CENTRA WELLNESS NETWORK

Board Adopted Procedure			
Procedure	03.25	**Policy Title: 03.00 Enrollee Rights**	
Effective Date: 1/13/2011		**Subject: Recipient Rights Complaints**	
Review Cycle:		3 years	
Approval Validation Record			
Action		**Date**	**Board Sec'y Initials**
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Accountability			
Board Committee:		Policy Committee	
Agency Function:		Recipient Rights Complaints	
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Review Date:		4/24/2014	

I. PURPOSE STATEMENT:

Centra Wellness Network's (CWN) Governing Body establishes and evaluates policies and related procedures as required by statutory and contractual obligations.
CWN reserves the right in its sole discretion to adopt and implement policies and procedures that ensure a safe, functional, and professional workplace that operates with integrity using person-centered focus and planning, trauma informed practices and respect of others, cultural sensitivity and transparency in communication and practice. Organizationally and in practice, CWN is responsive to the needs of clients, community, and staff.
Any statements and procedures are subject to review and/or unilateral change, modification, suspension, or cancelation in whole or in part of any published/unpublished policies or procedures without notice and without having to give cause, justification, or consideration to any employee. Recognition of these rights and prerogatives of CWN is a term and condition of and maintaining employment.
Policies and Procedures are approved by the Board and/or upon recommendation by the Executive Director or his/her designee.

II. APPLICATION:

Agency Wide.

III. DEFINITIONS:

Code Protected Rights:
A right that is guaranteed by the Michigan Mental Health Code (Act 258 of 1974), or other applicable law.

Complainant:
A consumer or any other person who files a complaint indicating that a right has been violated.

Complaint:
Either an oral or written statement of a code protected right within the jurisdiction of CWN. The rights complaint will include all of the following elements:

a. A statement of the allegation that gave rise to the dispute.
b. A statement of the right or rights that may have been violated.
c. The outcome that the complainant is seeking as resolution to the complaint.

Individual representative:
A recipient's legal guardian, minor recipient's parent, or other person authorized by law to represent the recipient in decision-making related to the recipient's services and supports.

Intervention:
The method of handling a complaint that does not involve abuse or neglect and that can be resolved informally to the satisfaction of all parties involved.

Preponderance of Evidence:
Means a standard of proof that is met when, based upon all of the available evidence, it is more likely that a right was violated than not; greater weight of evidence, not as to quantity (number of witnesses), but as to quality (believability and greater weight of important facts).

Remedial Action:
Action taken to correct a violation from recurring and/or remove contributing conditions.

Substantiated:
A determination made by the Recipient rights Officer that the recipient rights complaint was a rights violation.

Unsubstantiated:
A determination made by the Recipient Rights Officer that the recipient rights complaint was unable to be substantiated based on available evidence at the time of the investigation.

IV. POLICY STATEMENT:

The intent of this procedure is to ensure that all Recipient Rights complaints will be handled by CWN in a manner consistent with Chapter 7A of the Michigan Mental Health Code.

V. PROCEDURES:

A. Receipt of Rights Complaints:

1. Any consumer, guardian, relative, friend, parents of minor, or anyone on behalf of the consumer who thinks a consumer's rights have been violated may file a rights complaint with the office alleging a violation of the Michigan Mental Health Code or rules or policies of CWN. The Rights Officer will assure that complaint forms are readily available and assist the consumer or individual with the complaint process as necessary. Complainants will be assured that their complaint will not result in retaliation or barriers to service.
2. The Rights Officer will notify consumers or others that there are advocacy organizations available to assist in the preparing of complaints and offer to refer the individuals to the advocacy organizations. If a referral is declined, rights office staff will offer assistance in preparing the written complaint that will include the following elements: a statement of the allegation, the right alleged to be violated, and the desired outcome.
3. Any provider making a complaint in good faith with the Office of Recipient Rights is protected by the Michigan Whistleblower's Protection Act (469 P.A. 1980) and will not be discharged, threatened, or otherwise discriminated against for doing so. Appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.
4. If the complaint is related to the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990, the Recipient Rights Officer will accept such complaints and may assist/refer for further action.
5. Each complaint shall be logged upon receipt. The log shall contain a number reflecting the year and order the complaint was received. The log shall also record the recipient's name, the date the complaint was received, the action taken, the category of rights violation, the decision, and status of investigation.
6. A notice shall be sent to the complainant within 5 business days of receipt of the complaint, stating that the complaint was received and the determination by the rights officer whether an investigation is warranted or not. A copy of the complaint shall be sent with the acknowledgment letter.
7. The Rights Officer will also notify the Executive Director and the provider of the receipt of complaints against their respective programs and the decision whether to investigate the complaint or not.
8. The Recipient rights Officer will determine if the alleged rights violation involves abuse, neglect, serious injury, or when a rights violation is apparent or suspected in the death of a recipient, and if so, will immediately initiate an investigation, and:

a. Ensure all mandatory reporting to external agencies and required written reports are completed within specified time frames.
b. Informs the appropriate supervisor of the employee named in the alleged rights violation to take steps necessary, such as reassignment of the employee, to prevent contact between the employee and the consumer named in the complaint, or if this is not possible suspend the employee with pay until investigation is complete.
c. For verbal complaints that involve code-protected rights, but not abuse or neglect, The Rights Officer instructs the complainant to describe the alleged violation. The Rights Officer will fill out a Recipient Rights form and send to the complainant within 5 days with the acknowledgement letter.
d. If a rights complaint is filed regarding the conduct of the Executive Director, the rights investigation shall be conducted by the rights office of another community mental health services program or by the state office of recipient rights as decided by the CWN Board.

B. Investigation of Right Complaints:
1. The Recipient Rights Officer determines if the complaint will be investigated or handled as an intervention. All complaints will be reviewed and receive a response. Rights staff throughout the investigative process will accurately record investigation activities for each rights complaint.
2. The Rights Officer shall initiate an investigation of apparent or suspected rights violations in a timely and efficient manner, with initial contact to the complainant within five (5) business days of receipt of complaint. Allegations will be investigated with priority assigned to the allegation concerning safety or personal injury. Immediate investigation will occur in allegations of serious abuse, neglect, injury or death.
3. Inform the staff of the recipient rights allegation if he/she has not already been informed by the provider/employer.
4. Interview the complainant and consumer if appropriate.
5. Identify all persons who may have information about the allegation.
6. Interview all persons identified and where appropriate secure written statements in regard to the recipient rights allegation.
7. Review all the pertinent records applicable DCH and Board policies, and document the necessary information.
8. Assure the investigation is conducted in a manner consistent with pertinent CWN policies that did not violate employee rights.
9. Make an independent determination of whether or not the majority of all the available facts lead to a conclusion that the allegation can be substantiated, refuted, or unsubstantiated based on the preponderance of evidence standard.
10. The Rights Officer shall issue a written status report every thirty (30) calendar days during the course of the investigation. The report shall be submitted to the complainant, the respondent, and the responsible mental health agency. A status report shall include all of the following:
    a. Statement of the allegations.
    b. Statement of the issues involved.
    c. Citations to relevant provisions of this act, rules, policies, and guidelines.
    d. Investigative progress to date.
    e. Expected date for completion of the investigation.
11. Upon completion of the investigation, the office shall submit a written

investigative report to the respondent and to CWN Executive Director. The investigative report shall include all of the following:

a. Statement of the allegations.
b. Statement of the issues involved.
c. Citations to relevant provisions of code, rules, policies, and guidelines.
d. Investigative findings.
e. Conclusions.
f. Recommendations, if any.

12. The investigative report will be completed within 90 days of receiving the complaint. Issuance of the written investigative report may be delayed pending completion of investigations involving external agencies (i.e. law enforcement agencies, Department of Human Services).
13. If an allegation is found to be substantiated, the agency will take firm and fair disciplinary action or remedial action as appropriate meeting all of the following requirements:
    a. Corrects or provides a remedy for the rights violations.
    b. Is implemented in a timely manner.
    c. Attempts to prevent a recurrence of the rights violation.
    d. The action shall be documented and made part of the record maintained by the office.
14. The Executive Director shall submit a written summary report to the complainant and recipient, if different than the complainant, guardian or parent of minor, within 10 business days after the Executive Director receives a copy of the investigative report from the rights office. The summary report shall include all of the following:
    a. Statement of the allegations.
    b. Statement of issues involved.
    c. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
    d. Summary of investigative findings.
    e. Conclusions.
    f. Recommendations made by the office.
    g. Action taken, or plan of action proposed, by the respondent.
        1. If the summary report contains a plan of action, the director must send a letter indicating when the action was completed. If the letter indicating the plan of action describes an action that differs from the plan, the letter must indicate that an appeal may be made within 45 days on "action."
    h. A statement describing the complainant's right to appeal no later than 45 days after receipt of the summary report, the grounds for an appeal, and shall list all persons who have the right to appeal.
    i. Information in the summary report will be provided within the constraints of the confidentiality/privileged communications Sections 748 and 750 of the Mental Health Code.
    j. Information in the summary report will not violate the rights of any employee. (ex. Bullard-Plawecki Employee Right to Know Act, Act No. 397 of the Public Acts of 1978, MCL 423.501 et. seq)
15. The complainant's copy of the summary report should state whether the allegation was substantiated, or not substantiated, and contain only non-confidential material.
16. CWN administrative staff and the service provider will ensure appropriate disciplinary action is taken against those who have engaged in abuse or

neglect, or retaliation and harassment, including official reprimand, demotion, suspension, reassignment, or dismissal.

17. If CWN staff persons or contractual provider personnel failed to report apparent or suspected violations of rights, the CWN Executive Director and/or the contractual provider will take appropriate administrative action.
18. Rights complaints filed by recipients or anyone on their behalf were sent or given to the CWN rights office in a timely manner.
19. A rights complaint investigation may be reopened or reinvestigated by the rights office if there is new evidence that was not presented at the time of the investigation.
20. A rights complaint/issue handled as a rights intervention and resolved to the mutual satisfaction of all parties involved requires the rights office to maintain record of such cases however no formal written report is required.

C. Appeal Process:
    1. The Executive Directors summary report will inform the complainant, recipient (if different than complainant), guardian or parent of minor the right to file an appeal stating both the following:
        a. An appeal may be filed no later than 45 days after receipt of the summary report.
        b. The grounds for an appeal are:
            1. The investigative findings of the rights office are not consistent with the facts, law, rules, policies, or guidelines.
            2. The action taken or proposed plan of action by the respondent does not provide an adequate remedy.
            3. The investigation was not initiated or completed on a timely basis.
    2. The right office will advise the complainant that there are advocacy organizations available to assist the complainant in preparing the written appeal and offer to refer the complainant to those organizations or in absence of assistance from an advocacy organization provide assistance in completing the written appeal.
    3. Within 5 business days after receipt of the written appeal, at least two members of the Appeals Committee (CWN Recipient Rights Advisory Committee as designated by the Board) will review the appeal to determine whether it meets the criteria for grounds for appeals. A member of the appeals committee who has a personal or professional relationship with an individual involved in an appeal shall abstain from participating in that appeal as a member of the committee.
    4. If the appeal is denied the appellant will be provided written notification within five (5) business days. If the appeal is accepted the appellant will be provided written notification within the five (5) business day period and a copy of the appeal shall be provided to the respondent and the Executive Director of Manistee-Benzie CMH.
    5. Within 30 days after receipt of a written appeal, the Appeals committee shall meet and review the facts as stated in all complaint investigation documents and do one of the following:
        a. Uphold the investigative findings of the office and the action taken or plan of action proposed by the respondent.
        b. Return the investigation to the office and request that it be reopened or reinvestigated.
            1. If an investigation is returned to the CMH by an appeals committee for reinvestigation:
                a. The office will complete the reinvestigation within 45

days following the standards established in 330.1778.

i. Upon receipt of the Report of Investigative Findings, the director will take appropriate remedial action and will submit a written summary report to the complainant, recipient, if different than the complainant, parent or guardian, and the appeals committee within 10 business days.

ii. If the appeals committee determines the investigation was not initiated or completed in a timely manner, per Chapter 7A, the Executive Director will address the lack of timeliness with staff completing the investigation.

c. Uphold the investigative findings of the office but recommend that the respondent take additional or different action to remedy the violation.

1. If a request for additional or different action is sent to the Director, a response will be sent within 30 days as to the action taken or justification as to why it was not taken. The Appeals committee must base its determination on the remedial action as defined in section 780 of the Mental Health Code The response will be sent to the complainant, recipient, if different from the complainant, parent or guardian, the Office of the Recipient Rights, and the appeals committee.

d. Recommend that the CWN Board request an external investigation by the MDHHS Office of Recipient Rights.

1. If the appeals committee recommends that the CMHSP board request an external investigation by MDHHS Office of Recipient Rights (ORR), the board may make the request to MDHHS ORR, in writing, within 5 business days of receipt of the request from the appeals committee. Within 10 business days of receipt of the investigative report from MDHHS ORR, the executive director must issue a Summary Report in compliance with section 782 of the Code. The Summary Report must be submitted to the appellant, recipient if different than the appellant, the recipient's legal guardian, if any, the office of recipient rights and the appeals committee. The complainant, recipient if different than the complainant, and the recipient's legal guardian, if any, must be informed in the Summary Report issued by the executive director of the right to level 2 appeal per section 786 of the Code. Notice must include level 2 appeal contact information, grounds for appeal as stated in section 784(2) of the Code, the time frame for submission of the appeal, advocacy organizations that may assist with filing the written appeal, and an offer of assistance by the office of recipient rights in the absence of assistance from an advocacy organization.

2.The appeals committee is allowed to request consultation and technical assistance from MDHHS-ORR directly.

6. The Appeals Committee shall document its decision and justification for the decision in writing. The written decision will include a statement of the appellants right to appeal to Level 2, the time frame for appeal (45 days from receipt of decision) and ground for appeal (investigative findings of the

rights office are inconsistent with facts, rules, policies, or guidelines). A notice of advocacy organizations that may assist with filing the written appeal, and an offer of assistance by the Office of Recipient Rights in the absence of assistance from an advocacy organization must be included.

7. Within 10 working days after reaching its decision, the Appeals Committee will provide copies of the decision to the respondent, appellant, recipient if different than the appellant, parent of a minor recipient, the recipient's guardian if one has been appointed, the CWN Executive Director, and the CWN Rights Office.

D. Storage and Distribution of Recipient Rights Complaint Reports:
   1. One copy of the complaint report with a request for corrective action will go to the Director of the contract agency or, internally, to the appropriate Director.
   2. Persons receiving these reports are responsible for assuring their confidentiality and maintained in a locked storage area.
   3. These reports are only to be shared on a 'need to know" basis, consistent with any CWN or contract agency personnel policies and Section 748 of the Mental Health Code.
   4. When the complaint report is used in a disciplinary action, the names of all consumers and provider involved in the case must be eliminated to preserve their confidentiality.

VI. EXHIBITS:

N/A

VII. REFERENCES:

Authority and Related Directives Trace	
Federal	CFR 438.224, 42 CFR Subchapter IV, Mental Health Rights and Advocacy, Section 9501. (O) (2) (B)
State	MHC 330.1722, 330.1752, 330.1755, 330. 776-782, 330.788
NMRE	
County	Interlocal Agreement of December 1992 Section IX(j)
CARF	CARF 2026 Behavioral Health Standards
Other	Board By-Laws