           |          |               |              |                             |                              |                      |    |     |
| 7266 | uncensored mail  |          |               |              |                             |                              |                      |    |     |

8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |   |          |               |              |                             |                              | MI                   | DD | SED |
| 7481 | disclosure - confidential information                             |          |               |              |                             |                              |                      |    |     |
| 7485 | withholding of information (includes recipient access to records) |          |               |              |                             |                              |                      |    |     |
| 7486 | correction of record  |          |               |              |                             |                              |                      |    |     |
| 7487 | access by p & a to records  |          |               |              |                             |                              |                      |    |     |
| 7501 | privileged communication  |          |               |              |                             |                              |                      |    |     |

9. Treatment Environment

| Code | Category                     | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |                              |          |               |              |                             |                              | MI                   | DD | SED |
| 7081 | safe environment             |          |               |              |                             |                              |                      |    |     |
| 7082 | sanitary/ humane environment |          |               |              |                             |                              |                      |    |     |
| 7086 | least restrictive setting    |          |               |              |                             |                              |                      |    |     |

10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |                          |          |               |              |                             |                              | MI                   | DD | SED |
| 7441 | restrictions/limitations |          |               |              |                             |                              |                      |    |     |
| 7400 | restraint                |          |               |              |                             |                              |                      |    |     |
| 7420 | seclusion                |          |               |              |                             |                              |                      |    |     |

11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |                                    |          |               |              |                             |                              | MI                   | DD | SED |
| 7301 | safeguarding money                 |          |               |              |                             |                              |                      |    |     |
| 7302 | facility account                   |          |               |              |                             |                              |                      |    |     |
| 7303 | easy access to money in account    |          |               |              |                             |                              |                      |    |     |
| 7304 | ability to spend or use as desired |          |               |              |                             |                              |                      |    |     |
| 7305 | delivery of money upon release     |          |               |              |                             |                              |                      |    |     |
| 7360 | labor & compensation               |          |               |              |                             |                              |                      |    |     |

12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 7267 | access to entertainment materials, information, news |          |               |              |                             |                              |                      |    |     |
| 7281 | possession and use                                   |          |               |              |                             |                              |                      |    |     |
| 7281 | possession and use                                   |          |               |              |                             |                              |                      |    |     |
| 7282 | storage space  |          |               |              |                             |                              |                      |    |     |
| 7283 | inspection at reasonable times                       |          |               |              |                             |                              |                      |    |     |
| 7285 | exclusions   |          |               |              |                             |                              |                      |    |     |
| 7286 | limitations  |          |               |              |                             |                              |                      |    |     |
| 7287 | receipts to recipient and to designated individual   |          |               |              |                             |                              |                      |    |     |
| 7288 | waiver   |          |               |              |                             |                              |                      |    |     |
| 7289 | protection   |          |               |              |                             |                              |                      |    |     |

13. Suitable Services

| Code | Category                                       | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated | Recipient Population |    |     |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|----------------------|----|-----|
|      |  |          |               |              |                             |                              | MI                   | DD | SED |
| 1708 | dignity & respect                              |          |               |              |                             |                              |                      |    |     |
| 7003 | informed consent                               |          |               |              |                             |                              |                      |    |     |
| 7029 | information on family planning                 |          |               |              |                             |                              |                      |    |     |
| 7049 | treatment by spiritual means                   |          |               |              |                             |                              |                      |    |     |
| 7080 | mh services suited to condition                |          |               |              |                             |                              |                      |    |     |
| 7100 | physical and mental exams                      |          |               |              |                             |                              |                      |    |     |
| 7130 | choice of physician/mental health professional |          |               |              |                             |                              |                      |    |     |
| 7140 | notice of clinical status/progress             |          |               |              |                             |                              |                      |    |     |
| 7150 | services of mental health professional         |          |               |              |                             |                              |                      |    |     |
| 7160 | surgery  |          |               |              |                             |                              |                      |    |     |
| 7170 | electro convulsive therapy (ect)               |          |               |              |                             |                              |                      |    |     |
| 7180 | psychotropic drugs                             |          |               |              |                             |                              |                      |    |     |
| 7190 | notice of medication side effects              |          |               |              |                             |                              |                      |    |     |



## SECTION II: TRAINING ACTIVITY

### Part A: Training Received by Office Staff

| Staff Name | Topic | # Hours (length of training) |
|------------|-------|------------------------------|
|            |       |                              |
|            |       |                              |
|            |       |                              |
|            |       |                              |

Please use this template to identify methods used in training on the Annual Report in Section II B "Training Provided by Rights Office" in Column G. Use as many as apply.

| Method of Training                       |    |
|--|----|
| Face-to-Face                             | 01 |
| Video                                    | 02 |
| Computer                                 | 03 |
| Paper                                    | 04 |
| Training includes face to face follow up | 05 |
| Other (please describe)                  |    |

### Part B: Training Provided by Rights Office

Is Update Training Required?      Yes \_\_\_ No \_\_\_

If Yes, how often: (Annual, Every 2 years, etc.) \_\_\_\_\_

| Topic | # Hours | # Agency Staff | # Contractual Staff | # and Type Other Staff | # of Consumers | Method of Training |
|-------|---------|----------------|---------------------|------------------------|----------------|--------------------|
|       |         |                |                     |                        |                |                    |
|       |         |                |                     |                        |                |                    |
|       |         |                |                     |                        |                |                    |

## SECTION III: DESIRED OUTCOMES FOR THE OFFICE & PROGRESS OF PREVIOUS OUTCOMES

Progress on Outcomes established by the office for FY 2010

|    |   |           |
|----|---|-----------|
| 1. | <input type="checkbox"/> Accomplished<br><input type="checkbox"/> Ongoing | Comments: |
| 2. | <input type="checkbox"/> Accomplished<br><input type="checkbox"/> Ongoing | Comments: |
| 3. | <input type="checkbox"/> Accomplished<br><input type="checkbox"/> Ongoing | Comments: |

Outcomes established by the office for FY 2011: (add as many as needed)

|    |  |
|----|--|
| 1. |  |
| 2. |  |

## SECTION IV: RECOMMENDATIONS TO THE GOVERNING BOARD

The Advisory Committee recommends the following: (add as many as needed)

|    |  |
|----|--|
| 1. |  |
| 2. |  |

# APPENDIX B: STATE HOSPITAL/CENTER DATA AND REMEDIAL ACTION SUMMARY

*Following is the MDCH-ORR complaint data and remedial action taken for specific types of rights violations for fiscal years FY 2010 by individual facility.*

|   |
|---|
| <b>Agency: Caro Center</b>                              |
| <b>Rights Advisors: Jim Klingenberg and Judy Tucker</b> |

**Section I: Complaint Data Summary:**

**Part A: Totals**

|                              |     |
|------------------------------|-----|
| Complaints Received          | 612 |
| Allegations Involved         | 617 |
| Allegations Investigated     | 102 |
| Interventions Substantiated  | 6   |
| Investigations Substantiated | 9   |
| Complaints Received          | 612 |

**Part B: Aggregate Summary**

1. Freedom from Abuse

| Code  | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7221  | abuse class I                            | 1        | 1             |              |                             |                              |
| 72221 | abuse class II - nonaccidental act       | 17       | 17            |              |                             |                              |
| 72222 | abuse class II - unreasonable force      | 12       | 12            |              |                             | 2                            |
| 72223 | abuse class II - emotional harm          |          |               |              |                             |                              |
| 72224 | abuse class II - treating as incompetent |          |               |              |                             |                              |
| 72225 | abuse class II - exploitation            |          |               |              |                             |                              |
| 7223  | abuse class III                          | 43       | 43            |              |                             |                              |
| 7224  | abuse class I - sexual abuse             | 13       | 13            |              |                             |                              |

2. Freedom from Neglect

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 72251 | neglect class I                       | 1        | 1             |              |                             | 1                            |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |
| 72261 | neglect class II                      | 1        | 1             |              |                             | 1                            |
| 72262 | neglect class II - failure to report  | 2        | 2             |              |                             | 2                            |
| 72271 | neglect class III                     | 6        | 6             |              |                             | 2                            |
| 72272 | neglect class III - failure to report |          |               |              |                             |                              |

3. Rights Protection System

| Code | Category                     | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7060 | notice/explanation of rights |          |               |              |                             |                              |
| 7520 | failure to report            |          |               |              |                             |                              |
| 7545 | retaliation/harassment       |          |               |              |                             |                              |
| 7760 | access to rights system      | 1        |               | 1            |                             |                              |
| 7840 | appeal process/mediation     |          |               |              |                             |                              |

4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |
| 4510 | involuntary admission process                    |          |               |              |                             |                              |
| 4630 | independent clinical examination                 |          |               |              |                             |                              |
| 4980 | objection to hospitalization (minor)             |          |               |              |                             |                              |
| 7050 | second opinion - denial of services              |          |               |              |                             |                              |

5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. |          |               |              |                             |                              |
| 7044 | religious practice   | 1        |               | 1            |                             |                              |
| 7045 | voting   |          |               |              |                             |                              |
| 7047 | presumption of competency  |          |               |              |                             |                              |
| 7284 | search/seizure   | 2        |               | 2            |                             |                              |

6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7111 | family dignity & respect                 |          |               |              |                             |                              |
| 7112 | receipt of general education information |          |               |              |                             |                              |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |

7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7261 | visits   | 2        |               | 2            |                             |                              |
| 7262 | contact with attorneys or others regarding legal matters |          |               |              |                             |                              |
| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
| 7263 | access to telephone, mail                                | 12       |               | 12           |                             |                              |
| 7264 | funds for postage, stationery, telephone usage           |          |               |              |                             |                              |
| 7265 | written and posted limitations, if established           |          |               |              |                             |                              |
| 7266 | uncensored mail  | 3        |               | 3            |                             |                              |

8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|
| 7481 | disclosure - confidential information                             | 5        | 2             | 3            |                             |                              |
| 7485 | withholding of information (includes recipient access to records) | 1        |               | 1            |                             |                              |
| 7486 | correction of record  | 4        |               | 4            |                             |                              |
| 7487 | access by p & a to records  |          |               |              |                             |                              |
| 7501 | privileged communication  |          |               |              |                             |                              |

9. Treatment Environment

| Code | Category                    | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-----------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7081 | safe environment            | 53       |               | 53           |                             |                              |
| 7082 | sanitary/humane environment | 58       |               | 58           | 1                           |                              |
| 7086 | least restrictive setting   | 22       |               | 22           |                             |                              |

10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7441 | restrictions/limitations | 31       | 2             | 29           | 2                           |                              |
| 7400 | restraint                | 1        | 1             |              |                             | 1                            |
| 7420 | seclusion                |          |               |              |                             |                              |

11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7301 | safeguarding money                 | 3        |               | 3            |                             |                              |
| 7302 | facility account                   | 4        |               | 4            |                             |                              |
| 7303 | easy access to money in account    | 2        |               | 2            |                             |                              |
| 7304 | ability to spend or use as desired | 1        |               | 1            |                             |                              |
| 7305 | delivery of money upon release     |          |               |              |                             |                              |
| 7360 | labor & compensation               | 1        |               | 1            |                             |                              |

12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7267 | access to entertainment materials, information, news | 5        |               | 5            |                             |                              |
| 7281 | possession and use                                   | 13       |               | 13           |                             |                              |
| 7282 | storage space  |          |               |              |                             |                              |
| 7283 | inspection at reasonable times                       |          |               |              |                             |                              |
| 7285 | exclusions   |          |               |              |                             |                              |
| 7286 | limitations  |          |               |              |                             |                              |
| 7287 | receipts to recipient and to designated individual   |          |               |              |                             |                              |
| 7288 | waiver   |          |               |              |                             |                              |
| 7289 | protection   | 14       |               | 14           |                             |                              |

13. Suitable Services

| Code | Category                                       | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 1708 | dignity and respect                            | 50       | 1             | 49           | 1                           |                              |
| 7003 | informed consent                               |          |               |              |                             |                              |
| 7029 | information on family planning                 |          |               |              |                             |                              |
| 7049 | treatment by spiritual means                   |          |               |              |                             |                              |
| 7080 | mh services suited to condition                | 146      |               | 146          | 2                           |                              |
| 7100 | physical and mental exams                      | 5        |               | 5            |                             |                              |
| 7130 | choice of physician/mental health professional | 2        |               | 2            |                             |                              |
| 7140 | notice of clinical status/progress             |          |               |              |                             |                              |
| 7150 | services of mental health professional         | 2        |               | 2            |                             |                              |
| Code | Category                                       | Received | Investigation | Intervention | Interventions               | Investigations               |

|      |                                   |    |  |    |                      |                      |
|------|-----------------------------------|----|--|----|----------------------|----------------------|
|      |                                   |    |  |    | <b>Substantiated</b> | <b>Substantiated</b> |
| 7160 | surgery                           |    |  |    |                      |                      |
| 7170 | electro convulsive therapy (ect)  |    |  |    |                      |                      |
| 7180 | psychotropic drugs                | 14 |  | 14 |                      |                      |
| 7190 | notice of medication side effects | 1  |  | 1  |                      |                      |

14. Treatment Planning

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7121 | person-centered process                  |          |               |              |                             |                              |
| 7122 | timely development                       |          |               |              |                             |                              |
| 7123 | requests for review                      |          |               |              |                             |                              |
| 7124 | participation by individual(s) of choice |          |               |              |                             |                              |
| 7125 | assessment of needs                      |          |               |              |                             |                              |

15. Photographs, Fingerprints, Audiotapes, One-way Glass

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7241 | prior consent            | 2        |               | 2            |                             |                              |
| 7242 | identification           |          |               |              |                             |                              |
| 7243 | objection                |          |               |              |                             |                              |
| 7244 | release to others/return |          |               |              |                             |                              |
| 7245 | storage/destruction      |          |               |              |                             |                              |

17. No Right Involved

| Code | Category          | Received |
|------|-------------------|----------|
| 0000 | no right involved | 49       |

insert the same number  
 ⇒

18. Outside Provider Jurisdiction

| Code | Category                      | Received |
|------|-------------------------------|----------|
| 0001 | outside provider jurisdiction | 11       |

insert the same number  
 ⇒

**Totals:** 617      102      515      6      9

Remedial Action Key

|    |                    |     |   |    |                                    |
|----|--------------------|-----|---|----|------------------------------------|
| 01 | Verbal Counseling  | 06  | Staff Transfer                              | 10 | Policy Revision/Development        |
| 02 | Written Counseling | 07  | Training                                    | 11 | Environmental Repair /Enhancement  |
| 03 | Written Reprimand  | 08  | Employment Termination                      | 12 | Plan of Service Revision           |
| 04 | Suspension         | *08 | Employee left the agency, but Substantiated | 13 | Recipient Transfer to Another Site |
| 05 | Demotion           | 09  | Contract Action                             | 14 | Other                              |

Remedial Action Taken for Caro Center

| Code | Category                        | Action Taken |
|------|---------------------------------|--------------|
| 1708 | dignity and respect             | 2            |
| 7080 | mh services suited to condition | 10           |
| 7080 | mh services suited to condition | 12           |
| 7082 | sanitary/humane environment     | 11           |
| 7400 | restraint                       | 3            |
| Code | Category                        | Action Taken |

|       |  |  |     |
|-------|--|--|-----|
| 7441  | freedom of movement - restrictions/limitations |  | 7   |
| 7441  | freedom of movement - restrictions/limitations |  | 7   |
| 72222 | abuse class II - unreasonable force            |  | 4   |
| 72222 | abuse class II - unreasonable force            |  | 4   |
| 72251 | neglect class I                                |  | 8   |
| 72261 | neglect class II                               |  | *08 |
| 72262 | neglect class II - failure to report           |  | 6   |
| 72262 | neglect class II - failure to report           |  | 6   |
| 72271 | neglect class III                              |  | 4   |
| 72271 | neglect class III                              |  | 8   |

**Agency: Center for Forensic Psychiatry**

**Rights Advisors: KarenCurrington and Paul White**

**Section I: Complaint Data Summary:**

**Part A: Totals**

|                              |            |
|------------------------------|------------|
| Complaints Received          | <b>670</b> |
| Allegations Involved         | <b>775</b> |
| Allegations Investigated     | <b>47</b>  |
| Interventions Substantiated  | <b>3</b>   |
| Investigations Substantiated | <b>6</b>   |
| Complaints Received          | <b>670</b> |

**Part B: Aggregate Summary**

**1. Freedom from Abuse**

| Code  | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7221  | abuse class I                            | 1        | 1             |              |                             |                              |
| 72221 | abuse class II - nonaccidental act       | 3        | 3             |              |                             |                              |
| 72222 | abuse class II - unreasonable force      | 8        | 8             |              |                             | 1                            |
| 72223 | abuse class II - emotional harm          |          |               |              |                             |                              |
| 72224 | abuse class II - treating as incompetent |          |               |              |                             |                              |
| 72225 | abuse class II - exploitation            |          |               |              |                             |                              |
| 7223  | abuse class III                          | 10       | 10            |              |                             |                              |
| 7224  | abuse class I - sexual abuse             | 2        | 2             |              |                             |                              |

**2. Freedom from Neglect**

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 72251 | neglect class I                       |          |               |              |                             |                              |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |
| 72261 | neglect class II                      | 1        | 1             |              |                             |                              |
| 72262 | neglect class II - failure to report  |          |               |              |                             |                              |
| 72271 | neglect class III                     | 6        | 6             |              |                             | 1                            |
| 72272 | neglect class III - failure to report | 1        | 1             |              |                             |                              |

### 3. Rights Protection System

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7060 | notice/explanation of rights    |          |               |              |                             |                              |
| 7520 | failure to report               |          |               |              |                             |                              |
| 7545 | retaliation/harassment          |          |               |              |                             |                              |
| 7760 | access to rights system         |          |               |              |                             |                              |
| 7780 | complaint investigation process | 1        |               | 1            |                             |                              |
| 7840 | appeal process/mediation        | 1        |               | 1            |                             |                              |

### 4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |
| 4510 | involuntary admission process                    | 1        |               | 1            |                             |                              |
| 4630 | independent clinical examination                 |          |               |              |                             |                              |
| 4980 | objection to hospitalization (minor)             |          |               |              |                             |                              |
| 7050 | second opinion - denial of services              |          |               |              |                             |                              |

### 5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. | 4        |               | 4            |                             |                              |
| 7044 | religious practice   |          |               |              |                             |                              |
| 7045 | voting   |          |               |              |                             |                              |
| 7047 | presumption of competency  | 4        |               | 4            |                             |                              |
| 7284 | search/seizure   | 4        | 2             | 2            | 1                           | 1                            |

### 6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7111 | family dignity & respect                 |          |               |              |                             |                              |
| 7112 | receipt of general education information |          |               |              |                             |                              |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |

### 7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7261 | visits   |          |               |              |                             |                              |
| 7262 | contact with attorneys or others regarding legal matters | 2        |               | 2            |                             |                              |
| 7263 | access to telephone, mail                                | 9        |               | 9            |                             |                              |
| 7264 | funds for postage, stationery, telephone usage           | 4        |               | 4            |                             |                              |
| 7265 | written and posted limitations, if established           | 2        |               | 2            |                             |                              |
| 7266 | uncensored mail  | 5        | 1             | 4            |                             |                              |

8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|
| 7481 | disclosure - confidential information                             | 3        |               | 3            |                             |                              |
| 7485 | withholding of information (includes recipient access to records) | 3        |               | 3            |                             |                              |
| 7486 | correction of record  |          |               |              |                             |                              |
| 7487 | access by p & a to records  |          |               |              |                             |                              |
| 7501 | privileged communication  |          |               |              |                             |                              |

9. Treatment Environment

| Code | Category                    | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-----------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7081 | safe environment            | 57       | 4             | 53           | 1                           | 1                            |
| 7082 | sanitary/humane environment | 45       | 1             | 11           |                             |                              |
| 7086 | least restrictive setting   | 1        |               | 1            |                             |                              |

10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7441 | restrictions/limitations | 11       |               | 11           |                             |                              |
| 7400 | restraint                |          |               |              |                             |                              |
| 7420 | seclusion                | 1        |               | 1            |                             |                              |

11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7301 | safeguarding money                 | 6        |               | 6            |                             |                              |
| 7302 | facility account                   | 9        |               | 9            |                             |                              |
| 7303 | easy access to money in account    | 3        |               | 3            |                             |                              |
| 7304 | ability to spend or use as desired | 1        |               | 1            |                             |                              |
| 7305 | delivery of money upon release     |          |               |              |                             |                              |
| 7360 | labor & compensation               |          |               |              |                             |                              |

12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7267 | access to entertainment materials, information, news | 6        |               | 6            |                             |                              |
| 7281 | possession and use                                   | 24       | 1             | 23           |                             | 1                            |
| 7282 | storage space  | 2        |               | 2            |                             |                              |
| 7283 | inspection at reasonable times                       | 1        |               | 1            |                             |                              |
| 7285 | exclusions   |          |               |              |                             |                              |
| 7286 | limitations  |          |               |              |                             |                              |
| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
| 7287 | receipts to recipient and to designated individual   |          |               |              |                             |                              |
| 7288 | waiver   |          |               |              |                             |                              |
| 7289 | protection   | 9        |               | 9            |                             |                              |

13. Suitable Services

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 1708 | dignity and respect             | 42       | 6             | 36           |                             | 1                            |
| 7003 | informed consent                |          |               |              |                             |                              |
| 7029 | information on family planning  |          |               |              |                             |                              |
| 7049 | treatment by spiritual means    | 1        |               | 1            |                             |                              |
| 7080 | mh services suited to condition | 173      |               | 173          | 1                           |                              |

|      |  |    |  |    |  |  |
|------|--|----|--|----|--|--|
| 7100 | physical and mental exams                      |    |  |    |  |  |
| 7130 | choice of physician/mental health professional | 1  |  | 1  |  |  |
| 7140 | notice of clinical status/progress             |    |  |    |  |  |
| 7150 | services of mental health professional         |    |  |    |  |  |
| 7160 | surgery  |    |  |    |  |  |
| 7170 | electro convulsive therapy (ect)               |    |  |    |  |  |
| 7180 | psychotropic drugs                             | 12 |  | 12 |  |  |
| 7190 | notice of medication side effects              |    |  |    |  |  |

14. Treatment Planning

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7121 | person-centered process                  |          |               |              |                             |                              |
| 7122 | timely development                       |          |               |              |                             |                              |
| 7123 | requests for review                      |          |               |              |                             |                              |
| 7124 | participation by individual(s) of choice |          |               |              |                             |                              |
| 7125 | assessment of needs                      |          |               |              |                             |                              |

15. Photographs, Fingerprints, Audiotapes, One-way Glass

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7241 | prior consent            |          |               |              |                             |                              |
| 7242 | identification           |          |               |              |                             |                              |
| 7243 | objection                |          |               |              |                             |                              |
| 7244 | release to others/return |          |               |              |                             |                              |
| 7245 | storage/destruction      |          |               |              |                             |                              |

17. No Right Involved

| Code | Category          | Received |
|------|-------------------|----------|
| 0000 | no right involved | 258      |

insert the same number



258

18. Outside Provider Jurisdiction

| Code | Category                      | Received |
|------|-------------------------------|----------|
| 0001 | outside provider jurisdiction | 37       |

insert the same number



37

**Totals:** 775

47

695

3

**Remedial Action Key**

|    |                    |     |   |    |                                    |
|----|--------------------|-----|---|----|------------------------------------|
| 01 | Verbal Counseling  | 06  | Staff Transfer                              | 10 | Policy Revision/Development        |
| 02 | Written Counseling | 07  | Training                                    | 11 | Environmental Repair /Enhancement  |
| 03 | Written Reprimand  | 08  | Employment Termination                      | 12 | Plan of Service Revision           |
| 04 | Suspension         | *08 | Employee left the agency, but Substantiated | 13 | Recipient Transfer to Another Site |
| 05 | Demotion           | 09  | Contract Action                             | 14 | Other                              |

**Remedial Action Taken for Center for Forensic Psychiatry**

| Code | Category                        | Action Taken |
|------|---------------------------------|--------------|
| 1708 | dignity and respect             | 3            |
| 7080 | mh services suited to condition | 10           |
| 7081 | safe environment                | 11           |
| 7081 | safe environment                | 14           |
| 7281 | possession and use              | 10           |

|       |                                     |    |
|-------|-------------------------------------|----|
| 7284  | search/seizure                      | 10 |
| 7284  | search/seizure                      | 3  |
| 72222 | abuse class II - unreasonable force | 4  |
| 72271 | neglect class III                   | 10 |

Agency: Hawthorn Center

Rights Advisor: Shirley Roberts

**Section I: Complaint Data Summary:**

**Part A: Totals**

|                              |    |
|------------------------------|----|
| Complaints Received          | 84 |
| Allegations Involved         | 91 |
| Allegations Investigated     | 33 |
| Interventions Substantiated  | 6  |
| Investigations Substantiated | 7  |
| Complaints Received          | 84 |

**Part B: Aggregate Summary**

1. Freedom from Abuse

| Code  | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7221  | abuse class I                            |          |               |              |                             |                              |
| 72221 | abuse class II - nonaccidental act       | 15       | 15            |              |                             | 1                            |
| 72222 | abuse class II - unreasonable force      | 4        | 4             |              |                             | 1                            |
| 72223 | abuse class II - emotional harm          |          |               |              |                             |                              |
| 72224 | abuse class II - treating as incompetent |          |               |              |                             |                              |
| 72225 | abuse class II - exploitation            |          |               |              |                             |                              |
| 7223  | abuse class III                          | 7        | 7             |              |                             | 2                            |
| 7224  | abuse class I - sexual abuse             |          |               |              |                             |                              |

2. Freedom from Neglect

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 72251 | neglect class I                       |          |               |              |                             |                              |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |
| 72261 | neglect class II                      |          |               |              |                             |                              |
| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
| 72262 | neglect class II - failure to report  |          |               |              |                             |                              |
| 72271 | neglect class III                     | 1        | 1             |              |                             |                              |
| 72272 | neglect class III - failure to report |          |               |              |                             |                              |

3. Rights Protection System

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7060 | notice/explanation of rights    |          |               |              |                             |                              |
| 7545 | retaliation/harassment          |          |               |              |                             |                              |
| 7760 | access to rights system         |          |               |              |                             |                              |
| 7780 | complaint investigation process |          |               |              |                             |                              |
| 7840 | appeal process/mediation        |          |               |              |                             |                              |

4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |
| 4510 | involuntary admission process                    |          |               |              |                             |                              |
| 4630 | independent clinical examination                 |          |               |              |                             |                              |
| 4980 | objection to hospitalization (minor)             | 2        |               | 2            |                             |                              |
| 7050 | second opinion - denial of services              |          |               |              |                             |                              |

5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. |          |               |              |                             |                              |
| 7044 | religious practice   | 1        |               | 1            |                             |                              |
| 7045 | voting   |          |               |              |                             |                              |
| 7047 | presumption of competency  |          |               |              |                             |                              |
| 7284 | search/seizure   |          |               |              |                             |                              |

6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7111 | family dignity & respect                 |          |               |              |                             |                              |
| 7112 | receipt of general education information |          |               |              |                             |                              |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |

7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7261 | visits   | 2        | 1             | 1            |                             |                              |
| 7262 | contact with attorneys or others regarding legal matters |          |               |              |                             |                              |
| 7263 | access to telephone, mail                                | 3        |               | 3            |                             |                              |
| 7264 | funds for postage, stationery, telephone usage           |          |               |              |                             |                              |
| 7265 | written and posted limitations, if established           |          |               |              |                             |                              |
| 7266 | uncensored mail  |          |               |              |                             |                              |

8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|
| 7481 | disclosure - confidential information                             |          |               |              |                             |                              |
| 7485 | withholding of information (includes recipient access to records) |          |               |              |                             |                              |
| 7486 | correction of record  |          |               |              |                             |                              |
| 7487 | access by p & a to records  |          |               |              |                             |                              |
| 7501 | privileged communication  |          |               |              |                             |                              |

9. Treatment Environment

| Code | Category                    | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-----------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7081 | safe environment            | 18       |               | 18           | 4                           |                              |
| 7082 | sanitary/humane environment | 3        |               | 3            | 1                           |                              |
| 7086 | least restrictive setting   |          |               |              |                             |                              |

10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7441 | restrictions/limitations | 6        |               | 6            |                             |                              |
| 7400 | restraint                |          |               |              |                             |                              |
| 7420 | seclusion                |          |               |              |                             |                              |

11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7301 | safeguarding money                 |          |               |              |                             |                              |
| 7302 | facility account                   |          |               |              |                             |                              |
| 7303 | easy access to money in account    |          |               |              |                             |                              |
| 7304 | ability to spend or use as desired |          |               |              |                             |                              |
| 7305 | delivery of money upon release     |          |               |              |                             |                              |
| 7360 | labor & compensation               |          |               |              |                             |                              |

12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7267 | access to entertainment materials, information, news | 1        |               | 1            |                             |                              |
| 7281 | possession and use                                   |          |               |              |                             |                              |
| 7282 | storage space  |          |               |              |                             |                              |
| 7283 | inspection at reasonable times                       |          |               |              |                             |                              |
| 7285 | exclusions   |          |               |              |                             |                              |
| 7286 | limitations  |          |               |              |                             |                              |
| 7287 | receipts to recipient and to designated individual   |          |               |              |                             |                              |
| 7288 | waiver   |          |               |              |                             |                              |
| 7289 | protection   | 1        |               | 1            |                             |                              |

13. Suitable Services

| Code | Category                                       | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 1708 | dignity and respect                            | 17       | 5             | 12           |                             | 3                            |
| 7003 | informed consent                               |          |               |              |                             |                              |
| 7029 | information on family planning                 |          |               |              |                             |                              |
| 7049 | treatment by spiritual means                   |          |               |              |                             |                              |
| 7080 | mh services suited to condition                | 7        |               | 7            | 1                           |                              |
| 7100 | physical and mental exams                      |          |               |              |                             |                              |
| 7130 | choice of physician/mental health professional |          |               |              |                             |                              |
| 7150 | services of mental health professional         |          |               |              |                             |                              |
| 7170 | electro convulsive therapy (ect)               |          |               |              |                             |                              |
| 7180 | psychotropic drugs                             |          |               |              |                             |                              |
| 7190 | notice of medication side effects              |          |               |              |                             |                              |

14. Treatment Planning

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7121 | person-centered process                  | 1        |               | 1            |                             |                              |
| 7122 | timely development                       |          |               |              |                             |                              |
| 7123 | requests for review                      | 1        |               | 1            |                             |                              |
| 7124 | participation by individual(s) of choice |          |               |              |                             |                              |
| 7125 | assessment of needs                      | 1        |               | 1            |                             |                              |

15. Photographs, Fingerprints, Audiotapes, One-way Glass

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7241 | prior consent            |          |               |              |                             |                              |
| 7242 | identification           |          |               |              |                             |                              |
| 7243 | objection                |          |               |              |                             |                              |
| 7244 | release to others/return |          |               |              |                             |                              |
| 7245 | storage/destruction      |          |               |              |                             |                              |

17. No Right Involved

| Code | Category          | Received |
|------|-------------------|----------|
| 0000 | no right involved |          |

insert the same number




18. Outside Provider Jurisdiction

| Code | Category                      | Received |
|------|-------------------------------|----------|
| 0001 | outside provider jurisdiction |          |

insert the same number




**Totals:** 91 33 58 6 7

**Remedial Action Key**

|    |                    |     |   |    |                                    |
|----|--------------------|-----|---|----|------------------------------------|
| 01 | Verbal Counseling  | 06  | Staff Transfer                              | 10 | Policy Revision/Development        |
| 02 | Written Counseling | 07  | Training                                    | 11 | Environmental Repair /Enhancement  |
| 03 | Written Reprimand  | 08  | Employment Termination                      | 12 | Plan of Service Revision           |
| 04 | Suspension         | *08 | Employee left the agency, but Substantiated | 13 | Recipient Transfer to Another Site |
| 05 | Demotion           | 09  | Contract Action                             | 14 | Other                              |

**Remedial Action Taken for Hawthorn Center**

| Code  | Category                            | Action Taken |
|-------|-------------------------------------|--------------|
| 1708  | dignity and respect                 | 3            |
| 1708  | dignity and respect                 | 2            |
| 1708  | dignity and respect                 | 3            |
| 7080  | mh services suited to condition     | 12           |
| 7081  | safe environment                    | 14           |
| 7081  | safe environment                    | 11           |
| 7081  | safe environment                    | 11           |
| 7081  | safe environment                    | 11           |
| 7082  | sanitary/humane environment         | 12           |
| 7223  | abuse class III                     | 4            |
| 7223  | abuse class III                     | 3            |
| 72221 | abuse class II - nonaccidental act  | 4            |
| 72222 | abuse class II - unreasonable force | 4            |

**Section I: Complaint Data Summary:**

**Part A: Totals**

|                              |     |
|------------------------------|-----|
| Complaints Received          | 631 |
| Allegations Involved         | 639 |
| Allegations Investigated     | 81  |
| Interventions Substantiated  | 13  |
| Investigations Substantiated | 28  |
| Complaints Received          | 631 |

**Part B: Aggregate Summary**

1. Freedom from Abuse

| Code  | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7221  | abuse class I                            |          |               |              |                             |                              |
| 72221 | abuse class II - nonaccidental act       | 28       | 28            |              |                             | 3                            |
| 72222 | abuse class II - unreasonable force      | 3        | 3             |              |                             | 2                            |
| 72223 | abuse class II - emotional harm          | 1        | 1             |              |                             |                              |
| 72224 | abuse class II - treating as incompetent |          |               |              |                             |                              |
| 72225 | abuse class II - exploitation            | 1        | 1             |              |                             |                              |
| 7223  | abuse class III                          | 8        | 8             |              |                             | 2                            |
| 7224  | abuse class I - sexual abuse             | 3        | 3             |              |                             |                              |

2. Freedom from Neglect

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 72251 | neglect class I                       |          |               |              |                             |                              |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |
| 72261 | neglect class II                      | 4        | 4             |              |                             | 3                            |
| 72262 | neglect class II - failure to report  |          |               |              |                             |                              |
| 72271 | neglect class III                     | 19       | 19            |              |                             | 13                           |
| 72272 | neglect class III - failure to report | 1        | 1             |              |                             |                              |

3. Rights Protection System

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7060 | notice/explanation of rights    |          |               |              |                             |                              |
| 7520 | failure to report               |          |               |              |                             |                              |
| 7545 | retaliation/harassment          |          |               |              |                             |                              |
| 7760 | access to rights system         | 1        |               | 1            |                             |                              |
| 7780 | complaint investigation process |          |               |              |                             |                              |
| 7840 | appeal process/mediation        |          |               |              |                             |                              |

4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |
| 4510 | involuntary admission process                    | 4        |               | 4            |                             |                              |

|      |                                      |   |  |   |  |  |
|------|--------------------------------------|---|--|---|--|--|
| 4630 | independent clinical examination     | 1 |  | 1 |  |  |
| 4980 | objection to hospitalization (minor) | 1 |  | 1 |  |  |
| 7050 | second opinion - denial of services  |   |  |   |  |  |

#### 5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. | 2        |               | 2            |                             |                              |
| 7044 | religious practice   | 2        |               | 2            |                             |                              |
| 7045 | voting   |          |               |              |                             |                              |
| 7047 | presumption of competency  |          |               |              |                             |                              |
| 7284 | search/seizure   | 1        |               | 1            |                             |                              |

#### 6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7111 | family dignity & respect                 | 1        |               | 1            |                             |                              |
| 7112 | receipt of general education information |          |               |              |                             |                              |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |

#### 7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7261 | visits   |          |               |              |                             |                              |
| 7262 | contact with attorneys or others regarding legal matters |          |               |              |                             |                              |
| 7263 | access to telephone, mail                                | 15       |               | 15           |                             |                              |
| 7264 | funds for postage, stationery, telephone usage           |          |               |              |                             |                              |
| 7265 | written and posted limitations, if established           |          |               |              |                             |                              |
| 7266 | uncensored mail  | 2        |               | 2            |                             |                              |

#### 8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|
| 7481 | disclosure - confidential information                             | 4        |               | 4            |                             |                              |
| 7485 | withholding of information (includes recipient access to records) |          |               |              |                             |                              |
| 7486 | correction of record  | 1        |               | 1            |                             |                              |
| 7487 | access by p & a to records  |          |               |              |                             |                              |
| 7501 | privileged communication  |          |               |              |                             |                              |

#### 9. Treatment Environment

| Code | Category                    | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-----------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7081 | safe environment            | 45       | 1             | 44           | 1                           |                              |
| 7082 | sanitary/humane environment | 47       |               | 47           | 5                           |                              |
| 7086 | least restrictive setting   | 99       |               | 99           |                             |                              |

10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7441 | restrictions/limitations | 28       |               | 28           |                             |                              |
| 7400 | Restraint+               | 3        | 2             | 1            |                             | 1                            |
| 7420 | seclusion                |          |               |              |                             |                              |

11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7301 | safeguarding money                 | 3        |               | 3            |                             |                              |
| 7302 | facility account                   | 4        |               | 4            |                             |                              |
| 7303 | easy access to money in account    | 4        |               | 4            |                             |                              |
| 7304 | ability to spend or use as desired | 3        |               | 3            |                             |                              |
| 7360 | labor & compensation               | 1        |               | 1            |                             |                              |

12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7267 | access to entertainment materials, information, news | 1        |               | 1            |                             |                              |
| 7281 | possession and use                                   | 19       |               | 19           | 2                           |                              |
| 7282 | storage space  |          |               |              |                             |                              |
| 7283 | inspection at reasonable times                       |          |               |              |                             |                              |
| 7285 | exclusions   | 1        |               | 1            |                             |                              |
| 7286 | limitations  | 1        |               | 1            |                             |                              |
| 7287 | receipts to recipient and to designated individual   | 1        |               | 1            |                             |                              |
| 7289 | protection   | 15       |               | 15           | 1                           |                              |

13. Suitable Services

| Code | Category                                       | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 1708 | dignity and respect                            | 83       | 6             | 77           |                             | 2                            |
| 7003 | informed consent                               | 1        |               | 1            | 1                           |                              |
| 7029 | information on family planning                 |          |               |              |                             |                              |
| 7049 | treatment by spiritual means                   |          |               |              |                             |                              |
| 7080 | mh services suited to condition                | 72       | 1             | 71           | 3                           | 1                            |
| 7100 | physical and mental exams                      |          |               |              |                             |                              |
| 7130 | choice of physician/mental health professional | 2        |               | 2            |                             |                              |
| 7140 | notice of clinical status/progress             |          |               |              |                             |                              |
| 7150 | services of mental health professional         | 3        |               | 3            |                             |                              |
| 7160 | surgery  |          |               |              |                             |                              |
| 7170 | electro convulsive therapy (ect)               |          |               |              |                             |                              |
| 7180 | psychotropic drugs                             | 16       | 3             | 13           |                             | 1                            |
| 7190 | notice of medication side effects              | 2        |               | 2            |                             |                              |

14. Treatment Planning

| Code | Category                | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7121 | person-centered process | 1        |               | 1            |                             |                              |
| 7122 | timely development      | 1        |               | 1            |                             |                              |
| 7123 | requests for review     |          |               |              |                             |                              |

|      |  |   |  |   |  |  |
|------|--|---|--|---|--|--|
| 7124 | participation by individual(s) of choice | 1 |  | 1 |  |  |
| 7125 | assessment of needs                      |   |  |   |  |  |

15. Photographs, Fingerprints, Audiotapes, One-way Glass

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7241 | prior consent            |          |               |              |                             |                              |
| 7242 | identification           |          |               |              |                             |                              |
| 7243 | objection                |          |               |              |                             |                              |
| 7244 | release to others/return |          |               |              |                             |                              |
| 7245 | storage/destruction      |          |               |              |                             |                              |

17. No Right Involved

| Code | Category          | Received |
|------|-------------------|----------|
| 0000 | no right involved | 44       |

insert the same number

⇒ 44

18. Outside Provider Jurisdiction

| Code | Category                      | Received |
|------|-------------------------------|----------|
| 0001 | outside provider jurisdiction | 35       |

insert the same number

⇒ 35

**Totals:** 639 81 558 13 28

Remedial Action Key

|    |                    |     |   |    |                                    |
|----|--------------------|-----|---|----|------------------------------------|
| 01 | Verbal Counseling  | 06  | Staff Transfer                              | 10 | Policy Revision/Development        |
| 02 | Written Counseling | 07  | Training                                    | 11 | Environmental Repair /Enhancement  |
| 03 | Written Reprimand  | 08  | Employment Termination                      | 12 | Plan of Service Revision           |
| 04 | Suspension         | *08 | Employee left the agency, but Substantiated | 13 | Recipient Transfer to Another Site |
| 05 | Demotion           | 09  | Contract Action                             | 14 | Other                              |

Remedial Action Taken for Kalamazoo Psychiatric Hospital

| Code | Category                               | Action Taken |
|------|--|--------------|
| 1708 | dignity and respect                    | 14           |
| 1708 | dignity and respect                    | 2            |
| 7003 | informed consent                       | 7            |
| 7080 | mh services suited to condition        | 3            |
| 7080 | mh services suited to condition        | 7            |
| 7080 | mh services suited to condition        | 7            |
| 7080 | mh services suited to condition        | 7            |
| 7081 | safe environment                       | 10           |
| 7082 | sanitary/humane environment            | 11           |
| 7082 | sanitary/humane environment            | 10           |
| Code | Category                               | Action Taken |
| 7082 | sanitary/humane environment            | 11           |
| 7082 | sanitary/humane environment            | 7            |
| 7082 | sanitary/humane environment            | 11           |
| 7180 | psychotropic drugs                     | 7            |
| 7223 | abuse class III                        | 5            |
| 7223 | abuse class III                        | 8            |
| 7281 | personal property - possession and use | 7            |

|       |  |    |
|-------|--|----|
| 7281  | personal property - possession and use | 7  |
| 7289  | personal property - protection         | 14 |
| 7400  | restraint                              | 3  |
| 72221 | abuse class II - nonaccidental act     | 4  |
| 72221 | abuse class II - nonaccidental act     | 14 |
| 72221 | abuse class II - nonaccidental act     | 5  |
| 72222 | abuse class II - unreasonable force    | 3  |
| 72222 | abuse class II - unreasonable force    | 4  |
| 72261 | neglect class II                       | 3  |
| 72261 | neglect class II                       | 4  |
| 72261 | neglect class II                       | 3  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 14 |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 14 |
| 72271 | neglect class III                      | 14 |
| 72271 | neglect class III                      | 5  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 3  |
| 72271 | neglect class III                      | 4  |

**Agency: Walter Reuther Psychiatric Hospital**

**Rights Advisors: Patricia Jolly and David Scott**

**Section I: Complaint Data Summary:**

**Part A: Totals**

|                          |     |
|--------------------------|-----|
| Recipient                | 334 |
| Staff                    | 3   |
| ORR                      | 1   |
| Guardian/Family          | 1   |
| Anonymous                | 0   |
| Community/General Public | 1   |

**Part B: Aggregate Summary**

1. Freedom from Abuse

| Code  | Category                            | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|-------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7221  | abuse class I                       |          |               |              |                             |                              |
| 72221 | abuse class II - nonaccidental act  | 22       | 22            |              |                             | 3                            |
| 72222 | abuse class II - unreasonable force | 5        | 5             |              |                             |                              |
| 72223 | abuse class II - emotional harm     |          |               |              |                             |                              |

|       |  |    |    |  |  |   |
|-------|--|----|----|--|--|---|
| 72224 | abuse class II - treating as incompetent |    |    |  |  |   |
| 72225 | abuse class II - exploitation            |    |    |  |  |   |
| 72223 | abuse class III                          | 18 | 18 |  |  | 1 |
| 72224 | abuse class I - sexual abuse             | 5  | 5  |  |  |   |

2. Freedom from Neglect

| Code  | Category                              | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|-------|---------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 72251 | neglect class I                       | 2        | 2             |              |                             |                              |
| 72252 | neglect class I - failure to report   |          |               |              |                             |                              |
| 72261 | neglect class II                      | 4        | 4             |              |                             | 2                            |
| 72262 | neglect class II - failure to report  | 1        | 1             |              |                             |                              |
| 72271 | neglect class III                     | 4        | 4             |              |                             | 2                            |
| 72272 | neglect class III - failure to report |          |               |              |                             |                              |

3. Rights Protection System

| Code | Category                        | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7545 | retaliation/harassment          |          |               |              |                             |                              |
| 7760 | access to rights system         | 1        |               | 1            |                             |                              |
| 7780 | complaint investigation process |          |               |              |                             |                              |
| 7840 | appeal process/mediation        |          |               |              |                             |                              |

4. Admission/Discharge/Second Opinion

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 4090 | second opinion - denial of hospitalization       |          |               |              |                             |                              |
| 4190 | termination of voluntary hospitalization (adult) |          |               |              |                             |                              |
| 4510 | involuntary admission process                    | 19       |               | 19           |                             |                              |
| 4630 | independent clinical examination                 |          |               |              |                             |                              |
| 4980 | objection to hospitalization (minor)             |          |               |              |                             |                              |

5. Civil Rights

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. | 1        | 1             |              |                             | 1                            |
| 7044 | religious practice   |          |               |              |                             |                              |
| 7045 | voting   | 1        |               | 1            |                             |                              |
| 7047 | presumption of competency  |          |               |              |                             |                              |
| 7284 | search/seizure   | 1        |               | 1            |                             |                              |

6. Family Rights

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7111 | family dignity & respect                 |          |               |              |                             |                              |
| 7112 | receipt of general education information |          |               |              |                             |                              |
| 7113 | opportunity to provide information       |          |               |              |                             |                              |

7. Communication & Visits

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7261 | visits   | 7        |               | 7            |                             |                              |
| 7262 | contact with attorneys or others regarding legal matters |          |               |              |                             |                              |

|      |  |   |  |   |  |  |
|------|--|---|--|---|--|--|
| 7263 | access to telephone, mail                      | 8 |  | 8 |  |  |
| 7264 | funds for postage, stationery, telephone usage |   |  |   |  |  |
| 7265 | written and posted limitations, if established |   |  |   |  |  |
| 7266 | uncensored mail                                | 1 |  | 1 |  |  |

#### 8. Confidentiality/Privileged Communications/Disclosure

| Code | Category  | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---|----------|---------------|--------------|-----------------------------|------------------------------|
| 7481 | disclosure - confidential information                             |          |               |              |                             |                              |
| 7485 | withholding of information (includes recipient access to records) | 2        |               | 2            |                             |                              |
| 7487 | access by p & a to records  |          |               |              |                             |                              |
| 7501 | privileged communication  |          |               |              |                             |                              |

#### 9. Treatment Environment

| Code | Category                    | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|-----------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7081 | safe environment            | 30       | 6             | 24           |                             | 1                            |
| 7082 | sanitary/humane environment | 11       | 1             | 10           |                             |                              |
| 7086 | least restrictive setting   |          |               |              |                             |                              |

#### 10. Freedom of Movement

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7441 | restrictions/limitations | 35       | 2             | 33           |                             | 2                            |
| 7400 | restraint                |          |               |              |                             |                              |
| 7420 | seclusion                |          |               |              |                             |                              |

#### 11. Financial Rights

| Code | Category                           | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|------------------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7301 | safeguarding money                 | 2        |               | 2            |                             |                              |
| 7302 | facility account                   | 4        |               | 4            |                             |                              |
| 7303 | easy access to money in account    |          |               |              |                             |                              |
| 7304 | ability to spend or use as desired |          |               |              |                             |                              |
| 7360 | labor & compensation               | 1        |               | 1            |                             |                              |

#### 12. Personal Property

| Code | Category   | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7267 | access to entertainment materials, information, news | 1        | 1             |              |                             | 1                            |
| 7281 | possession and use                                   | 4        |               | 4            |                             |                              |
| 7282 | storage space  |          |               |              |                             |                              |
| 7283 | inspection at reasonable times                       |          |               |              |                             |                              |
| 7285 | exclusions   |          |               |              |                             |                              |
| 7286 | limitations  |          |               |              |                             |                              |
| 7287 | receipts to recipient and to designated individual   |          |               |              |                             |                              |
| 7288 | waiver   |          |               |              |                             |                              |
| 7289 | protection   | 13       |               | 13           | 1                           |                              |

#### 13. Suitable Services

| Code | Category            | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|---------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 1708 | dignity and respect | 20       | 5             | 15           |                             | 2                            |
| 7003 | informed consent    |          |               |              |                             |                              |

|      |  |     |    |    |  |    |
|------|--|-----|----|----|--|----|
| 7029 | information on family planning                 |     |    |    |  |    |
| 7049 | treatment by spiritual means                   |     |    |    |  |    |
| 7080 | mh services suited to condition                | 110 | 13 | 97 |  | 12 |
| 7100 | physical and mental exams                      |     |    |    |  |    |
| 7130 | choice of physician/mental health professional |     |    |    |  |    |
| 7140 | notice of clinical status/progress             |     |    |    |  |    |
| 7150 | services of mental health professional         |     |    |    |  |    |
| 7160 | surgery  |     |    |    |  |    |
| 7170 | electro convulsive therapy (ect)               |     |    |    |  |    |
| 7180 | psychotropic drugs                             | 13  |    | 13 |  |    |
| 7190 | notice of medication side effects              |     |    |    |  |    |

14. Treatment Planning

| Code | Category                                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--|----------|---------------|--------------|-----------------------------|------------------------------|
| 7121 | person-centered process                  |          |               |              |                             |                              |
| 7122 | timely development                       |          |               |              |                             |                              |
| 7123 | requests for review                      |          |               |              |                             |                              |
| 7124 | participation by individual(s) of choice |          |               |              |                             |                              |
| 7125 | assessment of needs                      |          |               |              |                             |                              |

15. Photographs, Fingerprints, Audiotapes, One-way Glass

| Code | Category                 | Received | Investigation | Intervention | Interventions Substantiated | Investigations Substantiated |
|------|--------------------------|----------|---------------|--------------|-----------------------------|------------------------------|
| 7243 | objection                |          |               |              |                             |                              |
| 7244 | release to others/return |          |               |              |                             |                              |
| 7245 | storage/destruction      |          |               |              |                             |                              |

17. No Right Involved

| Code | Category          | Received |
|------|-------------------|----------|
| 0000 | no right involved | 9        |

insert the same number

⇒

18. Outside Provider Jurisdiction

| Code | Category                      | Received |
|------|-------------------------------|----------|
| 0001 | outside provider jurisdiction |          |

insert the same number

⇒

**Totals:** 355

90

265

1

27

**Remedial Action Key**

|    |                    |     |   |    |                                    |
|----|--------------------|-----|---|----|------------------------------------|
| 01 | Verbal Counseling  | 06  | Staff Transfer                              | 10 | Policy Revision/Development        |
| 02 | Written Counseling | 07  | Training                                    | 11 | Environmental Repair /Enhancement  |
| 03 | Written Reprimand  | 08  | Employment Termination                      | 12 | Plan of Service Revision           |
| 04 | Suspension         | *08 | Employee left the agency, but Substantiated | 13 | Recipient Transfer to Another Site |
| 05 | Demotion           | 09  | Contract Action                             | 14 | Other                              |

**Remedial Action Taken for Walter Reuther Psychiatric Hospital**

| Code | Category   | Action Taken |
|------|--|--------------|
| 1708 | dignity and respect  | 3            |
| 1708 | dignity and respect  | 4            |
| 7041 | civil rights: discrimination, accessibility, accommodation, etc. | 10           |
| 7080 | mh services suited to condition                                  | 7            |
| 7080 | mh services suited to condition                                  | 3            |
| 7080 | mh services suited to condition                                  | 3            |
| 7080 | mh services suited to condition                                  | 3            |

|       |  |    |
|-------|--|----|
| 7080  | mh services suited to condition                | 3  |
| 7080  | mh services suited to condition                | 3  |
| 7080  | mh services suited to condition                | 1  |
| 7080  | mh services suited to condition                | 1  |
| 7080  | mh services suited to condition                | 1  |
| 7080  | mh services suited to condition                | 1  |
| 7080  | mh services suited to condition                | 8  |
| 7080  | mh services suited to condition                | 4  |
| 7081  | safe environment                               | 2  |
| 7223  | abuse class III                                | 4  |
| 7263  | access to telephone, mail                      | 7  |
| 7289  | personal property - protection                 | 14 |
| 7441  | freedom of movement - restrictions/limitations | 14 |
| 7441  | freedom of movement - restrictions/limitations | 7  |
| 72221 | abuse class II - nonaccidental act             | 4  |
| 72221 | abuse class II - nonaccidental act             | 4  |
| 72221 | abuse class II - nonaccidental act             | 4  |
| 72261 | neglect class II                               | 4  |
| 72261 | neglect class II                               | 4  |
| 72271 | neglect class III                              | 4  |
| 72271 | neglect class III                              | 1  |