



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
LANSING

GRETCHEN WHITMER  
GOVERNOR

ELIZABETH HERTEL  
DIRECTOR

## **Recipient Rights Advisory Committee Agenda**

**June 18, 2025**

**1:00 PM – 3:00 PM**

**MDHHS South Grand Building Room 1A**

### **Consent Agenda**

- Roll Call
- Approval of Agenda
- Approval of March 2025 Meeting Minutes

### **ORR Updates and Reports**

- Director's Report
- Education, Training, and Compliance Unit
- Investigation Unit

### **Unfinished Business**

- Strategic Goals
- Committee Membership Update

### **New Business**

- State Facilities Updates
- Cookie Gant Awardee Selection
- RRAC By-laws Review
- Review Allegation Report

### **Training/Policy Education**

- APF 104: *Least Restrictive Setting*
- APF 105: *Careflow*
- APF 106: *Not Guilty by Reason of Insanity Committee & Processes*

### **Announcements**

### **Public Comment**

**Items for Next Meeting**

- APF 140: *Video Surveillance Monitoring*
- APF 141: *Fingerprinting, Photographing, Audio Recording, or Viewing Through One-Way Glass*
- APR 151: *Qualifications and Training for Office of Recipient Rights Staff*

**Adjournment**

**Allegation Report 01/01/2025 to 03/31/2025**



| Facility       | Category                  | Total of Types | RO's       | IV's       | Substantiated RO's | Substantiated IV's | Remedial Action                   |
|----------------|---------------------------|----------------|------------|------------|--------------------|--------------------|-----------------------------------|
| CARO           | ABUSE III                 | 14             | 14         |            | 1                  |                    | Written Reprimand                 |
|                | ABUSE II-UNREASON FORCE   | 3              | 3          |            | 2                  |                    | 2-Suspensions                     |
|                | ABUSE II-NON ACCIDENTAL   | 3              | 3          |            | 1                  |                    | Emp Termination                   |
|                | NEGLECT III               | 2              | 2          |            |                    |                    |                                   |
|                | NEGLECT II                | 1              | 1          |            |                    |                    |                                   |
|                | FREEDOM OF MOVEMENT       | 2              |            | 2          |                    |                    |                                   |
|                | SAFEGUARDING MONEY        | 3              |            | 3          |                    |                    |                                   |
|                | PERSONAL PROP LIMITATIONS | 1              | 1          |            | 1                  |                    | Training                          |
|                | PERSONAL PROP POSSES/USE  | 3              | 1          | 2          |                    |                    |                                   |
|                | ACCESS TO MAIL            | 1              |            | 1          |                    |                    |                                   |
|                | ACCESS TO TELEPHONE       | 1              |            | 1          |                    |                    |                                   |
|                | IPOS/PCP                  | 1              | 1          |            | 1                  |                    | Policy Revision                   |
|                | PHYSICAL/MENTAL EXAMS     | 1              |            | 1          |                    |                    |                                   |
|                | DIGNITY AND RESPECT       | 21             | 12         | 9          | 4                  |                    | 3-Written Counselings/ 1-Training |
|                | TREATMENT ENVIRONMENT     | 9              | 4          | 5          | 1                  |                    | Training                          |
|                | SVCS SUITED TO CONDITION  | 13             | 1          | 12         | 1                  |                    | Written Counseling                |
|                | OUTSIDE JURISDICTION      | 1              |            |            |                    |                    |                                   |
|                | NO RIGHT INVOLVED         | 9              |            |            |                    |                    |                                   |
| <b>CARO</b>    |                           | <b>89</b>      | <b>43</b>  | <b>36</b>  | <b>12</b>          |                    |                                   |
| CFP            | ABUSE III                 | 8              | 8          |            | 1                  |                    | Suspension                        |
|                | ABUSE II-UNREASON FORCE   | 1              | 1          |            |                    |                    |                                   |
|                | ABUSE II-NON ACCIDENTAL   | 2              | 2          |            | 1                  |                    | Employment Termination            |
|                | ABUSE I                   | 1              | 1          |            |                    |                    |                                   |
|                | NEGLECT III               | 3              | 3          |            | 2                  |                    | 1-Written Reprimand/ 1-Suspension |
|                | NEGLECT II-FAIL TO RPT.   | 1              | 1          |            |                    |                    |                                   |
|                | CORRECTION OF RECORD      | 1              |            | 1          |                    |                    |                                   |
|                | DISCLOSURE CONFID INFO    | 1              | 1          |            |                    |                    |                                   |
|                | FREEDOM OF MOVEMENT       | 3              | 1          | 2          |                    |                    |                                   |
|                | SAFEGUARDING MONEY        | 2              |            | 2          |                    |                    |                                   |
|                | PERSONAL PROP POSSES/USE  | 2              |            | 2          |                    |                    |                                   |
|                | ACCESS TO TELEPHONE       | 2              |            | 2          |                    |                    |                                   |
|                | VISITS                    | 1              |            | 1          |                    |                    |                                   |
|                | FINGERPRINTS/PHOTOGRAPHS  | 1              |            | 1          |                    |                    |                                   |
|                | SVCS OF MH PROFESSIONAL   | 1              |            | 1          |                    |                    |                                   |
|                | DIGNITY AND RESPECT       | 20             | 11         | 9          |                    |                    |                                   |
|                | LEAST RESTRICTIVE SETTING | 1              | 1          |            |                    |                    |                                   |
|                | TREATMENT ENVIRONMENT     | 4              | 2          | 2          | 1                  |                    | Training                          |
|                | SVCS SUITED TO CONDITION  | 4              | 2          | 2          | 2                  |                    | 1-Verbal Counseling/ 1-None       |
|                | CIVIL RIGHTS              | 1              |            | 1          |                    |                    |                                   |
|                | OUTSIDE JURISDICTION      | 15             |            |            |                    |                    |                                   |
|                | NO RIGHT INVOLVED         | 13             |            |            |                    |                    |                                   |
| <b>CFP</b>     |                           | <b>88</b>      | <b>34</b>  | <b>26</b>  | <b>7</b>           |                    |                                   |
| CORR           | ABUSE III                 | 1              | 1          |            | 1                  |                    | Emp Termination                   |
|                | ABUSE II-UNREASON FORCE   | 1              | 1          |            | 1                  |                    | Emp left prior to Discipline      |
|                | FINGERPRINTS/PHOTOGRAPHS  | 1              | 1          |            |                    |                    |                                   |
|                | TREATMENT ENVIRONMENT     | 3              | 3          |            |                    |                    |                                   |
| <b>CORR</b>    |                           | <b>6</b>       | <b>6</b>   |            | <b>2</b>           |                    |                                   |
| HC             | ABUSE II-UNREASON FORCE   | 1              | 1          |            | 1                  |                    | Emp left prior to Discipline      |
|                | NEGLECT III               | 1              | 1          |            | 1                  |                    | Pending                           |
|                | FREEDOM OF MOVEMENT       | 1              | 1          |            |                    |                    |                                   |
|                | TREATMENT ENVIRONMENT     | 1              |            | 1          |                    |                    |                                   |
| <b>HC</b>      |                           | <b>4</b>       | <b>3</b>   | <b>1</b>   | <b>2</b>           |                    |                                   |
| KPH            | ABUSE I - SEXUAL ABUSE    | 1              | 1          |            |                    |                    |                                   |
|                | ABUSE III                 | 2              | 2          |            |                    |                    |                                   |
|                | ABUSE II-UNREASON FORCE   | 1              | 1          |            |                    |                    |                                   |
|                | ABUSE II-NON ACCIDENTAL   | 4              | 4          |            |                    |                    |                                   |
|                | NEGLECT III               | 4              | 4          |            | 2                  |                    | 1-Pending/ 1-Written Reprimand    |
|                | DISCLOSURE CONFID INFO    | 4              | 2          | 2          | 1                  |                    | Training                          |
|                | FREEDOM OF MOVEMENT       | 1              |            | 1          |                    |                    |                                   |
|                | RESTRAINT                 | 3              | 1          | 2          | 1                  |                    | Pending                           |
|                | PERSONAL PROP LIMITATIONS | 1              |            | 1          |                    |                    |                                   |
|                | PERSONAL PROP POSSES/USE  | 3              |            | 3          |                    |                    |                                   |
|                | DIGNITY AND RESPECT       | 20             | 1          | 19         |                    |                    |                                   |
|                | LEAST RESTRICTIVE SETTING | 5              | 1          | 4          |                    |                    |                                   |
|                | TREATMENT ENVIRONMENT     | 10             |            | 10         |                    |                    |                                   |
|                | SVCS SUITED TO CONDITION  | 18             | 1          | 17         |                    |                    |                                   |
|                | OUTSIDE JURISDICTION      | 2              |            |            |                    |                    |                                   |
|                | NO RIGHT INVOLVED         | 3              |            |            |                    |                    |                                   |
| <b>KPH</b>     |                           | <b>82</b>      | <b>18</b>  | <b>59</b>  | <b>5</b>           |                    |                                   |
| WRPH           | ABUSE I - SEXUAL ABUSE    | 1              | 1          |            |                    |                    |                                   |
|                | ABUSE III                 | 4              | 4          |            |                    |                    |                                   |
|                | ABUSE II-UNREASON FORCE   | 3              | 3          |            |                    |                    |                                   |
|                | ABUSE II-NON ACCIDENTAL   | 5              | 5          |            |                    |                    |                                   |
|                | NEGLECT III               | 4              | 4          |            |                    |                    |                                   |
|                | RESTRAINT                 | 2              | 2          |            | 1                  |                    | Suspension                        |
|                | PERSONAL PROP POSSES/USE  | 3              | 1          | 2          |                    |                    |                                   |
|                | DIGNITY AND RESPECT       | 5              | 5          |            | 1                  |                    | Written Reprimand                 |
|                | TREATMENT ENVIRONMENT     | 11             | 2          | 9          |                    |                    |                                   |
|                | SVCS SUITED TO CONDITION  | 27             | 1          | 26         |                    | 1                  |                                   |
|                | NO RIGHT INVOLVED         | 6              |            |            |                    |                    |                                   |
| <b>WRPH</b>    |                           | <b>71</b>      | <b>28</b>  | <b>37</b>  | <b>2</b>           | <b>1</b>           |                                   |
| <b>Summary</b> |                           | <b>340</b>     | <b>132</b> | <b>159</b> | <b>30</b>          | <b>1</b>           |                                   |
| #####          |                           |                |            |            | - 1 -              |                    |                                   |

## Recipient Rights Advisory Committee

### Meeting Minutes

March 12, 2025

1:00 PM – 3:00 PM

Location: Hybrid – Virtual and In Person at MDHHS South Grand Building

|                   |  |
|-------------------|--|
| <b>Present:</b>   | David Emmett-Hulet, Dr. Robert Lagrou, Lynn TenBrock, Tina Bertram, Yasmina Bouraoui (virtual), Melissa Callison, Dianne Baker (virtual), Chardae Burton (virtual), Angie O'Dowd                   |
| <b>Absent:</b>    | Shaun Thompson, Tammy Banker   |
| <b>ORR Staff:</b> | Karen Currington, Raymie Postema, Edward Wilson, Sue Witting (virtual), Tammi Leto (virtual), Robin Vican (virtual), Jennifer Gorman (virtual), Leonard Harden (virtual), Walter Herbert (virtual) |
| <b>Guests:</b>    | Audrey Dick, Eric Houghtaling  |

#### Call to Order

Meeting was called to order at 1:05 PM by Chair Robert Lagrou. The committee welcomed new member Angie O'Dowd. Welcome Angie!

#### Approval of Agenda

Agenda was moved to be accepted with one addition by Angie O'Dowd.

Moved: Lynn TenBrock      Supported: Angie O'Dowd

Motion carried

#### Approval of Minutes

Minutes of the December 11, 2024, meeting were reviewed and moved to approve as written.

Moved: Angie O'Dowd      Supported: Lynn TenBrock

Motion carried

#### ORR Updates and Reports

Director – Raymie Postema

- All bills introduced in the last legislative session have died due to the new session that started in January 2025. One bill from the previous session has been reintroduced as SB 142, which called for membership changes in the recipient rights advisor committee.
- OAG audit still has not concluded. So far there have been four findings, and a few more are anticipated.
- Edward Wilson has been selected as the new Director of Education, Training and Compliance.
- MLive published an article critical of the recipient rights system in Michigan. MDHHS has responded to the author noting several factual errors.

- Pontiac General hospital is still not accepting patients, but has reapplied for certification.

#### Education, Training and Compliance Unit – Edward Wilson

- Written report submitted to the committee was reviewed.
- Basic skills training for new rights staff has been revised and a new schedule implemented that will hopefully fill the increased need for more frequent training.
- Changes to online training modules were also made. The annual training module for MDHHS staff has been paused. ORR is evaluating whether it is still needed, especially since it has been several years since any revision to the training.
- Edward Wilson asked the committee if the current written report was sufficient or if they would like to see different data. Members discussed that the inclusion of online training data numbers do not need to be included.

#### Investigation Unit – Karen Currington

- The written reports regarding complaint investigation activities submitted during the meeting were reviewed.
- Members requested if a more longitudinal view of data to determine trends or patterns would be possible. ORR will see if presenting data differently is possible.

### **Unfinished Business**

#### Strategic Goals for the Committee

- The committee's current review of legislative efforts was discussed and continues to be the ongoing focus.
- Members also wanted to continue focus of inviting individuals to the meeting. Dr. Mellos, Director Hertel, and David Knezek were individuals identified to invite to a future meeting.

#### Membership

- The committee still has one vacancy. A family member of children/youth recipient is still being sought.
- The committee discussed the absences of member Shaun Thompson, and that it is unknown of his status.

#### 2024 Rights Conference Evaluations

- The committee reviewed comments submitted by attendees. Overall the comments were positive.

### **New Business**

#### 2025 ORR Funding Review

- Eric Houghtaling and Audrey Dick presented an overview of the budget process and reviewed the ORR budget for 2025.

#### 2024 Annual Report

- A final draft of the 2024 annual report was reviewed. The report is due to legislature by March 31.
- The committee discussed recommendations to the Department, and agreed with the ones written in the report.

- Ongoing challenges in obtaining not only behavioral health services, but health services in general was discussed by the committee.

#### 2025 Recipient Rights Conference

- The committee discussed the Cookie Gant award, and the need for increased solicitation for participation in the nomination process. ORR will send an email to interested parties on behalf of the committee seeking nominations.
- The committee will review nominations at the June meeting and will decide the awardee at that time.

#### Crisis Residential Unit and Camera Use

- Member Angie O'Dowd raised the issue of a Crisis Residential Unit in her area that regularly utilizes cameras in the milieu. Raymie Postema clarified that the Mental Health Code simply does not allow the use of video surveillance in any setting other than a hospital including, including Crisis Residential Units.

#### Training on Recipient Rights Policies

Due to time constraints, training on recipient rights policies was tabled until the next meeting.

#### Committee Announcements

The committee discussed the possibility of scheduling the next meeting at Caro Psychiatric Hospital. Members felt due to the challenges in traveling to Caro, if individual members wished to tour the facility it could be arranged at a time separate from the scheduled meeting.

#### Public Comment

None.

#### Agenda Items for Next Meeting

Next meeting is June 18, 2025, 1:00 PM.

- Cookie Gant nomination review and selection

#### Adjournment

Meeting was adjourned at 2:56 PM.

# STATE RECIPIENT RIGHTS ADVISORY COMMITTEE

## BY-LAWS

*Amended 11/8/2012  
Reviewed January 14, 2016  
Revised January 11, 2018  
July 8, 2021*

### ARTICLE I – NAME

Section 1: The name of the organization shall be the State Recipient Rights Advisory Committee established under Section 756 of Act 240 of the Public Act of 1995, as amended.

### ARTICLE II – PURPOSE

Section 1: The purpose of the Committee is:

- A. To protect the state office of recipient rights from pressures that could interfere with the impartial, evenhanded, and thorough performance of its functions. (Section 756 [2][d])
- B. To recommend to the director of the department candidates for the position of director of the state office of recipient rights and consult with the director regarding any proposed replacement or dismissal of the director of the state office of recipient rights. (Section 756 [4])
- C. To serve in an advisory capacity to the director of the department and the director of the state office of recipient rights. (Section 756 [2][f])
- D. To review and provide comments on the report submitted by the state office of recipient rights to the department under Section 754. (Section 756 [2][g])
- E. To review and provide comments to the director regarding funding the state office of recipient rights. (Section 754 [2][a]).
- F. To serve as a liaison with the recipient rights committee of community mental health service programs and licensed hospitals.

### ARTICLE III – MEMBERSHIP

Section 1: Appointments

The members of the committee shall be appointed by the director of the Department, who shall consider the recommendation of the director of the state office of recipient rights and individuals who are members of the state recipient rights advisory committee. (Section 756 [1])

Section 2: Numbers and Composition

- A. The committee shall be composed of 12 members. (Section 756 [1])
- B. The composition of the committee shall be broadly based to best represent diverse perspectives of department staff, government officials, attorneys, community mental health service program staff, private providers, recipients, and recipient interest groups. (Section 756 [1])

- C. At least 1/3 of the members shall be primary consumers or family members, and of that at least 2 of the members shall be primary consumers. (Section 756 [1]).

Section 3:      Term

- A. The term of office of a committee member shall be for two (2) years with six (6) appointments expiring each year. Terms begin October 1 and end September 30 two (2) years later.

Section 4:      Vacancies

The vacancies shall be filled in the same manner as original appointments.

Section 5:      Removal

A. Grounds for Removal

1. Removal for excessive absenteeism

- i. Each member is expected to demonstrate interest in the Committee's activities and participate in the scheduled meetings.
- ii. If a member has two (2) unexcused absences from the meetings in any calendar year, the member shall be notified in writing in an effort to ensure full participation in the committee.
- iii. Members with three (3) unexcused absences in any calendar year will be recommended for removal.

2. Removal for cause:

- i. A member may be removed for inability to perform his or her official duties.

B. Procedure for Removal: Removal of a member shall be determined by a two-thirds vote of the member present during any given meeting.

Section 6:      Compensation

Committee members shall be reimbursed for travel, lodging, and meal expenses incurred doing the official business of the committee at rates set by the Department.

## ARTICLE IV – OFFICERS

Section: 1      Composition

The officers of the Committee shall be a Chair and Vice-Chair.

Section 2:      Selection

The current Chair shall appoint a Nominating Committee composed of three (3) Committee members. They shall prepare a slate of candidates and present it at the first meeting after Committee members begin their terms of office. Nominations shall also be accepted from the floor. Elections shall be by simple majority of votes cast by members present at the meeting and candidates shall assume office at the close of the meeting.

Section 3:      Term

Officers shall serve for a term of one year and can be re-elected.

Section 4:      Duties of Chair

- A. Preside at all meetings.



- B. Appoint a nominating subcommittee and special subcommittees and chairs as necessary to deal with specific issues.
- C. Appoint member to act as liaison with the Behavioral Health Advisory Council
- D. Develop meeting agendas with input from the director of the state office of recipient rights, the director the department, Committee members, and the general public as appropriate.

Section 5:      Duties of Vice-Chair

- A. Preside in the absence of the Chair
- B. Fulfill the duties of the Chair if the office becomes vacant.
- C. Perform such duties as the Chair may delegate.

ARTICLE V – STAFFING

Section 1:      The State Office of Recipient Rights shall provide staff support for the Committee as follows:

- A. Prepare minutes of Committee meetings and submit them to the Committee and State Office of Recipient Rights Director for approval.
- B. Arrange meetings, provide expert visitors and written materials at the request of the Committee.
- C. Present a report on the activities and critical issues of the Office and be available to answer questions at each meeting.

ARTICLE VI – MEETINGS

Section 1:      Regular Meetings

Regular meetings shall be held once every (3) months with exceptions as determined by the Committee.

Section 2:      Quorum

One member over one-third of the total membership (4) shall constitute a quorum for transacting business at any committee meeting.

Section 3:      Public Comment

- A. Meetings of the Committee are subject to the Open Meetings Act, Act 267 of the Public Acts of 1976, being sections 15.261 and 15.275 of the Michigan Compiled Laws. Minutes shall be maintained and made available to individuals upon request. (Section 756[3]).
- B. An opportunity shall be made at least once during each meeting for public comment.
- C. Public comment will be given 10 total minutes with possible extension upon chairperson's discretion. Each individual person will be given no more than 5 minutes or less depending on the number of people prepared for public comment.
- D. All public comment will be respectful and related to promoting the rights protection system. Foul language or personal attacks are cause for removal from the meeting.

Section 4: Agenda

The opportunity shall be presented at each meeting for the Committee members to add items to the agenda. Non-members may also recommend items to the agenda no later than three (3) working days before the Committee meeting.

ARTICLE VII – AMENDMENTS

Section 1: These Bylaws can be amended at any regular meeting of the Committee, by a two-thirds vote, provided the amendment was submitted in writing at the previous regular meeting.

