



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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GOVERNOR

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MDHHS Office of Recipient Rights 2023 Annual Report

Introduction

The Michigan Mental Health Code (1974 PA 258) guarantees rights to individuals receiving public mental and behavioral health services. The Mental Health Code also established the right of individuals receiving services and others acting on their behalf to seek redress when they believe their rights have been violated. The Office of Recipient Rights (ORR) was established as an internal mechanism to investigate and remediate allegations of rights violations on behalf of individuals served. The Michigan Department of Health and Human Services (MDHHS), each Community Mental Health Services Program (CMHSP) and every psychiatric hospital or unit (LPH) licensed by the Department of Licensing and Regulatory Affairs (LARA) is required to operate an Office of Recipient Rights that reports only to their director.

The Mental Health Code requires MDHHS ORR to submit to the department director and to the committees and subcommittees of the legislature with legislative oversight of mental health matters, for availability to the public, an annual report on the current status of recipient rights for the state. The annual report includes: Recipient rights complaint summary data by category; the number of substantiated rights violations; the remedial actions taken on substantiated rights violations; training received by staff of the state office of recipient rights; training provided by the ORR; outcomes of assessments of the recipient rights system of each CMHSP and LPH; a review of budgetary issues including staffing and financial resources; identification of patterns and trends in rights protection in the public mental health system in this state; a summary of the results of any consumer satisfaction surveys conducted; and recommendations to the department.

The data presented in this report covers Fiscal Year 2023, that is October 1, 2022, through September 30, 2023.

Summary Complaint Data

Each CMHSP and LPH is required to submit an annual report to MDHHS ORR, and MDHHS ORR compiles the data, along with data from MDHHS State Hospital Administration (SHA) into this report. For ease of use and comparison, the data are being presented using an online dashboard. The dashboard may be accessed by scanning the QR Code or clicking the link below.

[Recipient Rights Dashboard](#)

Education Provided by MDHHS ORR

MDHHS ORR directly provides recipient rights training for all employees hired to work at each of the five state hospitals (July 2023 Hawthorn Center merged with Walter Reuther Psychiatric Hospital reducing the number of state hospitals to four). MDHHS ORR has identified several core training concepts and requires all CMH and LPH rights offices train their employees and employees of contracted providers in these core competencies. MDHHS ORR monitors compliance with these standards during scheduled system assessments.

Education Received by MDHHS ORR Staff

In addition to providing training on recipient rights, the ORR is also required to receive training each year in rights protection. Training is focused on providing updates, honing skills, and increasing the knowledge of rights staff, so they can better serve individuals.

Appeals

The director has appointed an appeals committee in compliance with Section 774 of the Code. The MDHHS Appeals Committee consists of seven individuals from across the state to hear appeals of recipient rights matters. The MDHHS Appeals Committee is specifically constituted to review and hear appeals of recipient rights investigations at each state hospitals, as well as all LPHs that have entered into an agreement to use the MDHHS Appeals Committee.

MDHHS Appeals Committee heard four appeals in Fiscal Year 2023. All appeals were from complaints at state hospitals. One appeal was upheld, and three were returned to the ORR for additional investigation.

Review of Budgetary Issues

MDHHS ORR requested resources to address the need for more rights advisors to promote and provide rights protection for expanding intensive crisis transition services (ICTS). MDHHS ORR also requested appropriations for specialist positions to meet training and assessment needs. All requested positions were provided for in 2024 budget appropriations.

	FY22	FY23	Difference
FTE	21	23	2
Salary & Fringe	\$2,912,317	\$3,042,845	+\$130,528
Contractual services, supplies and materials (CSS&M)	\$23,000	\$42,000	+\$19,000
Travel	\$22,533	\$21,000	-\$2,533
Training	\$7,500	\$7,500	-\$0
Interagency Agreement LARA	\$108,750	\$87,000	-21,7500
Total	\$3,074,100	\$3,200,345	+ \$126,245

Assessments of CMHSP Recipient Rights Systems

The Mental Health Code Sec. 232(a) requires that MDHHS ORR review the CMHSP rights systems to "ensure a uniformly high standard of recipient rights protection throughout the state." Each CMHSP rights system is assessed on-site every three years using standards developed from the Mental Health Code, the Administrative Rules, and contractual requirements. As a result of these reviews, the rights systems are determined to be in full compliance, substantial compliance or less than substantial compliance with standards. Plans of correction are required and monitored to bring the agencies into compliance.

The list below indicates the results of the assessments conducted during Fiscal Year 2023.

CMH	Disposition
Van Buren	Less than Substantial Compliance
Shiawassee	Full Compliance
Barry	Less than Substantial Compliance
Macomb	Full Compliance
CMH of Central Michigan	Full Compliance
Bay-Arenac	Full Compliance
Lifeways	Substantial Compliance
Livingston	Less than Substantial Compliance
Berrien - Riverwood	Full Compliance
Centra Wellness	Substantial Compliance
Ottawa	Full Compliance
Pathways	Full Compliance
Copper Country	Less than Substantial Compliance
Lenawee	Full Compliance

Assessments of LPH Recipient Rights Systems

MDHHS ORR continues its efforts of ensuring a uniformly high standard of rights protection at LPHs in partnership with the LARA’s Bureau of Community and Health Systems. Since 2022, each LPH receives an on-site assessment once every three years, and 2023 marks the second year of the three-year cycle.

The list below indicates the results of the assessments conducted during 2023.

Hospital Name	Disposition
MyMichigan Medical Center - Alpena	Substantial Compliance
Ascension Providence Rochester Hospital	Full Compliance
Ascension Macomb Oakland Hospital-Warren	Full Compliance
Cedar Creek Hospital	Less than Substantial Compliance
Henry Ford Health Kingswood Hospital	Less than Substantial Compliance
Havenwyck Hospital	Less than Substantial Compliance
Pontiac General Hospital	Less than Substantial Compliance
MyMichigan Medical Center Alma	Less than Substantial Compliance
Harbor Oaks Hospital	Less than Substantial Compliance
UP Health System Marquette	Less than Substantial Compliance
MyMichigan Medical Center Sault	Less than Substantial Compliance
McLaren Lapeer Region	Less than Substantial Compliance
Memorial Healthcare Owosso	Less than Substantial Compliance
Pine Rest Christian Mental Health Services	Less than Substantial Compliance
McLaren Flint	Less than Substantial Compliance
Healthsource Saginaw	Less than Substantial Compliance
Trinity Health-Grand Rapids	Less than Substantial Compliance

MDHHS ORR Recommendations to the Department

The MDHHS ORR has two recommendations:

1. MDHHS ORR recommends that the department ensure the resources necessary to adequately provide rights protection per MCL330.1755 to individuals receiving services from the Behavioral and Physical Health and Aging Services Administration and contract providers of MDHHS.
2. MDHHS ORR recommends the department propose legislation which would mandate the assessment of the Licensed Psychiatric Hospital’s recipient rights systems to ensure a uniformly high standard of rights protection in this setting.

Trends and Patterns Across Rights Protection Systems

Recipient rights system assessments are a significant area of concern, particularly when reviewing the status of rights protection in the LPH systems. Eighty-two percent of licensed psychiatric hospitals were found in less than substantial compliance in 2023, and 63% in 2022. In comparison, 28% of CMHSPs reviewed in 2023 were in less than substantial compliance and less than 1% in 2022. A system determined to be in less than substantial compliance has numerous areas of deficiency in the system in place to protect individuals served and need significant corrections. MDHHS ORR believes the stark contrast in compliance with the required standard between the two systems is related to the fact that the LPH rights systems have had limited oversight, support and access to consultation in the past. The CMHSP systems in contrast have required assessment and certification of their rights systems by MDHHS ORR since 1996. Although MDHHS previously had little oversight over ensuring licensed hospitals were in compliance with standards, since 2021 MDHHS ORR, in partnership with LARA, began the process of ensuring compliance with chapters 7 and 7A of the Mental Health Code and associated administrative rules. An ongoing focus is required to ensure adequate rights protection for individuals receiving inpatient services in these settings. This is the impetus behind MDHHS ORR's recommendation to the department to facilitate proposed legislation which would mandate the assessment of the Licensed Psychiatric Hospitals (LPH) recipient rights systems to ensure a uniformly high standard of rights protection.

Total complaints for the past five years have remained relatively constant. CMHSP agencies by far receive the bulk of complaints, which is to be expected based on the number of individuals served. There does appear to be increased complaints received in 2019 and 2022. Total substantiated complaints for 2023 was consistent with previous years. General rates for substantiated allegations are 38% of all complaints.

Abuse and neglect are the most serious violations in the rights system and account for much of the time spent in investigations by ORR. Rates for total abuse and neglect allegations in 2023 was consistent with previous years. Substantiation rates for abuse and neglect allegations are slightly higher than that for all complaints in general. In 2023 the rate for substantiation for abuse and neglect allegations was 45%.



