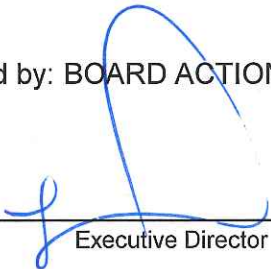


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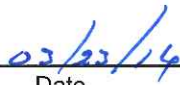
Chapter: **RECIPIENT RIGHTS**
Title: **RIGHTS FUNCTIONS OF THE MCCMH EXECUTIVE DIRECTOR**

Prior Approval Date: 8/29/12
Current Approval Date: 3/23/16

Approved by: BOARD ACTION



Executive Director



Date

I. Abstract

This policy establishes the responsibilities and duties of the Executive Director of the Macomb County Community Mental Health (MCCMH) Board for safeguarding the rights of recipients of service, and specifies the role of the Executive Director to the Recipient Rights Advisory Committee, the Recipient Rights Director, and providers of the MCCMH Board regarding the recipient rights system.

II. Application

This policy shall apply to the MCCMH Executive Director, and to his/her designee during his/her absence.

III. Policy

It is the policy of the MCCMH Board that:

- A. The MCCMH Executive Director shall select and supervise a Recipient Rights Director. The selected individual shall additionally retain the classification of MCCMH Recipient Rights Director who has the education, training, and experience to fulfill the responsibilities of the Office. The Recipient Rights Director shall be directly responsible to the MCCMH Executive Director, and shall have no direct clinical service responsibility. The MCCMH Executive Director shall not select, replace, or dismiss the Recipient Rights Director without first consulting the MCCMH Recipient Rights Advisory committee.

- B. The MCCMH Executive Director shall receive and review the reports and findings of the MCCMH Office of Recipient Rights (ORR), including any recommendations for remedial action to correct conditions which may have caused or contributed to a recipient rights

violation and to eliminate procedures or conditions which may contribute to possible violations for recipients in similar circumstances.

- C. The MCCMH Executive Director shall determine what, if any, remedial action is required for directly-operated providers. For contracted providers, the MCCMH Executive Director reserves the right to ask for additional action if the provider's course of action is determined to be insufficient. The MCCMH Executive Director shall direct the implementation of any required procedural changes and shall recommend to the Board any policy changes which may require Board approval.
- D. The MCCMH Executive Director shall submit to the MCCMH Board an annual report prepared by the ORR on the current status of Recipient Rights in the MCCMH program system and a review of the operations of the ORR. The annual report shall be submitted not later than December 30 of each year for the preceding fiscal year or period specified in contract. Contents of the annual report shall include, at a minimum, those items specified in MCL 330.1755(6).

IV. Definitions

- A. None.

V. Standards

- A. The MCCMH Executive Director shall determine the duties of the Recipient Rights Director and the Recipient Rights Advisors (if any) as provided in the providers' Rights Advisory Plan(s) pursuant to approved MCCMH MCO Manual, Chapter 9 policies.
- B. The MCCMH Executive Director shall ensure the ORR will be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties and that the Office has unimpeded access to all programs, staff and evidence necessary to conduct a thorough investigation and/or to fulfill its monitoring function.
- C. The MCCMH Executive Director shall, in consultation with the Recipient Rights Director and the Recipient Rights Advisory Committee, recommend to the Board the adoption of appropriate recipient rights policies necessary to safeguard the rights of recipients as provided in the Michigan Mental Health Code, the Michigan Department of Community Health (MDCH) Administrative Rules, or other regulatory or accreditation standards.
- D. The MCCMH Executive Director shall meet regularly with the Recipient Rights Director to discuss substantiated allegations, recommendations for remedial action, and prevention of potential recipient rights violations.
- E. The MCCMH Executive Director shall, in the absence of the Recipient Rights Director, name a designee for the Recipient Rights Director.

- F. The MCCMH Executive Director shall use the preponderance of evidence standard in determining whether a recipient rights violation has occurred and whether employee corrective/disciplinary actions are needed.
- G. The MCCMH Executive Director shall ensure implementation of appropriate action when a violation of recipient rights has been substantiated.
- H. The MCCMH Executive Director shall submit a written summary report to the complainant, and to the recipient, if different than the complainant, within 10 business days after the Executive Director receives a copy of the ORR investigative report. The summary report shall include all of the following:
 - 1. A statement of the allegations;
 - 2. A statement of issues involved;
 - 3. Citations to relevant provisions of the Mental Health Code, MDCH Administrative Rules, MDCH guidelines, and MCCMH Policies;
 - 4. A summary of investigation findings and conclusions;
 - 5. Recommendations made by the ORR;
 - 6. Action taken, or plan of action proposed, by the respondent; and
 - 7. Notice of the right to appeal within 45 days.
- I. In the event of a rights complaint being filed regarding the conduct of the MCCMH Executive Director, the MCCMH Board shall initiate an investigation by utilizing one of the following entities:
 - 1. The ORR of another community mental health services program of the MCCMH Board's choosing, or
 - 2. The MDCH ORR.
- J. If the complaint is substantiated (concerning the conduct of the MCCMH Executive Director), the MCCMH Board shall be responsible for implementation of the recommended remedial action as outlined in the ORR investigative report concluded by the entity chosen by the Board in V.H.

VI. Procedures

A. None.

VII. References / Legal Authority

A. MCL 330.1755(6)

VIII. Exhibits

A. None.