

# MDHHS-ORR

## INTERPRETATIVE MEMORANDUM 03

**Subject: Site Visits to Contracted Residential Sites Where There is No Current Placement**

**Issued: July 16, 2019**

### **Legal Authority:**

330.1755 (5) Each office of recipient rights established under this section shall do all of the following:

(a) Provide or coordinate the protection of recipient rights for all directly operated or contracted services.

(b) Ensure that recipients, parents of minor recipients, and guardians or other legal representatives have access to summaries of the rights guaranteed by this chapter and chapter 7a and are notified of those rights in an understandable manner, both at the time services are initiated and periodically during the time services are provided to the recipient.

(c) Ensure that the telephone number and address of the office of recipient rights and the names of rights officers are conspicuously posted in all service sites.

(e) Ensure that each service site is visited with the frequency necessary for protection of rights but in no case less than annually.

### **Interpretation:**

The rights office is responsible for assuring rights protection is provided to recipients of services in ALL services settings (residential, CMH offices, partial program, etc.) The requirement for visiting services sites is once each year (not to exceed 395 days from the previous visit). Effective May 1, 2109, a service site where there is a contract, but no placements, does not have to be visited. However, your agency must have a written process for informing the CMH rights office when a recipient is placed at a service site that is currently not in the site review cycle. In order to assure adequate rights protection is available it will be the responsibility of ORR to visit, or to assure that a visit is conducted, at that site within 10 business days.

Interpretive Memos are clarifications of existing law, rules, policies, contract attachments and established standards developed by the MDHHS Office of Recipient Rights. They are a result of questions from the rights community or issues which arise in assessments or trainings.