

# MDHHS-ORR

## INTERPRETATIVE MEMORANDUM 02

**Subject: Investigations conducted on behalf of another entity**

**Issue Date: July 16, 2019**

**Legal Authority:**

330.1776 Rights complaint; filing; contents; recording; acknowledgment; notice; assistance; conduct of investigation.

(6) If a rights complaint has been filed regarding the conduct of the executive director, the rights investigation shall be conducted by the office of another community mental health services program or by the state office of recipient rights as decided by the board.

**Interpretation:**

Recipient Rights staff cannot conduct investigations when an allegation is made against the CEO of the CMHSP or the director of the hospital they work for or are under contract with. The following outlines the steps that should be taken when an external investigation is necessary.

1. The Rights Office will notify the chair of the Board of Directors/Governing Board when a complaint is received which involves an allegation of a rights violation by the CEO or Hospital Director.
2. The Rights Office will log this complaint on their case log. It does not get logged on the case log of the Office doing the investigation.
3. The Board chair will have 3 business days to secure the recommendation of the Board as to which option will be taken: request another CMH or LPH Rights office to do the investigation or make a request to MDHHS-ORR to conduct the investigation. Any discussion and voting in connection with this request shall be reflected in the minutes of the Board.
4. The investigating office or MDHHS-ORR will follow all investigative protocols and timeframes as indicated in MHC §330.1778.
5. When the Report of Investigative Findings has been completed, the investigating Rights Office will forward that report to the Chair of the Board/Governing Body.
6. The Chair is responsible for issuing the Summary Report as required by MHC §330.1782.

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