



**OFFICE OF RECIPIENT RIGHTS  
2019 RIGHTS SYSTEM ASSESSMENT REPORT**

**AGENCY:**

**ASSESSMENT DATES:**

**REVIEWERS:**

SECTION	MAXIMUM POSSIBLE SCORE	YOUR SCORE
1. CMHSP RESPONSIBILITIES	21	
2. RIGHTS OFFICE OPERATIONS	16	
3. EDUCATION AND TRAINING	12	
4. POLICIES	6	
5. RIGHTS ADVISORY COMMITTEE	11	
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8. COMPLAINT RESOLUTION - TIMEFRAMES	10	
9. APPEALS	2/21	
10. SEMI-ANNUAL AND ANNUAL REPORTING	9	
11. SITE VISITS	14	
<b>TOTAL SCORE</b>	161/180	

FULL COMPLIANCE = 161/180    SUBSTANTIAL COMPLIANCE = 153/171    LESS THAN SUBSTANTIAL COMPLIANCE = <153/<171

Citation	Standard	SECTION 1 - CMHSP RESPONSIBILITIES	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1755(1)	1.1.1	The Agency has established a recipient rights office subordinate only to the executive director.	1			
MHC 1100(a)(30) MHC 1782	1.1.2	The Agency has appointed a designee to act in place of the Executive Director in the absence of the Director.	1			
MHC 1755(2)(b)	1.2.1	The process for funding the rights office includes a review of the funding by the recipient rights advisory committee.	1			
MHC 1755(2)(c)	1.3.1	The recipient rights office is protected from pressures that could interfere with the impartial, even-handed and thorough performance of its duties.	2			
MHC 1755(2) (d)	1.3.2	The rights office has had unimpeded access to: a) All programs and services operated by, or under contract to, the CMHSP; b) All staff employed by, or under contract to, CMHSP; c) All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.	2			
MHC 1755(3) (a)	1.3.3	Complainants, rights office staff, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities.	2			
MHC 1755(3) (a) AR 7035(1)	1.3.4	Appropriate disciplinary action was taken if there was evidence of retaliation and harassment.	2			
MHC 1755(4) MHC 1757(2) (e)	1.4.1	The executive director has selected a director of the rights office who has the education, training and experience to fulfill the responsibilities of the office.	1			
MHC 1755(4) MHC 1778(1)	1.4.2	The Agency has established a process to assure ongoing rights protection in the absence of the rights director.	1			
MHC 1757(2) [e] MHC 1755 (4)	1.4.3	The executive director has consulted with the Recipient Rights Advisory Committee in the hiring of the Director of the office.	1			
MHC 1755 (4)	1.4.4	The director of the rights office has no clinical service responsibilities.	1			
CMHSP 6.3.2.3A	1.5.1	All contracts with licensed private hospitals/units included language that required contractor's rights staff to comply with Attachment 6.3.2.3A of the CMHSP contract.	2			

Citation	Standard	SECTION 1 - CMHSP RESPONSIBILITIES	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1755(2)(f)(ii)	1.5.2	Each contract between a CMHSP and a service provider requires that all recipients be protected from rights violations while receiving services.	2			
MHC 1722 [2]	1.5.3	The CMHSP ensured that each service provider under contract, including those allowed/required to have their own rights protection system, took appropriate disciplinary action against those who are engaged in abuse or neglect.	2			
<b>SECTION TOTAL</b>			<b>21</b>			

Citation	Standard	SECTION 2 – RIGHTS OFFICE OPERATIONS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1706	2.1.1	At the time services are initiated, ORR ensured that recipients, parents of minor recipients, and guardians are notified, in an understandable manner, of the rights guaranteed by Chapter 7 and 7A of the Mental Health Code, and provided access to summaries of the rights guaranteed by Chapter 7 and 7A both at the time services are initiated and periodically during the time services are provided.	2			
MHC 1776 (5)	2.2.1	ORR ensured there is a mechanism to advise recipients or other individuals that there are advocacy organizations available to assist in preparation of a written rights complaint and offered to make the referral.	2			
MHC 1776 (5)	2.3.1	As necessary, the office assists recipients or other individuals with the complaint process.	2			
MHC 1755[5][d][i]	2.4.1	ORR maintained a record system for all reports of apparent or suspected rights violations received including a mechanism for logging all complaints.	2			
MHC 1755[5][d]	2.4.2	ORR has established a mechanism for secure storage of all investigative documents and evidence.	2			
MHC 1755[5][h]	2.5.1	ORR serves as a consultant to the director and to agency staff in rights related matters.	2			
MHC 1755[5][i]	2.6.1	Ensure that all reports of apparent or suspected violations of rights within the community mental health services program system are investigated in accordance with section 778.	2			
AR 7199 (g) CMHSP 6.8.3.1	2.7.1	The Rights Office attended meetings of the Behavior Treatment Review Committee as an ex-officio member.	2			
<b>SECTION TOTAL</b>			<b>16</b>			

Citation	Standard	SECTION 3 – EDUCATION AND TRAINING	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
CMHSP 6.3.2	3.1.1	The staff of the rights office attended and successfully completed the Basic Skills Training programs within 90 days of hire.	2			
CMHSP 6.3.2	3.1.2	The Executive Director has completed the MDHHS CEO Rights training program within 180 days of hire.	2			
MHC 1755[2][e] CMHSP 6.3.2.3 (A)	3.2.1	The staff of the rights office have complied with the continuing education requirements identified in the contract attachment, including that a minimum of 12 of the required 36 hours were approved as either Category I or II.	2			
MHC 1755[5][f]	3.3.1	All individuals employed by the CMHSP or its contract agencies received training related to recipient rights protection before or within 30 days after being employed.	2			
CMHSP 6.3.2.3B	3.3.2	Training related to recipient rights protection addressed all training standards identified in the contract attachment.	2			
MHC 1755[2][a]	3.4.1	Education and training in recipient rights policies and procedures are provided to the recipient rights advisory committee and appeals committee.	2			
<b>SECTION TOTAL</b>			<b>12</b>			

Citation	Standard	SECTION 4 – POLICIES	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1752[1]	4.1.1	The policies and procedures provided a mechanism for prompt reporting, review, investigation and resolution of apparent or suspected rights violations, and are designed to protect recipients from, and prevent repetition of, violations of rights guaranteed by Chapters 7 and 7A.	2			
MHC 1752[1]	4.1.2	Policies and procedures included, at a minimum, all those specifically delineated in MHC 330.1752 (1).	2			
MHC 1752 (1) MHC 1704 (1)	4.1.3	Policies and procedures meet the criteria established in the Mental Health Code, Administrative Rules, and contractual requirements and those reflected in the MDHHS-ORR Policy Review Standards.	2			
<b>SECTION TOTAL</b>			<b>6</b>			

Citation	Standard	SECTION 5 – RECIPIENT RIGHTS ADVISORY COMMITTEE	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1757[1]	5.1.1	The board of each community mental health services program shall appoint a recipient rights advisory committee consisting of at least 6 members who represent the varied perspectives of the CMHSP’s geographic area and meet the statutory requirements of the Mental Health Code.	2			
MHC 1757[2](a)	5.1.2	The RRAC met at least semiannually or as necessary to carry out its responsibilities.	1			
MHC 1757[2](b)	5.1.3	The CMHSP maintains a current list of members’ names. This list is available to individuals upon request.	1			
MHC 1757[2](c)	5.1.4	The CMHSP maintains a current list of categories represented by members. This list is available to individuals upon request.	1			
MHC 1757[2](d)	5.1.5	The RRAC acts to protect the recipient rights office from pressures which could interfere with the impartial, even-handed and thorough performance of its duties and serves in an advisory capacity to the CMHSP director and the director of the rights office.	2			
MHC 1757[2][g]	5.1.6	The RRAC reviewed and provided comments on the annual rights report submitted by the executive director to the Board of the CMHSP.	2			
MHC 1757[2][i]	5.1.7	Meetings of the RRAC complied with the Open Meetings Act (Act 257 of 1976).	1			
MHC 1757[2][i]	5.1.8	Minutes of the RRAC meetings were maintained and made available to individuals upon request.	1			
<b>SECTION TOTAL</b>			<b>11</b>			

Citation	Standard	SECTION 6 – COMPLAINT RESOLUTION - PROCESS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1776[3]	6.1.1	Each rights complaint was recorded upon receipt by the rights office.	2			
MHC 1776[3]	6.1.2	For each rights complaint recorded, an acknowledgement letter and copy of the complaint was sent to the complainant.	2			
MHC 1776[6]	6.2.1	If a rights complaint had been filed regarding the conduct of the agency director, the rights investigation was conducted by the office of another CMHSP or, if requested by the CMHSP Board of Directors, by the MDHHS Office of Recipient Rights.	2			

Citation	Standard	SECTION 6 – COMPLAINT RESOLUTION - PROCESS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1778[1]	6.3.1	The rights office immediately initiated investigation of apparent or suspected rights violations involving the death of a recipient, alleged abuse or neglect of a recipient, or the alleged retaliation or harassment of an individual using the rights system.	2			
MHC 1778[1]	6.3.2	The rights office initiated investigation of apparent or suspected rights violations in a timely and efficient manner.	2			
MHC 1778{2}	6.4.1	Investigation activities for each rights complaint were accurately recorded by the office. This includes interview notes, documents reviewed, policies, and other sources of evidence pertaining to the investigation being contained in the complaint case file.	2			
MHC 1776 [5] MHC 1778	6.5.1	At the completion of the investigation, the rights office notified the complainant of the option of mediation.	2			
MHC 1778[5]	6.6.1	Upon completion of the investigation, the office completed a written investigative report (RIF) and submitted it to the respondent and to the RMHA.	2			
MHC 1782[1]	6.7.1	The executive director submitted a written summary report to the complainant, recipient if different, guardian/parent of a minor recipient.	2			
MHC 1782[2]	6.8.1	Information in the summary report did not violate the rights of any employee (ex. Bullard-Plawecki Employee Right to Know Act).	2			
MHC 1784[3]	6.9.1	The rights office advised the appellant that there are advocacy organizations available to assist in preparing the written appeal and offered to make the referral. In the absence of assistance from an advocacy organization, the rights office assisted the appellant in meeting the procedural requirements of a written appeal.	2			
<b>SECTION TOTAL</b>			<b>22</b>			

Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION - CONTENT	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1776 (4)	7.1.1	Complaints identified as out-of-jurisdiction or no right involved were correctly categorized and responded to. Sufficient rationale was provided to the complainant.	2			

Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION - CONTENT	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
CMHSP 6.4.3.2	7.1.2	For complaints where the intervention process was utilized, the rights office conducted the intervention using a preponderance of evidence standard and in compliance with the standards established by MDHHS.	2			
CMHSP 6.4.3.2	7.1.3	The results of the intervention indicated whether a rights violation was substantiated.	2			
CMHSP 6.4.3.2	7.1.4	Correspondence providing information on the results of an intervention contained all required elements.	2			
CMHSP 6.4.3.2	7.1.5	The correspondence clearly indicated that process for requesting an investigation if the complainant was not satisfied with the result of the intervention.	2			
MHC 1778[4]	7.2.1	Issued status reports contained all required elements.	2			
MHC 1778[4]	7.2.2	Status reports were sent to all required persons.	2			
MHC 1778[5][a]	7.3.1	The written investigative report included a statement of allegations as required by MDHHS standards.	2			
MHC 1778[5][c]	7.3.2	The written investigative report included citations to relevant provisions of the Mental Health Code, other applicable laws, rules, policies and guidelines.	2			
MHC 1778[5][b]	7.3.3	The written investigative report included a statement of the issues involved as required by MDHHS standards.	2			
MHC 1778[5][d]	7.3.4	The written investigative report included findings of the investigation that were sufficient to provide a detailed inquiry and systematic examination of the allegation.	2			
MHC 1778[5][e]	7.3.5	The written investigative report included a conclusion section which provided an analysis of the findings and a decision as to whether a violation occurred using a preponderance of evidence standard.	2			
MHC 1778[5][f]	7.3.6	When appropriate, the written investigative report included recommendations which provided for appropriate remedial action and attempted to prevent a recurrence of the violation.	2			
MHC 1722[2]	7.4.1	On substantiated rights violations involving abuse or neglect, the RMHA/ respondent took disciplinary action which remediated the violation and action to prevent recurrence.	2			
MHC 1755[3][b] MHC 1780[1]	7.4.2	On substantiated rights violations not requiring disciplinary action, the RMHA/respondent took remedial action to remedy the violation and prevent recurrence.	2			

Citation	Standard	SECTION 7 – COMPLAINT RESOLUTION - CONTENT	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1782 [1] (a)(b)(c)(d)(e)(f)(g)	7.5.1	Summary reports reflected the information from the allegation, citation, and issues, and recommendation sections of the RIF and provided a summary of the investigative findings of the rights office.	2			
MHC 1780	7.5.2	The Summary Report provided detailed information as to the action taken (or action planned to be taken) in order to meet the requirements stated in MHC 1780.	2			
MHC 1782[1][h]	7.5.3	As part of the Summary Report the complainant, recipient, if different, guardian or parent of a minor were informed of their right to appeal, the grounds for filing the appeal, and information about where to send the appeal.	2			
CMHSP 6.3.2.4 II.D	7.5.4	If the Summary Report included a “Plan of Action”, written notice was issued to the potential appellants upon completion of the plan. If the action taken was different than the plan, the notice detailed the action that was taken and the date it occurred as well as informed potential appellants of the right to appeal on action only.	2			
<b>SECTION TOTAL</b>			<b>38</b>			

Citation	Standard	SECTION 8 – COMPLAINT RESOLUTION - TIMEFRAMES	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1776 (3)	8.1.1	For each complaint received, the Rights Office provided, to the complainant within 5 business days, an acknowledgement of receipt and a copy of the complaint.	2			
CMHSP 6.4.3.2	8.1.2	For each complaint utilizing the intervention process, responses were provided to the complaint within 30 calendar days.	2			
MHC 1778 (4)	8.1.3	For each investigation, status reports were issued every 30 days, as required.	2			
MHC 1778 (1)	8.1.4	Subject to delays involving pending action by external agencies, the office completed investigations no later than 90 calendar days following receipt.	2			
MHC 1782 (1)	8.1.5	A written Summary Report was issued for each Report of Investigative Findings (RIF) within 10 business days after receipt of the RIF.	2			
<b>SECTION TOTAL</b>			<b>10</b>			



Citation	Standard	SECTION 9 – APPEALS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTIONS
MHC 1774[2][a]	9.1.1	The Board of the CMHSP appointed an appeals committee to hear appeals of recipient rights matters <b>OR</b> designated the RRAC as the appeals committee. An appointed committee shall consist of seven individuals who meet the following criteria: (a) None are employed by DHHS or the CMHSP, (b) at least 3 are members of the RRAC c) At least 2 are board members and d) at least 2 are primary consumers.	2			
MHC 1774[4] C 6.3.2.4.III.F.	9.2.1	Within 5 business days after receipt of a written appeal, the assigned committee members reviewed the appeal to determine whether it met criteria.	0/2			
MHC 1784(2) C6.3.2.4	9.2.2	Requests for appeal were correctly accepted or rejected in accordance with the standards established in the Code and Contract language.	0/2			
C 6.3.2.4.III.G.	9.2.3	Within 7 business days of the receipt of the appeal, written notification was provided to the appellant as to the acceptance or denial of the appeal. A notice of rejection shall describe the reason for not accepting the appeal.	0/2			
C 6.3.2.4.III.G.	9.2.4	A copy of the appeal was provided to the Rights Office, the respondent, and the RMHA.	0/2			
MHC 1774[6]	9.3.1	A member of the Appeals Committee who has a personal or professional relationship with an individual involved in the appeal abstained from participating in the appeal.	0/1			
MHC 1784[5] C 6.3.2.4.III.H.	9.4.1	Within 30 days after the written appeal was received, the Appeals Committee met in a closed session and reviewed the facts as stated in all complaint investigation documents.	0/2			
MHC 1784[5] C 6.3.2.4.III.H.	9.4.2	The Appeals Committee took an action that was in compliance with the Code, Rules, and contract requirements.	0/2			
MHC 1784[5] C 6.3.2.4.III. H	9.4.3	The decision of the appeals committee was correct.	0/2			
MHC 1784[6] C 6.3.2.4.III.J.	9.5.1	The Appeals Committee documented its decision in writing and provided written justification for that decision.	0/2			
MHC 1784[6]	9.5.2	Within 10 days after reaching its decision, the Appeals Committee provided copies of the decision to the respondent, appellant, recipient, if different than appellant, recipient’s guardian (if one has been appointed), the RMHA and the rights office.	0/2			
		<b>SECTION TOTAL</b>	<b>2/21</b>			

Citation	Standard	SECTION 10 – SEMI-ANNUAL AND ANNUAL REPORTING	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1755[5][j] CMHSP 6.5.1.1	10.1.1	By June 30 of each year, the Rights Office provided to MDHHS and to the agency RRAC, a summary of complaint data together with a remedial action taken on substantiated complaints.	3			
MHC 1755[6] CMHSP 6.5.1.1	10.2.1	By December 30 of each year, the CMHSP submitted to MDHHS, an annual report prepared by the recipient rights office on the current status of recipient rights in the agency and a review of the operations of the rights office for the preceding fiscal year.	3			
MHC 1755[6] CMHSP 6.5.1.1	10.3.1	By January 15 of each year, the Rights Office submitted the ORR Annual Report Monitoring form for the preceding calendar year to MDHHS-ORR.	3			
		<b>SECTION TOTAL</b>	<b>9</b>			

Citation	Standard	SECTION 11 – SITE VISITS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1755 (5)(e) ORR Guidance 17-01	11.1.1	The agency ensured that for all service providers - <i>other than LPHs and other providers that have their own rights system</i> – the service site is visited with the frequency necessary for protection of rights but in no case less than annually.	2			
MHC 1755 (b)(c) (i) MHC 1776 (1) (5) MHC 1723	11.1.2	The agency ensured that for each site review of service providers - <i>other than LPHs and other providers that have their own rights system</i> – the review contained all elements required by Code, Rules, Contract and MDHHS-ORR standards.	2			
MHC 1755 (5)(g)	11.2.1	The agency ensured that for each site review of service providers - <i>other than LPHs and other providers that have their own rights system</i> – any necessary follow up or remedial action required to bring providers into compliance with ORR standards is addressed and completed.	2			
MHC 1755 (5)(e)	11.2.2	The Agency ensured that the service sites of <i>all LPHs and other providers that have their own rights system</i> are visited with the frequency necessary for protection of rights but in no case less than annually.	2			
MHC 1755 (5)(e)	11.2.3	The Agency ensured that for site reviews of <i>LPHs and other providers that have their own rights system</i> , the review contained all elements required by Code, Rules, Contract and MDHHS-ORR standards.	2			

Citation	Standard	SECTION 11 – SITE VISITS	MAX SCORE	SCORE	FINDINGS	REQUIRED ACTION
MHC 1755 (5)(e)	11.2.4	The Agency ensured that, for each site review of <i>LPHs and other providers that have their own rights system</i> , any necessary follow up or remedial action required to bring providers into compliance with ORR standards is addressed and completed.	2			
MHC 1755 (5)(e)	11.2.5	The Agency ensured that the recipient rights policies of <i>LPHs and other providers that have their own rights system</i> are reviewed, and that the reviews are done in compliance with applicable standards for rights policy reviews.	2			
		<b>SECTION TOTAL</b>	<b>14</b>			