

War Memorial Hospital

TYPE: DEPARTMENTAL – BEHAVIORAL HEALTH

POLICY: QUALIFICATIONS AND TRAINING FOR RECIPIENT RIGHTS STAFF

REPLACES: 8/08; 5/15

PURPOSE: To define the role, responsibilities, qualifications, and training requirements for the Recipient Rights Officer to the Behavioral Health Center at War Memorial Hospital.

PROCEDURE:

Appointment of Recipient Rights Officer:

1. The Chief Executive Officer (CEO) shall be responsible for appointing an Officer of Recipient Rights for the Behavioral Health Center. The CEO shall not replace or dismiss the Recipient Rights Officer without first consulting with The Recipient Rights Advisory Committee.

Recipient Rights Officer Duties (Position Description)

2. The Recipient Rights Officer shall verify the War Memorial Hospital operates a Recipient Rights System that is in compliance with the Michigan Mental Health Code, particularly Chapters 7 and 7a in Michigan compiled Laws. The Recipient Rights Officer shall:
 - A. Receive reports of and investigate alleged violations of rights.
 - B. Act to promote resolution of substantiated violations.
 - C. Act on behalf of recipients of mental health services to obtain remedies of apparent violations.
 - D. Endeavor to safeguard the rights guaranteed by Chapters 7 and 7a of the Mental Health Code.
3. The Recipient Rights Officer shall be responsible for the following:
 - A. Visit the Behavioral Health Center with the frequency necessary for protection of rights.
 - B. Request from the provider, corrective action for any apparent violations. Document remedial action of all cited deficiencies and act to resolve all uncorrected rights violations observed.
 - C. Prepare and/or review recipient rights policies, procedures, and standards relating to the rights of recipient.
 - D. Work cooperatively with such outside agencies as Michigan Protection and Advocacy, Legal Aid or Legal Services, state department, local law enforcement agencies, and other advocacy or regulatory groups to verify protection of rights of recipients being served by the Community Mental Health board.
 - E. Verify 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.
 - F. Alert CEO and Director of the Behavioral Health Center to practices which may violate rights.
 - G. The Recipient Rights Officer will function to protect recipient rights for all patients served in the Behavioral Health Center.

Please refer to Power DMS for the most recent edition of this document.

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- H. Verify that recipients, guardians, or other legal representative have access to summaries of the rights guaranteed by the Michigan Mental Health Code.
 - I. Verify that the telephone number, address of the Office of Recipient Rights Office, and name of Officer is posted in all service areas.
 - J. Review the recipient rights policies and rights system to verify that the rights protection system is in compliance with Chapter 7 and 7a of the Michigan Compiled Laws 1996.
 - K. Serve as a consultant to the Director of the Behavioral Health Center and to associates as it relates to recipient rights matters.
 - L. Verify service sites maintain current resource materials to include copy of Michigan Mental Health Code.
 - M. Verify service sites have current version of Summaries of Recipient Rights (Your Rights booklets), complaint forms, and family resource booklets.
4. Monitoring Responsibilities of the Recipient Rights Officer:
- A. Verify that all reports of apparent or suspected/alleged violations of rights within the service is investigated in accordance with section 778 of the Michigan Mental Health Code.
 - B. Record reports that do not warrant investigation in accordance with section 778 of the Michigan Mental Health Code.
 - C. Verify adequate investigation in a timely manner and appropriate resolution of alleged rights violations, and if necessary, intervene on behalf of recipients to facilitate appropriate procedures and/or to obtain remedy for violations of rights.
 - D. Maintain a record system for all reports of apparent or suspected rights violations and secure them in a safe manner.
 - E. Review reports for accrediting bodies.
 - F. Review occurrence reports to determine if they involve possible violation of recipient's rights.
5. Education Responsibilities of the Recipient Rights Officer:
- A. Oversees the development, organization, and implementation of in-service training on recipient rights for BHC employees, contractual staff, all new staff hired at War Memorial Hospital, students, and volunteers within 30 days of their providing services and annually thereafter.
6. Complaint Resolution Responsibilities of the Recipient Rights Officer:
- A. Receives and acknowledges all reports of apparent/alleged violations of rights guaranteed by Chapter 7 of the Michigan Mental Health Code.
 - B. Investigates and resolves disputes in a timely manner as specified by the Mental Health Code and act on behalf of recipients to obtain remedies of violations of their rights; determine responsibility for violations and recommend actions necessary to correct present and/or prevent future violations.
 - C. Makes decisions based on preponderance of facts whether allegation is substantiated or not substantiated.

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- D. Verifies adherence to proper due process procedures required for appeals made within the agency. Assist the complainant and/or others in the appeals process, if necessary.
7. Other Responsibilities of the Recipient Rights Officer:
- A. Attend Recipient Rights Advisory Committee meeting at a minimum of semi-annually.
 - B. Attend deferral hearings to verify recipient understanding of the deferral process when indicated.
 - C. Semi-annually provide summary data along with summary of remedial action taken on substantiated complaints to the following persons:
 - a. Chief Executive Officer
 - b. Program Director of Behavioral Health Center
 - c. Recipient Rights Advisory Committee(RRAC)
 - d. The State of Michigan DHHS
8. As delegated by the CEO, the Recipient Rights Officer will:
- A. Appoint a Recipient Rights Advisory Committee, with none of the membership being employed by DHHS or CMHSP, of which 1/3 is from the community and 1/2 of the 1/3 of the members are primary consumers.
 - B. The Recipient Rights Officer will submit to the governing board of the hospital and the DHHS, no later than December 30th each year, an annual report prepared by the Office of Recipient Rights on the current status of recipient rights and a review of the operations of the Office of Recipient Rights. The report shall include the following:
 - a. Summary data by category regarding the rights of recipients receiving services, the number of rights filed, the number of reports investigated.
 - b. Remedial actions taken on substantiated rights violations; by category and provider.
 - C. Training received by staff of the Office of Office of Recipient Rights shall include DHHS-ORR Basic Skills 1 & 2 and Developing Effective Training (DET) within three months of hire.
 - D. The staff of the Office of Recipient Rights shall further accumulate 20 hours each of DHHS-ORR approved Continuing Education Credits every three years and attends the annual Recipient Rights conference. [MHC 330.1755(2)(e)]
 - E. Training provided to associates and contract providers by the Recipient Rights Officer.
 - F. Desired outcomes established for the Office of Recipient Rights and progress toward these outcomes.
 - G. Make recommendations to the hospital governing board.
9. The hospital director shall select a director of the ORR who has: [MHC 330.1755(4)]
- A. Must have education, training and experience to fulfill the responsibilities of the office.
 - B. Must possess at least a high school diploma or equivalent. College education and/or experience in human services is preferred. [MHC 330.1755(4)]
 - C. Shall have no direct clinical responsibility at the Behavioral Health Center.

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- D. Must successfully attend and complete the DHHS Recipient Rights Basic Skill Training Part I and II and Developing Effective Training (DET) within 90 days of hire. [LPH/CMHSP Contract referencing the DHHS/CMH Master Contract, FY 02-04, 6.3.2]
- E. The hospital director shall not select, replace, or dismiss the director of the ORR without first consulting the RRAC.

Cross Reference and Legal Authority

[A. Public Act 258 of 1974, as amended - MI Mental Health Code, Section 330.1752](#)

B. War Memorial Hospital Recipient Rights Officer Job Description

C. MDCH/CMHSP Master Contract FY 10

D. MDCH ORR Education Requirements For Recipient Rights Staff

WRITTEN BY: RECIPIENT RIGHTS COMMITTEE

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AUGUST 25, 2008

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Date: MAY

13, 2015

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MAY 8, 2015

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September 4, 2015

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Date:

September 8, 2015

APPROVED BY: DAVID JAHN, CEO

Date: September 19,

2015

REVIEWED/UPDATED BY: Allison NM Campbell, Recipient Rights Officer

Date: January 20, 2017

APPROVED BY: Recipient Rights Advisory Committee

Date: April 28, 2017

REVIEWED BY: Corinna Haller, Director of Nursing

Date: May 28, 2017