

16. Job Information

CMH Job Description – Rights Advisor

LPH Job Description – Rights Advisor

LPH Job Description – Alternate

Recipient Advocate - example language

Sample Job Description – Recipient Rights Director (Officer/Advisor)

REPORTS TO: Executive Director

JOB SUMMARY:

Under the direction of the Executive Director, the Rights Director (Officer/Advisor) will assure the agency operates a Recipient Rights System that is in compliance with the Michigan Mental Health Code (P.A. 258 of 1974, as amended), particularly Chapters 7 and 7a:

- 1) Receive reports of, and investigate apparent or suspected violations of rights
- 2) Act to assist recipients of mental health services in obtaining resolution of complaints, and act on behalf of recipients to obtain remedies for apparent violations
- 3) Otherwise endeavor to safeguard the rights guaranteed by the Mental Health Code through activities of prevention, monitoring and education of the agency and its staff.

DUTIES AND RESPONSIBILITIES

Prevention

- Prepare and/or review agency policies, procedures, and standards relating to the rights of recipients.
- Work cooperatively with outside agencies such as Michigan Protection and Advocacy, state departments and local law enforcement agencies, and other advocacy or regulatory groups to ensure protection of rights of recipients being served by the agency.
- Assure that all contracts for mental health services entered into by the agency contain language which protects and promotes the rights of mental health service recipients, by mandating training of contract staff and adherence to the rights protection system.
- Alert the Director to agency practices that may potentially violate rights.

Monitoring

- Review incident reports regarding recipients. Whenever such reports indicate a potential violation of rights has occurred, assure that an intervention or investigation is initiated.
- Review the circumstances surrounding the death of, or serious injury to a recipient. If there is an apparent or suspected violation of rights conduct an investigation.
- Review Reports from accrediting bodies where information pertinent to rights protection is contained.
- Conduct announced and unannounced visits to all service sites, minimally once a year. Document deficiencies and act to monitor remedial action to resolve deficiencies.

Education

- Oversees the development, organization, and implementation of training on recipient rights for employees, contract employees, volunteers or other agents of the agency, within 30 days of hire. When possible, develop training for consumers and family members. Ensure training of the rights advisory and appeals committee members.
- Develop and conduct training as required by contract or in response to complaint trends.

Complaint Resolution

- Receive and acknowledge all complaints of apparent or suspected violations of rights.
- Investigate, or if appropriate, intervene to resolve allegations of rights violations as specified by the Mental Health Code and contractual requirements. Determine responsibility for rights violations and recommend actions necessary to remediate violations in a timely manner and prevent recurrences.
- If necessary, assist the complainant or others with standing to appeal, in the appeal process.
- Assure adherence to proper due process procedures required for appeals made to the agency appeals committee.
- If necessary, assist the appellant in filing an appeal to the Department of Community Health Step 2 Appeal when appeals have been exhausted at the local level.

Other

- Act as staff liaison to the recipient rights advisory committee.
- Assist the recipient rights advisory committee in reviewing the funding of the recipient rights office.
- Prepare an annual report of rights activity for review by the Advisory Committee and subsequent submission by the Agency Director to the Department of Community Health and the Board.
- Prepare a semiannual report of rights activity for review by the Advisory Committee and submission to MDHHS.
- Maintain knowledge of current practices in rights protection through participation in training annually (minimum of 36 rights credit hours every 3 years, as identified in the MDHHS-ORR Training Technical Requirement).

EMPLOYMENT QUALIFICATIONS;

Education: (No specific statutory requirement)

Minimally, possess a BA degree in a human services field, management, public administration, social science, or a law degree.

Experience: (No specific statutory requirement)

A minimum of one-year's professional experience in investigation and advocacy within a private or public human services agency (or comparable experience) required. Working knowledge of the Mental Health Code and the ability to interpret and apply statutes, rules, policies and procedures is helpful, but not required.

Other: (Mandatory per statute)

The rights advisor will have no direct clinical service or supervisory responsibility.

Sample Job Description – Recipient Rights Director (Officer/Advisor)

REPORTS TO: Hospital Director

JOB SUMMARY:

Under the direction of the Hospital Director, the Rights Director (Officer/Advisor) will assure the agency operates a Recipient Rights System that is in compliance with the Michigan Mental Health Code (P.A. 258 of 1974, as amended), particularly Chapters 7 and 7a:

- 1) Receive reports of, and investigate apparent or suspected violations of rights
- 2) Act to assist recipients of mental health services in obtaining resolution of complaints, and act on behalf of recipients to obtain remedies for apparent violations
- 3) Otherwise endeavor to safeguard the rights guaranteed by the Mental Health Code through activities of prevention, monitoring and education of the agency and its staff.

DUTIES AND RESPONSIBILITIES

Prevention

- Prepare and/or review agency policies, procedures, and standards relating to the rights of recipients.
- Work cooperatively with outside agencies such as Michigan Protection and Advocacy, state departments and local law enforcement agencies, and other advocacy or regulatory groups to ensure protection of rights of recipients being served by the agency.
- Assure that all contracts for mental health services entered into by the agency contain language which protects and promotes the rights of mental health service recipients, by mandating training of contract staff and adherence to the rights protection system.
- Alert the Director to agency practices that may potentially violate rights.

Monitoring

- Review incident reports regarding recipients. Whenever such reports indicate a potential violation of rights has occurred, assure that an intervention or investigation is initiated.
- Review the circumstances surrounding the death of, or serious injury to a recipient. If there is an apparent or suspected violation of rights conduct an investigation.
- Review Reports from accrediting bodies where information pertinent to rights protection is contained.
- Conduct announced and unannounced visits to all service sites, minimally once a year. Document deficiencies and act to monitor remedial action to resolve deficiencies.

Education

- Oversees the development, organization, and implementation of training on recipient rights for employees, contract employees, volunteers or other agents of the agency, within 30 days of hire. When possible, develop training for consumers and family members. Ensure training of the rights advisory and appeals committee members.
- Develop and conduct training as required by contract or in response to complaint trends.

Complaint Resolution

- Receive and acknowledge all complaints of apparent or suspected violations of rights.
- Investigate, or if appropriate, intervene to resolve allegations of rights violations as specified by the Mental Health Code and contractual requirements. Determine responsibility for rights violations and recommend actions necessary to remediate violations in a timely manner and prevent recurrences.
- If necessary, assist the complainant or others with standing to appeal, in the appeal process.
- Assure adherence to proper due process procedures required for appeals made to the agency appeals committee.
- If necessary, assist the appellant in filing an appeal to the Department of Community Health Step 2 Appeal when appeals have been exhausted at the local level.

Other

- Act as staff liaison to the recipient rights advisory committee.
- Assist the recipient rights advisory committee in reviewing the funding of the recipient rights office.
- Prepare an annual report of rights activity for review by the Advisory Committee and subsequent submission by the Agency Director to the Department of Community Health and the Board.
- Prepare a semiannual report of rights activity for review by the Advisory Committee and submission to MDHHS.
- Maintain knowledge of current practices in rights protection through participation in training annually (minimum of 36 rights credit hours every 3 years, as identified in the MDHHS-ORR Training Technical Requirement).

EMPLOYMENT QUALIFICATIONS;

Education: (No specific statutory requirement)

Minimally, possess a BA degree in a human services field, management, public administration, social science, or a law degree.

Experience: (No specific statutory requirement)

A minimum of one-year's professional experience in investigation and advocacy within a private or public human services agency (or comparable experience) required. Working knowledge of the Mental Health Code and the ability to interpret and apply statutes, rules, policies and procedures is helpful, but not required.

Other: (Mandatory per statute)

The rights advisor will have no direct clinical service or supervisory responsibility.

Sample Job Description – Recipient Rights Alternate

REPORTS TO: Recipient Rights Director

JOB SUMMARY:

Under the direction of the Recipient Rights Advisor, the Rights Advisor Alternate will assist in ensuring that the hospital operates a Recipient Rights System that is in compliance with the Michigan Mental Health Code (P.A. 258 of 1974, as amended), particularly Chapters 7 and 7a:

- 1) Receive reports of, and investigate apparent or suspected violations of rights
- 2) Act to assist recipients of mental health services in obtaining resolution of complaints, and act on behalf of recipients to obtain remedies for apparent violations
- 3) Otherwise endeavor to safeguard the rights guaranteed by the Mental Health Code through activities of prevention, monitoring and education of the agency and its staff.

The rights advisor alternate will assist in the duties and responsibilities as outlined below, and ensure that these duties and responsibilities are maintained in the absence of the rights advisor or at the direction of the rights advisor.

DUTIES AND RESPONSIBILITIES

Prevention

- Prepare and/or review agency policies, procedures, and standards relating to the rights of recipients.
- Work cooperatively with outside agencies such as Michigan Protection and Advocacy, state departments and local law enforcement agencies, and other advocacy or regulatory groups to ensure protection of rights of recipients being served by the agency.
- Assure that all contracts for mental health services entered into by the hospital contain language which protects and promotes the rights of mental health service recipients, by mandating training of contract staff and adherence to the rights protection system.
- Alert the Director to agency practices that may potentially violate rights.

Monitoring

- Review incident reports regarding recipients. Whenever such reports indicate a potential violation of rights has occurred, assure that an intervention or investigation is initiated.
- Review the circumstances surrounding the death of, or serious injury to a recipient. If there is an apparent or suspected violation of rights conduct an investigation.
- Review Reports from accrediting bodies where information pertinent to rights protection is contained.
- Conduct announced and unannounced visits to all service sites, minimally once a year. Document deficiencies and act to monitor remedial action to resolve deficiencies.

Education

- If the rights advisor is not on site the rights advisor alternate will ensure the organization, and/or implementation any training scheduled during the advisor's absence

Complaint Resolution

- Receive and acknowledge all complaints of apparent or suspected violations of rights.
- Investigate, or if appropriate, intervene to resolve allegations of rights violations as specified by the Mental

- Health Code and contractual requirements. Determine responsibility for rights violations and recommend actions necessary to remediate violations in a timely manner and prevent recurrences.
- If necessary, assist the complainant or others with standing to appeal, in the appeal process.
- Assure adherence to proper due process procedures required for appeals made to the Hospital, or CMH Appeals Committee.
- If necessary, assist the appellant in filing an appeal to the Department of Community Health Administrative Tribunal when appeals have been exhausted at the local level.
- If the rights advisor is not on site, on the second day of absence, the rights advisor alternate will:
 - Collect all new complaints and date each form
 - Enter each complaint into the data log
 - Immediately begin investigation of complaints as outlined in the Mental Health Code section 1778.
 - Responsibility for completion of complaint investigations initiated in the absence of the advisor will be determined by mutual agreement of the advisor and alternate (or at the discretion of the rights advisor).
 - Complete all required correspondence related to rights complaints. Other
- Act as staff liaison to the recipient rights advisory committee.
- Assist the recipient rights advisory committee in reviewing the funding of the recipient rights office.
- Prepare an annual report of rights activity for review by the Advisory Committee and subsequent submission by the Hospital Director to the Department of Community Health and the Board.
- Prepare a semiannual report of rights activity for review by the Advisory Committee and submission to the Department of Community Health.
- Maintain knowledge of current practices in rights protection through participation in training annually (minimum of 36 rights credit hours every 3years).

EMPLOYMENT QUALIFICATIONS;

Education: (No specific statutory requirement)

Minimally, possess a BA degree in a human services field, management, public administration, social science, or a law degree.

Experience: (No specific statutory requirement)

A minimum of one-year's professional experience in investigation and advocacy within a private or public human services agency (or comparable experience) required. Working knowledge of the Mental Health Code and the ability to interpret and apply statutes, rules, policies and procedures is helpful, but not required.

Other: (Mandatory per statute)

The alternate rights advisor will have no direct clinical service or supervisory responsibility.

ADMINISTRATIVE DIRECTIVE

SECTION: Recipient Rights SUBJECT: Recipient Advocate

ORIGINAL POLICY DATE: _____ REVISIONS: _____

APPROVED DATE: _____

EXECUTIVE DIRECTOR: _____

POLICY:

To ensure that all providers designate a Recipient Advocate who provides assistance to recipients, guardians, or parents with rights issues, questions, complaints; ensures notification of rights to recipients; maintains an inventory of recipient rights materials, and coordinates with the staff of the Recipient Rights Office to ensure protection of recipient rights under the Michigan Mental Health Code.

PROCEDURE:

Each Service Provider under contract with Network180 is required to appoint a Recipient Advocate. This person should be a full time employee and not employed in direct treatment care. He or she should possess the ability to work well with mental health professionals and recipients to provide information on Recipient Rights and to assist individuals in filing Recipient Rights complaints. The Recipient Advocate shall report to the Director of the Agency.

DUTIES:

- Ensures that proper notification of rights is provided to each recipient.
- Acts as a resource for recipients on rights issues.
- Assures that all recipients, parents, guardians, friends and others have ready access to Recipient Rights Complaint forms; assists with forms if necessary.
- Forwards one copy of each Recipient Rights Complaint to the Office of Recipient Rights and consults with staff of the Office of Recipient Rights regarding future action.
- Assists contract Service Provider staff with rights-related questions or concerns.
- Attends appropriate Recipient Rights training activities or information sessions.
- Assures that copies of the appropriate rights summary and posters are in prominent locations in all Service Provider programs/facilities.

