



CMHA-CEI Policies and Procedure Manual

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| Title: | 3.6.01, Recipient Rights | | |
| Subject: | RECIPIENT RIGHTS | | |
| Section: | Clinical | | |
| Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/> | Issued by: Director Quality Customer Service and Recipient Rights (QCSRR) | Effective Date: 04/10/86 | Applies to: <input type="checkbox"/> All CMHA-CEI staff <input checked="" type="checkbox"/> Contract Providers |
| Page: 1 of 3 | Approved by: Board of Directors | Review Date: 2/13/17 | X Other: |

I. Purpose:

To assure that the rights of all recipients/consumers are protected.

II. Policy:

- A. Each recipient/consumer shall be protected from rights violations while receiving services.
- B. Each recipient/consumer and family members shall be treated with dignity and respect.
- C. As applicable, rights shall be protected as established by
 - 1. PA 258 of 1974, as amended, Michigan’s Mental Health Code for recipients of mental health services;
 - 2. PA 368 of 1978, Public Health Code for recipients of substance abuse services;
 - 3. PA 121 of 1990, Michigan Handicapper’s Civil Rights Act;
 - 4. PL 93-112 of 1973, Section 504, Rehabilitation Act;
 - 5. PL 101-336 of 1990, Americans with Disabilities Act.
 - 6. PA 368 of 1978, Administrative Rules for Substance Abuse Services in Michigan
- D. A Recipient Rights Office (RRO) under the leadership of the Director of Quality Customer Service and Recipient Rights, subordinate only to the Executive Director, shall be maintained to assure recipient rights policies and procedures are carried out in all programs operated by, and under contract with, CMHA-CEI.
- E. The CMHA-CEI Board of Directors (the Board) and CMHA-CEI Network providers shall establish and maintain written policies required by and consistent with applicable laws and rules on recipient rights, including those which ensure the prompt reporting, investigation and resolution of alleged violations of rights guaranteed by law.
 - 1. Policies and procedures shall include, at a minimum
 - a. Complaint and appeal processes;
 - b. Consent to treatment and services;
 - c. Sterilization, contraception, and abortion;
 - d. Fingerprinting, photographing, audiotaping, and use of one-way glass;
 - e. Abuse and neglect
 - f. Confidentiality and disclosure;
 - g. Treatment by spiritual means;
 - h. Qualifications and training for recipient rights staff;

- i. Change in type of treatment;
 - j. Medication procedures;
 - k. Use of psychotropic drugs;
 - l. Use of restraint;
 - m. Dignity and respect;
 - n. Least restrictive setting; and
 - o. Services suited to condition.
2. Policies and procedures for residential settings shall also include
 - a. Entertainment material, information, and news;
 - b. Comprehensive examinations;
 - c. Property and funds;
 - d. Freedom of movement;
 - e. Resident labor;
 - f. Communication and visits; and
 - g. Seclusion.
- F. Written procedures shall delineate the administrative and investigative roles and responsibilities of the RRO.
- G. The RRO shall be protected from pressures which could interfere with the impartial, even-handed, and thorough performance of its duties.
- H. Complainants, staff of the RRO, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities. Appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.
- I. Appropriate administrative action shall be taken in a timely manner when recommended by the rights office staff in final investigative reports. Discipline is mandatory in cases of substantiated violations or abuse or neglect.
- J. Notification of complainants of substantiated violations shall be done in a manner that does not violate employee rights.
- K. The Board of Directors shall appoint a Recipient Rights Advisory Committee, which shall serve in an advisory capacity to the Executive Director and Director of Quality Customer Service and Recipient Rights.
- L. The Board of Directors shall appoint an Appeals Committee. The Recipient Rights Advisory Committee is designated as the Appeals Committee.
- M. In the event that a recipient rights complaint is filed regarding the conduct of the Executive Director, the rights investigation shall be conducted by the RRO of another community mental health services program or by the Michigan Department of Health and Human Services, as decided by the Board of Directors.
- N. Other service providers in the CMHA-CEI Network shall either
 1. Officially adopt the Board's Recipient Rights policies and procedures, or
 2. Develop and implement Recipient Rights policies and procedures consistent with Mental Health Code and Administrative Rules requirements.

III. **Responsibilities:**

- A. The Executive Director is responsible to appoint and supervise the Director of Quality Customer Service and Recipient Rights.
- B. The Executive Director is responsible for ensuring that policies and procedures are developed and implemented to protect recipient rights.
- C. The Director of Quality Customer Service and Recipient Rights is responsible for the implementation and review of policies and procedures to protect recipient rights.
- D. The Board of Directors is responsible for appointing a Recipient Rights Advisory Committee.
- E. The Board of Directors is responsible for appointing an Appeals Committee. The Recipient Rights Advisory Committee has been designated to serve as the Appeals Committee.

IV. **Definitions:**

N/A

V. **Monitoring and Review:**

This policy is reviewed annually by the Director of Quality, Customer Service and Recipient Rights. It is monitored by accrediting bodies and regulatory agencies as applicable.

VI. **References:**

Chapter 7 of MHC

VII. **Related Policies and Procedures:**

N/A

VIII. **Review Log:**

| Review Date | Reviewed By | Changes (if any) |
|-------------|----------------|-----------------------|
| 03/02/98 | - | - |
| 02/29/00 | - | - |
| 03/16/04 | - | - |
| 05/16/05 | - | - |
| 01/31/07 | - | - |
| 05/26/10 | - | - |
| 03/10/13 | - | - |
| 02/13/17 | QCSRR Director | Updated to new format |