



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH  
LANSING

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DIRECTOR

February 19, 2013

TO: CMHSP Executive Directors  
DHS County Offices

FROM: Lynda Zeller, Deputy Director   
Behavioral Health and Developmental Disabilities Administration  
Department of Community Health

Steve Yager, Director   
Children's Services Administration  
Department of Human Services

SUBJECT: INTER-AGENCY AGREEMENT FOR THE PROVISION OF ADULT PROTECTIVE SERVICES

Section 6.3.2 of the contract between the Michigan Department of Community Health (MDCH) and the Community Mental Health Services Programs (CMHSPs) requires each CMHSP to make reasonable efforts to obtain a signed agreement between the CMHSP Office of Recipient Rights, the Michigan Department of Human Services (MDHS) Bureau of Children and Adult Licensing (BCAL), and MDHS Adult Protective Services (APS). The agreement addresses the reporting and investigation of suspected abuse, neglect, and exploitation in programs operated or contracted with the CMHSP.

Staff members from the MDHS and the MDCH have worked together to update a model agreement that meets this requirement. A copy of the model agreement is attached.

In addition to updating the agreement, MDHS and MDCH staff members identified processes for reviewing and obtaining signatures on these agreements that will help ensure its effective implementation. The expectation is that staff from the CMHSP and DHS local office will meet face-to-face to review the agreement before signing. After the agreement has been signed by the CMHSP Executive Director and the DHS County Director, it will be forwarded by the MDHS Bureau of Children and Adult Licensing (BCAL) Area Manager to Luttrell Levingston, the BCAL manager for review. Mr. Levingston will then forward the agreement to Jim Gale, Director of BCAL for signature.

Minor changes may be made to the model agreement to reflect local processes. However, the overall agreement should remain substantially intact as issued. As identified above, any modifications made to the model agreement will be reviewed by Tom Renwick and Luttrell Levingston prior to MDHS signature.

Finally, MDHS and MDCH will require that the CMHSP and local MDHS entities meet at least annually to review the agreement and evaluate its effectiveness. Please feel free to contact Luttrell Levingston at 248-975-5072 or Thomas Renwick at 517-373-2568 if you have any questions.

Cc: Jim Gale, MDHS  
Luttrell Levingston, MDHS  
Cynthia Farrell, MDHS



# **INTER-AGENCY AGREEMENT FOR THE PROVISION OF ADULT PROTECTIVE SERVICES**

MICHIGAN DEPARTMENT OF HUMAN SERVICES  
< > COUNTY  
ADULT PROTECTIVE SERVICES

AND

MICHIGAN DEPARTMENT OF HUMAN SERVICES  
BUREAU OF CHILDREN AND ADULT LICENSING

AND

< COMMUNITY MENTAL HEALTH SERVICES PROGRAM >

## Introduction

Following is an Inter-Agency Agreement between the Michigan Department of Human Services Adult Protective Services (DHS-APS), the Michigan Department of Human Services Bureau of Children and Adult Licensing (DHS-BCAL) and the <Community Mental Health Services Program> regarding responsibilities for the provision of adult protective services required under Act 519 of the Public Acts of 1982 as amended (Act 519, MCL 400.1 *et. seq.*); Act 258 of the Public Acts of 1974 as amended (Act 258, MCL 330.1755 *et. seq.*); Act 218 of the Public Acts of 1979 as amended (Act 218, MCL 400.701 *et. seq.*); and Act 368 of the Public Acts of 1978 as amended (Act 368, MCL 333.20101 *et. seq.*).

Adults receiving mental health services, either directly under contract with the <Community Mental Health Services Program> or its subcontractors are entitled to protection from abuse and neglect pursuant to Act 258. DHS-APS is mandated by Act 519 to provide protective services to vulnerable adults as determined necessary by DHS after investigation of reports of abuse, neglect or exploitation. DHS-BCAL is mandated by Act 218 and Act 368 to investigate allegations of abuse, neglect or exploitation of individuals in licensed Adult Foster Care Homes and Homes for the Aged. The <Community Mental Health Services Program> Office of Recipient Rights <CMHSP>-ORR has the statutory responsibility to investigate allegations of abuse, neglect or exploitation of consumers of CMHSP services under Act 258. Recognizing that DHS-APS, DHS-BCAL and the <CMHSP>-ORR each have statutory responsibilities for the provision of their respective services to adults, the parties have agreed to develop a coordinated approach to the reporting and investigation of complaints.

### PURPOSE:

To enter into an agreement between DHS-APS, DHS-BCAL and <CMHSP>-ORR to more effectively and cooperatively protect the rights of consumers through each entity's statutorily prescribed role in the reporting and investigation of alleged or suspected abuse, neglect or exploitation of adults participating in programs under the auspices of <CMHSP>, including contracted or subcontracted residential service providers.

### 1:00 RESPONSIBILITY TO REPORT SUSPECTED ABUSE, NEGLECT, AND EXPLOITATION OF ADULTS IN MENTAL HEALTH SERVICE PROGRAMS:

1.01 Any employee of a mental health program under the auspices of <CMHSP>, under contract with <CMHSP> or any subcontractor employee, who has knowledge of, suspects or has reasonable cause to believe an adult in a home, facility, or a program has been abused, neglected, or exploited, shall report the information as soon

as possible but not later than 24 hours after becoming aware of the information to DHS -APS. A report shall also be made to the <CMHSP>-ORR and, when the harm is alleged to have occurred in a licensed home or facility, and to the appropriate DHS-BCAL office.

The reporting responsibility requires notification to all the following agencies:

- DHS-APS
- <CMHSP>-ORR
- DHS-BCAL, when it occurs in a licensed home or facility

1.02 Any DHS Services Specialist who has knowledge of, suspects or has reasonable cause to believe an adult in a licensed home, facility, or program of the <CMHSP> has been abused, neglected, or exploited, shall report the information as soon as possible, but not later than 24 hours after becoming aware of the information, to the <CMHSP>-ORR and, when the harm is alleged to have occurred in a licensed home or facility, to the appropriate DHS-BCAL office. This report shall be verbal with a written notification to follow within 72 hours.

1.03 Any DHS-BCAL Licensing staff who has knowledge of, suspects or has reasonable cause to believe an adult receiving mental health services in a licensed home or facility or in an unlicensed home has been abused, neglected, or exploited shall report the information as soon as possible, but not later than 24 hours of becoming aware of the information, to the <CMHSP>-ORR and DHS-APS. The initial report shall be verbal with a written notification to follow within 72 hours.

2.00 **RESPONSIBILITY TO INVESTIGATE REPORTS OF SUSPECTED ABUSE, NEGLECT, OR EXPLOITATION OF ADULTS IN MENTAL HEALTH SERVICE PROGRAMS**

2.01 DHS-APS shall have responsibility for the investigation of reports of suspected abuse, neglect or exploitation of all vulnerable adults, including those adults in community mental health programs, and licensed and unlicensed settings.

2.02 Concurrently, <CMHSP>-ORR shall have responsibility to begin an investigation in accordance with Act 258 and <CMHSP> policy.

2.03 Concurrently, DHS-BCAL shall conduct an investigation in accordance with Act 218, Act 368 and BCAL policy.

In the interest of efficiency and to avoid unnecessary duplication, DHS-APS, DHS-BCAL and <CMHSP>-ORR shall develop procedures for coordination of investigations. Local procedures must assure adherence to the respective program's investigative procedures. Primary consideration must be given to protective measures as appropriate.

3.00 **RESPONSIBILITY TO SHARE INFORMATION AND COORDINATE INVESTIGATIONS OF SUSPECTED ABUSE, NEGLECT OR EXPLOITATION OF ADULTS IN MENTAL HEALTH SERVICE PROGRAMS:**

3.01 In accordance with the statutory requirements of P.A. 519, P.A. 258, P.A. 368, P.A. 218 and 45 CFR 164.512(d) (HIPAA) and to fulfill each agency responsibility to investigate and provide their respective services to vulnerable persons, case records and other information pertinent to the investigation may be mutually shared. Nothing in this agreement shall be construed to obligate DHS to release reporting source or complainant information in violation of MCL 400.11c, MCL 400.724(7), or MCL § 333.20180 or to obligate a CMHSP to release reporting source or complainant information in violation of MCL 330.1723.

3.02 Coordination between respective investigative agencies shall be maintained during the course of each investigation, including sharing of investigative findings and coordinating referrals to other agencies, such as law enforcement.

4.00 **RESPONSIBILITY TO SHARE INVESTIGATION REPORTS OF SUSPECTED ABUSE, NEGLECT AND EXPLOITATION OF ADULTS IN MENTAL HEALTH SERVICE PROGRAMS;**

4.01 The DHS-APS shall, consistent with law, share reports of all investigations of abuse, neglect or exploitation involving mental health consumers within five (5) days of completion of the reports. The reports shall be provided to the following as appropriate:

- <CMHSP>-ORR
- The DHS-BCAL Licensing staff when the investigation involves a facility licensed under Act 218 or Act 368.

4.02 DHS-BCAL shall share a copy of their reports on investigations of abuse, neglect or exploitation within five (5) days of completion of the reports. The reports shall be provided to the following as appropriate:

- The <CMHSP>-ORR
- The DHS-APS Services Program Manager

4.03 <CMHSP>-ORR shall share a copy of the reports for all investigations of abuse, neglect, or exploitation of <CMHSP> consumers within five (5) days of completion of the report. The reports shall be provided to the following, as appropriate:

- The DHS-APS Services Program Manager
- The DHS-BCAL staff when the investigation involves a facility licensed under Act 218 or Act 368.

#### 5.00 **ADMINISTRATION**

5.01 The <CMHSP>-ORR shall provide to DHS-APS and DHS-BCAL a list, including phone numbers, of all agencies under contract to <CMHSP> within 30 days of the effective date of this agreement and at least semi-annually thereafter.

5.02 The <CMHSP>-ORR shall provide to DHS-APS and DHS-BCAL the names, addresses, and phone numbers of the <CMHSP> management staff on a quarterly basis.

5.03 The DHS-APS shall provide to the <CMHSP>-ORR and to DHS-BCAL the names, addresses, and phone numbers of the DHS-APS Services Program Manager(s) on a quarterly basis.

5.04 The DHS-BCAL shall provide to the <CMHSP>-ORR and DHS-APS Services Program Manager the names, addresses, and phone number of Area Managers on a quarterly basis.

5.05 DHS-APS, <CMHSP>-ORR and DHS-BCAL shall assure that training concerning this agreement is provided to their respective designated staff.

#### 6.00 **DISPUTE RESOLUTION**

6.01 Resolution of disputes regarding compliance with this agreement shall first be attempted by frontline staff in each organization involved. If unsuccessful, the issue shall be referred to the next level of management within each organization.

This agreement shall be effective once all parties have signed. The organizations shall meet at least annually to address any concerns related to this agreement.

Signed: \_\_\_\_\_

Date \_\_\_\_\_

<NAME>, Director  
<County> Department of Human Services

Signed: \_\_\_\_\_

Date \_\_\_\_\_

<NAME>, Executive Director  
<CMHSP>

Signed: \_\_\_\_\_

Date \_\_\_\_\_

James Gale, Director  
Michigan Department of Human Services  
Bureau of Children and Adult Licensing