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#### SECTION A – LEGAL

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Who is Disability Rights of MI - What Do They Do?

P & A (DRM) Access Authority

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# 2. Legal References

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#### 3. Seclusion and Restraint

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# 4. AG Opinions Regarding Do Not Resuscitate

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AG Opinion 7056 on Do Not Resuscitate: Patient Advocate

PA 193 of 1966, revised (DNR definitions)

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### 5. EPIC

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Highlights of the Estates and Protected Individual's Code - Act 386 of 1998 Patient Advocate in EPIC

Voluntary Admission by Guardian in EPIC

# 6. Whistleblower's

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Whistleblower's Protection Act - Act 469 of 1980

Health Facility Whistleblower's Protection Act – requirements

Whistleblower's Poster for LPH/Us

### 7. Employee Rights Laws

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Bullard-Plawecki Employee Right to Know - Act 397 of 1978

Example of Bullard-Plawecki Notices

Disclosure of Employee Job Performance – Act 90 of 1996

Weingarten Rights of Union Employees

Weingarten Rights: 35 Years and Counting

# 8. Open Meeting Act

Open Meetings Act – Act 267 of 1976

State of Emergency OMA Adjustment - 3a analysis

Open Meetings Handbook

### 9. HIPAA/FOIA

HIPAA & ORR memo - 5/28/03

Refusing FOIA requests (MDHHS-ORR research)

HIPAA guidelines – 45CFR 164.524 (2/6/14)

Freedom of Information Act - PA 442 of 1976 (FOIA)

FOIA Letter example

Medical Records Access PA 47 of 2004

#### 10. Penal Code

Criminal Sexual Conduct - Act 505 of 2000

Vulnerable Adult Abuse – Act 559 of 2004

MI Penal Code - Act 328 of 1931 750.520a - .520n

MI Penal Code - Act 328 of 1931 750.81 - 750.89

# **SECTION B – RIGHTS OFFICE FUNCTIONS**

# 11. Survey Tools

MDHHS-ORR CMHSP Assignments and 2020 Assessment Schedule

Items Requested for CMH Assessment

CMH Compliance Standards (with Suggested Sources)

CMH Policy Review Standards

Training Curriculum Checklist

Investigative Case File Review

Intervention Case File Review

NRI-OJ Case File Review

Appeal Case File Review

CMH Site Visit Checklist (Non-LPH sites)

**CMH Annual Monitoring Form** 

Items Requested for LPH Assessment

LPH Rights System Review (with Suggested Sources)

LPH Policy Review

LPH Training Curriculum Checklist

LPH Site Visit Checklist

LPH Self Review

### 12. Education and Training

Continuing Education Requirements for Recipient Rights Staff

Training Standards for CMH staff

LARA Curriculum Guidelines

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Getting Ready

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Connecting with Your Participants – quick tips Calm Down & Gear Up

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# 14. Suggestions for Policy Language

MHC Required (& recommended) Policies for MH Providers

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Abuse I - Sexual Incident form

Abuse III – Threaten, Degrade

Video Surveillance on an Inpatient Unit (§.724)

Computer Use on an Inpatient Unit (memo)

Personal Property Protection - Property Waiver

# 15. Annual Report

**Annual Data Report Instructions** 

Codesort: an Annual Report Assistant

ORR Annual Data Report Director's letter template

#### 16. Job Information

CMH Job Description - Rights Advisor

LPH Job Description – Rights Advisor

LPH Job Description – Alternate

Recipient Advocate - example language

# 17. CMH/Provider Contract Development

AG Opinion 6356 - Eligibility of Person Located Within County for CMH Services

#### 18. Miscellaneous

Attorney Grievance Form

Bureau of Health Systems Complaint – LPH Poster Information

Bureau of Health Professions Complaint Instructions/Forms

Resident Patient Care Complaint

Adult Foster Care Complaint

SUD Complaint

**SUD Rights Poster** 

SUD Confidentiality Regulations and Release

Civil Rights Complaint

HIPAA Complaint via MDCS Civil Rights

Resources Necessary to Run the Office

**ORR** Case File Sheet

# SECTION C – INVESTIGATIONS

# 19. Timeframes and Templates

**Investigative Documents** 

Acknowledgment Letter - CMH Sample

Acknowledgment Letter – LPH Sample

Quality Review for Acknowledgment

Intervention Criteria

Acknowledgment/Intervention Example

Quality Review for Intervention

Status Report Template

Sample Investigative Report (RIF)

RIF Quality Review

Sample Summary Report

Summary Report Quality Review

RIF wording for findings in an OLD case

Retention of Rights Records

42 CFR - Grievance & Appeal

# 20. Information for Investigators

Burns & Bruises

Skin Monitoring Form

Interviewing for Investigators

Notes for Interviewing

Investigative Skills

Testifying in Court

**Incident Investigating** 

7 Tips for Effective Listening

Reflective Listening/Listening Quiz

# 21. Death Reporting

ORR Death Review form

**Death Reporting Guidelines** 

LARA Death Reporting form

CMS report of hospital death associated with restraint or seclusion (LPH only)

CMH Contract Requirement for Death Reporting

# 22. Appeals

Contract Attachment: Appeal Process (CMH)

State Policy: Appeal Process (LPH)

Template for Statement of Acceptance (LPH)

Notice of Right to Appeal following initial investigation

Notice of Completion of Action - different action

Notice of Completion of Action – same action

Acknowledgement of Rights Appeal Request after initial review

Notice of Appeal Committee Decision - Uphold

Notice of Appeal Decision - Reinvestigate

Notice of Appeal Decision – External Investigation

Notice of Appeal Decision - Remedial Action

Notice Following Reinvestigation – remains unsubstantiated

Notice Following Reinvestigation – changed to substantiated

Technicalities of Step 2 Appeal

Notice Following Reinvestigation (from Step 2 return)

#### SECTION D - POLICY AND PROCEDURE

# 23. Person Centered Planning

Policy and Practice Guideline (FY20 contract attachment C3.3.1)

Behavior Treatment Plan Review Committee (FY20 contract attachment C6.8.3.1)

Guide to Prevention and Positive Behavior Supports (companion guide)

How Person-Centered Planning Works for You

Advance Directive for Mental Health in Michigan

Advance Directive Guideline (required components in a standard DPOA)

# 24. Confidentiality & Privilege

AG Opinion 5709 - Interagency Sharing of information

Inter-Agency Agreement: MDHHS-APS, LARA-Licensing and CMHSPs

AG Opinion 6700 - Access to CMH information during an APS investigation

AG Opinion 7149 - Non-custodial parent's right to records

P.A. 238 of 1975- Child Protection Law (722.623)

AG Opinion 7264- Duty of CMH Professional to report child abuse or neglect

Statutes Regarding Privilege

PA 368 of 1978 - Confidentiality & HIV

Confidentiality & HIV Consumer information

Behavioral Health Consent Form, Background Information, and FAQs

Poster regarding providing information for Visitors

Questions regarding Confidentiality

Law Enforcement, Serving Papers

# 25. Voluntary & Involuntary Admission

Voluntary and Involuntary forms

**Explanation for Recipients** 

Guidelines for Attorneys Representing Adults in Civil Commitment Proceedings

**Acronyms & Other Puzzling Terms Used in Recipient Rights** 

Acronyms & Other Puzziing Terms Used in Recipient Rights	
ACT	Assisted Community Treatment (Team)
ADA	American with Disabilities Act
AOT	Assisted Outpatient Treatment (1433)
APS	Adult Protective Services
ATO	Alternative Treatment Order
CARF	Commission on Accreditation of Rehabilitation Facilities
CFR	Code of Federal Regulations
CMHSP	Community Mental Health Services Program
CMS	Centers for Medicare & Medicaid Services
COP	Conditions of Participation
CPS	Children's Protective Services
MDHHS	Michigan Department of Health and Human Services
EPIC	Estates and Protected Individuals Code
FOIA	Freedom of Information Act
HIPAA	The Health Insurance Portability and Accountability Act of 1996
IPOS	Individual Plan of Service - done through PCP; Person Centered Planning
LPH/U	Licensed Private Hospital/Unit
MHC	Mental Health Code (PA 258 of 1974)
ORR	Office of Recipient Rights
P & A (MPAS)	Michigan Protection & Advocacy Services, Inc.
PIHP	Prepaid Inpatient Health Plan
PA	Public Act
RIF	Report of Investigative Findings – the report following an investigation
RMHA	Responsible Mental Health Authority: An LPH/U or CMHSP that has primary responsibility for
	the recipient's care or the delivery of services or supports
RROAM	Recipient Rights Officers Association of Michigan
SIP	Supported Independent Program
SUD	Substance Use Disorder (formerly SA Substance Abuse)
TJC	The Joint Commission (on Accreditation of Healthcare Organizations)
Not acronyms, but commonly used terms	
Administrative Rules (AR)	MDHHS Mental Health & Substance Abuse Services Administrative Code (Rules)
/tallimistrative itales (7th)	A committee appointed by the MDHHS director, or by the board of a community mental health
Advisory Committee	services program, or by the licensed hospital, under §756, §757 or §758 respectively, to
Advisory Committee	protect and advise the agency director and the office of recipient rights
	A committee appointed by the MDHHS director, by the board of a community mental health
Appeals Committee	services program, or by the governing body of a licensed hospital, under §774, to review the
Appeals Committee	facts in cases of appeal of recipient rights investigations.
	The recipient, complainant, guardian or parent of a minor who appeals a recipient rights finding,
Appellant	a respondent's action, or the timeliness of investigations to an appeals committee.
Posnandan+	The service provider that had responsibility at the time of an alleged rights violation for the
Respondent	services with respect to which a rights complaint has been filed.
Technical Requirement (TR)	A department contract attachment with mandatory implementation. MDHHS-CMHSP
. , , ,	contractual requirements providing parameters for CMHSP administrative practice. (i.e.: Appeals
	Committee contract attachment is a TR for all CMHSPs and LPHs utilizing MDHHS Appeals
	Committee)
Family Member	A parent, stepparent, spouse, sibling, child, or grandparent of a primary consumer, or an
,	individualupon whom a primary consumer is dependent for at least 50% of his or her financial
	support.
Primary consumer	An individual who has received or is receiving services from the department or a community
	mental health services program or services from the private sector equivalent to those
	offered by the department or a community mental health services program.
330.1404 Forms	The department shall prescribe the forms to be used under this chapter (chapter 4), and all
	hospitals shall use department forms. Forms that may be used in court proceedings
	under this chapter shall be subject to the approval of the supreme court.
•	and a sum and a sum a sum approved on the supreme sound