

State of Michigan
MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
LANSING, MICHIGAN 48913

RICK SNYDER, GOVERNOR

JAMES K.HAVEMAN, DIRECTOR

MINUTES

RECIPIENT RIGHTS ADVISORY COMMITTEE

March 14, 2013
5th Floor Conference Room, Lewis Cass Building
Lansing, Michigan 48913

Mission

It is the mission of the Michigan Department of Community Health Recipient Rights Advisory Committee to advise the Directors of the Michigan Department of Community Health and the State Office of Recipient Rights in order to ensure that the rights of individuals receiving public mental health services are protected and promoted.

Vision

It is the vision of the Michigan Department of Community Health Recipient Rights Advisory Committee that Michigan values a public mental health system in which individuals receiving services are treated with dignity and respect, enjoy full and fair access to the rights accorded them and are free to participate fully in all aspects of their lives.

RRAC TRAINING

Andy Silver, ORR Training Unit Director, conducted training for the MDCH RRAC on its roles and responsibilities.

ATTENDANCE

Basil Scott, Dr. John Board, Michelle Milligan, Mark Reinstein, Pamela Stants via telephone), Margaret Stooksberry, Denice Virgo, Wayne Hogan, Vendella Collins, Gary Kaufman

STAFF PRESENT

Dianne L. Baker, Andrew Silver

PUBLIC PRESENT

No public

CALL TO ORDER

The public meeting was called to order at 2:25 p.m. by Chair, Basil Scott.

AGENDA APPROVAL

Motion to approve the agenda as amended (with the addition of a NLCMH status update) by Reinstein, seconded by Hogan. Motion carried.

APPROVAL OF PREVIOUS MINUTES (January 10, 2012)

Motion by Stooksberry to approve minutes from last meeting, seconded by Kaufman. Motion carried.

PUBLIC COMMENT: None

DIRECTOR'S REPORT

In Sanford's absence Baker announced that the new Executive Assistant, Theresa Randleman, begins her job with ORR on Monday, March 18, 2013.

Baker briefly updated the Committee on the status of WRPH following CMS and TJC visits and citations. Postema, ORR Field Manager, is working closely with the WRPH-ORR and facility and Bureau staff on the Plan of Correction.

UPDATE – PA 543 Mark Reinstein

Reinstein indicated that this law amended the Michigan Motor Vehicle Code in December 2012 to include violation if operating a motor vehicle under the influence of any "intoxicating substance".

Prior to this Act, the Motor Vehicle Code included only violation if stopped while driving under the influence of alcohol with a clear legal limit or a controlled substance with a specific limit.

MDCH formed a work group of advocates and interested others on the issue. Reinstein participated as Director of the Mental Health Association. Others included DCH staff, Michigan Pharmacists Assoc., MDSP, prosecutors, MACMHB, Epilepsy Foundation and the Michigan Psychiatric Society. Reinstein spoke with the MDCH Legislative Liaison last week who indicated that language revising the language regarding non-controlled substances will be presented to Senator Robertson. There is a good chance that a fix for the non-controlled substances will occur soon.

Discussion ensued.

NLCMH UPDATE

Silver provided an update as to MDCH-ORR response to the NLCMH Plan of Correction submitted in response to the ORR Special Investigation Report of December 2012. He and Postema conducted Board of Directors' training on its role in the rights protection system January 17, 2013. NLCMH has hired a new ORR Director and that office is working on catching up on the back-log of cases. Baker and Silver will be meeting with Mr. Paffhouse and his executive staff on March 15, 2013 to discuss policy drafts.

Baker informed the Committee that the NLCMH Board had asked for reconsideration on the conclusion of MDCH-ORR regarding a complaint against Mr. Paffhouse. The initial complaint had been filed with ORR at the request of the NLCMH Board as it was against the CMH Director. The conclusion of the office was that in regard to Allegation A, Mr. Paffhouse failed to take appropriate disciplinary action against staff for substantiated Neglect. The MDCH-ORR did not substantiate Allegation B, alleging that Mr. Paffhouse failed to comply with a standard of care placing recipients at risk of harm (Neglect III). Complainant appealed. The appeal was heard by the State Appeals Committee which returned it to the MDCH-ORR investigator for re-

investigation/reconsideration. The re-investigation resulted in substantiation of the allegation regarding Neglect III on the part of Mr. Paffhouse. The recommendation included that the Board take appropriate disciplinary action. On February 28, 2013, the NLCMH Board voted unanimously to make 2 requests to MDCH-ORR: (1.) Provide an explanation of ORR's decision to reverse its September 7, 2012 Report of Investigative Findings regarding the standard of care, and (2) To consider the February 28, 2013 CEO report with attached supporting documents presented to the Board at the February 28 meeting. The letter of request was received March 6, 2013 whereupon MDCH-ORR responded in answer. An explanation was provided for the "reversal" and Mr. Paffhouse's documentation carefully reviewed. The ORR did not find any new evidence that warranted the investigation being re-opened.

APPOINTMENT OF NOMINATING COMMITTEE

Chair Scott appointed Wayne Hogan, Margaret Stooksberry and Denice Virgo as the Nominating Committee for Chair and Vice-Chair of the MDCH RRAC to be elected in September 2013.

ADJOURNMENT

Stooksberry motioned to adjourn, second by Milligan. Motion carried. The meeting adjourned at 3:45 p.m.

Next Meeting:

MAY 16, 1:00 p.m. – 3:30 p.m. NOTE CHANGE OF DATE
Lewis Cass Building
5th Floor Large Conference Room – NOTE LOCATION CHANGE
Lansing, MI 48913

**IF YOU WOULD LIKE TO CALL INTO THE RECIPIENT RIGHTS ADVISORY
COMMITTEE MEETING, YOU CAN CALL TOLL FREE AT 1-877-873-8018,
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