



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

RECIPIENT RIGHTS ADVISORY COMMITTEE
MEETING NOTES

July 11, 2019

1:00 – 3:30 p.m.

Lewis Cass Building

3rd Floor Large Conference Room

ATTENDANCE

- Present (in-person) Shaun, Jennifer, Raymie, Andy, Margaret, Director Sanford, Julie Markham (recorder), guests Larry Spataro and Margaret Tietze
- Present (via teleconference): Norm and Dr. LaGrou
- Absent: Elizabeth O'Dell* and Vendella Collins* (* excused absences)

OPENING REMARKS

Thompson

- Call to Order
 - Meeting was commenced at 1:17 p.m.
- Approval of Agenda
 - Motion to approve agenda was made by Shaun and seconded by Basil
- Meeting Minutes (May 2019 – review and approve)
 - Motion to approve May 2019 meeting minutes was made by Shaun and seconded by Margaret

New Business

- Roll call was taken for chair and vice-chair nominations. Jennifer was nominated for chair and unanimously approved; Basil was nominated for vice-chair and unanimously approved. New chairs will start with the September 12, 2019 meeting.
- Discussion held regarding Cookie Gant award. Email notification was sent out July 2, 2019 with nominations ending August 15, 2019.
- Continue to brainstorm regarding goal setting and be prepared to discuss at the next meeting.
- Anyone interested in serving on the RRAC committee please fill out an application and return to Julie Markham at markhamJ@Michigan.gov as soon as possible.
- Anyone interested in serving on the Appeals Committee please fill out an application and return to Kimberly Saterlee-Fink at saterleeK@Michigan.gov as soon as possible.

Director's Report

Sanford

- Department Update
 - Mediation legislation was introduced last year but not voted upon; bill will be re-introduced this year. Task Force was convened to discuss new language proposal for mediation bill. Proposal was provided to MDHHS and legislator who introduced the bill.
 - Harbor Oaks Hospital (HOH) investigation has been completed. There was a delay in distribution due to change in Administration, however, Investigative Report was sent out to Director.
 - Multiple FOIA requests for copies of the HOH Investigative Report have been received. ORR directors of CMHs will be provided a copy of the report at their next ORR meeting. (Andy will send via email.)
 - Office of the Auditor General to visit ORR in August; OAG will be looking at ORR and Behavioral Health.

- ORR budget was impacted with potential loss of \$200,000. House and Senate disagreed on the cut and a subcommittee will be created to address ORR's budget. Jennifer contacted Rebecca Warren's office and gave open invitation for discussion of the cut. Jennifer will share email discussion with RRAC members.
- MHC requires budget to be reviewed by the RRAC before approval, which has never been done in the past. Director Sanford gave RRAC strong encouragement to be proactive in this regard, as RRAC's purpose is to protect the ORR.
- Grant funding for ORR. Block grant funds through Behavioral Health are not available. However, three positions are being looked at for reimbursement through Medicaid funds (two auditor positions who provide assessments for CMHs and director of training position). If these three positions could be reimbursed through Medicaid funds, money from General Funds would become available and be sufficiently allocated to enhance ORR's operations. Director Sanford reached out to the Budget Office to discuss this possibility and is waiting on their decision.

Staff Reports

➤ ORR Staff

Postema

- Mediation. A work group convened to develop new proposed language and moving language regarding mediation from Chapter 7 to Chapter 2 (so that ORR investigations were not impacted). There was discussion regarding the suspension of other dispute resolution options during mediation. Proposal was presented to MDHHS and its legislative liaison. The language was also shared with Representative Vaupel and could be introduced in new bill this year.
- Harbor Oaks Hospital (HOH). MDHHS-ORR received direction from Director Gordon to release the HOH Investigative Report completed 11/20/18 to the HOH CEO. The letter from Director Gordon was dated 6/10/19. MPAS sent a FOIA request for a copy of Investigative Report and the report was subsequently provided to the media. The Investigative Report findings found HOH's recipient rights complaint resolution process deficient. Recommendations included:
 - Ensuring hospital CEOs receive recipient rights training
 - Review of CMHSP process for assuring rights protection.
 - ORR to provide assessment of all LPH rights systems as part of the LPH licensing by LARA.
 - HOH to be under state monitoring for six months.
- Remediation and allegation reports for the MDHHS Director and the RRAC to be formatted like Annual Report.
- Dr. Mellos, Price Pullins and Raymie to train hospital staff on new APFs in the fall.

➤ ORR Staff

Silver

- Good turnaround time for assessments and corrective action being completed within six months.
- New rights booklet now includes Spanish and Arabic versions. Will be placed on website for download.
- Training standards and appeals process being revised for FY20 CMH contract
- Rights language to be included in PHIP contracts requiring training staff of PHIPs.
- Upcoming training July 24th for inpatient assessments, set of standards was developed, there is a checklist.
- Online training for psychiatrists to be finalized and online in September 2019.
- Registration for Rights Conference to begin soon.

Old Business

Committee

- Lakeshore.
 - Discussion was held regarding Lakeshore being historically underfunded and losing contract with the state. The current contract with the board will continue until September 30th, when an outside private entity (Beacon) will take over. Concern expressed for lack of rights protections (including appeals process and access to Medicaid fair hearings) with utilization of an outside private entity. Further discussion was tabled for next meeting.

Additional Business

Gorman

- None at this time.

Public Comment

- Larry Spataro from Health West.
 - Compliments to Cindy Shadek for creating a pleasant audit experience.
 - Form letter for appeals needs to be made easily available to comply with required use.
 - Audits for off-site providers is difficult when there are multiple provider locations. Recommended this process be reviewed.

Additional Items for Next Meeting

- Utilize Annual Report for goal setting.
- Meet with Director (Jennifer and Basil).
- Further discussion of Lakeshore.

Adjournment

- Meeting was adjourned at 2:57 p.m.

FOR THOSE OF YOU WHO WOULD LIKE TO ATTEND VIA CONFERENCE CALL, PLEASE DIAL

1-877-873-8018, ACCESS CODE 5062210