

Chapter: **RECIPIENT RIGHTS**
Title: **RECIPIENT REQUESTS TO APPEAL FINDINGS**

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Proposed by: Traci Smith 10/31/2025
Chief Executive Officer Date
Approved by: Al Lorenzo 11/03/2025
County Executive Office Date

I. ABSTRACT

This policy establishes the standards of Macomb County Community Mental Health (MCCMH), an official agency of the County of Macomb, on its appeal process for complainants who wish to request an appeal of the decision/findings of a recipient rights investigation.

II. APPLICATION

This policy shall apply to MCCMH directly-operated and contracted network providers and Certified Community Behavioral Health Clinics (CCBHC) in Macomb County.

III. POLICY

It is the policy of MCCMH that the MCCMH Board's Recipient Rights Advisory Committee be designated as the Recipient Rights Appeals Committee for those complainants who request a review/appeal of the decision/findings of a recipient rights investigation by the MCCMH ORR.

IV. DEFINITIONS

A. Allegation

An assertion of fact made by an individual that has not yet been proved or supported with evidence.

B. Appellant

The complainant, recipient (if different), guardian (if any), and parent of a minor who appeals recipient rights complaint investigation findings or a respondent's action regarding those findings.

C. Complainant

The recipient or any other person who files an allegation that a recipient's right has been violated or who otherwise complains that a recipient's right has been violated.

D. Recipient Rights Appeals Committee

The MCCMH Board's Recipient Rights Advisory Committee. All appeals filed involving a Community Mental Health Service Program (CMHSP) recipient are in the jurisdiction of the Recipient Rights Appeals Committee. This Committee also has jurisdiction for all appeals of investigations involving recipients receiving treatment in a licensed psychiatric hospital (LPH) for which the CMHSP is the Responsible Mental Health Agency (RMHA). Training must be provided to the Appeals Committee as required by Section 755(2)(a) of the Michigan Mental Health Code.

E. Respondent

A service provider that had responsibility for services at the time with respect to which an alleged rights violation complaint was filed.

F. Responsible Mental Health Agency (RMHA)

The hospital, center, or community mental health services program that has primary responsibility for the recipient's care or the delivery of services or supports to that recipient.

V. STANDARDS

- A. All potential appellants shall be informed in a Summary Report issued by the MCCMH Chief Executive Officer of the right to appeal to the MCCMH Board's Recipient Rights Appeals Committee. Notice shall include:
1. The address for filing the appeal;
 2. The grounds for appeal including:
 - a. The investigation findings of the MCCMH ORR are not consistent with the facts or with law, rules, policies, or guidelines;
 - b. The action(s) taken or plan of action proposed by the respondent does not provide an adequate remedy; or
 - c. An investigation was not initiated or completed on a timely basis.
 3. The time frame for submission on the appeal;
 4. Information on advocacy organizations that may assist with filing the written appeal and in the absence of assistance from an advocacy organization, an offer of assistance by the Office of Recipient Rights.
- B. A member of the MCCMH Recipient Rights Appeals Committee who has a personal or professional relationship with an individual involved in a recipient rights investigation shall abstain from participating in that appeal.
- C. A Summary Report which contains a plan of action shall indicate a date the action is expected to be completed. The MCCMH Chief Executive Officer shall send an amended summary

report with a notice to appeal once the action has been completed.

- D. The appellant may file an appeal with the MCCMH Appeals Committee within forty-five (45) days after receipt of the Summary Report or forty-five (45) days from the mailing of a notice regarding the action that was taken when the Summary Report provided only a plan of action on the ground for appeal of a notice of action taken that failed to provide adequate remedy.

VI. PROCEDURES

- A. A written request for appeal must be submitted to the Chairperson of the Recipient Rights Appeals Committee (or designee) no later than forty-five (45) days after receipt of the Summary Report as issued by the MCCMH Chief Executive Officer.
- B. The MCCMH Appeals Committee has waived the review requirement and will accept all appeals filed by those individuals that have standing to appeal.
- C. Within seven (7) business days of receipt of the appeal, written notice shall be issued that the appeal has been accepted. A copy of that notice shall be provided to the appellant, and a copy of the appeal shall be provided to the respondent, the Responsible Mental Health Agency (RMHA), and MCCMH ORR.
- D. Within thirty (30) days after receipt of a written appeal, the Recipient Rights Appeals Committee shall meet in closed session to review the facts and findings as stated in all complaint investigation documents. The Appeals Committee must not consider allegations that were not part of the original complaint but must inform the appellant of their right to file a new complaint with the Office and shall do one (1) of the following:
 - 1. Uphold the investigative findings of the MCCMH ORR and the action taken or plan of action proposed by the respondent;
 - 2. Remand the investigation to the MCCMH ORR for reopening or reinvestigation;
 - a. If the MCCMH Appeals Committee directs the ORR to reopen or reinvestigate the complaint, MCCMH ORR shall complete the reinvestigation within forty-five (45) calendar days of receipt of the written decision of the Appeals Committee and submit it to the MCCMH Chief Executive Officer.
 - b. Within ten (10) business days of receipt of the reinvestigation report, the MCCMH Chief Executive Officer shall issue a new Summary Report in compliance with section 782 of the Code. The Summary Report shall 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.
 - c. The Summary Report shall include Level 2 Appeal contact information (as outlined below), grounds for appeal as stated in Section 784(2) of the Michigan Mental Health 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.

- d. If the investigative findings result in a substantiation of a previously unsubstantiated rights violation, but the appellant disagrees with the adequacy of the action or plan of action proposed by the respondent, the appellant may file an appeal on such grounds with the MCCMH Appeals Committee. The Summary Report shall contain the notice to appeal.
- 3. Uphold the investigation findings of the MCCMH ORR but recommend that the respondent take additional or different action to remedy the violation. The Appeals Committee shall base their determination upon any or all the following: (1) The action taken or proposed action did not correct or remedy the rights violation. (2) The action taken or proposed action was/will not be taken in a timely manner. (3) The action taken or proposed action did not/will not prevent a future recurrence of the violation.
 - a. Written notice of the direction for additional or different action to be taken by the respondent shall also be provided to the RMHA, if different than the respondent and the Office.
 - b. If the MCCMH Appeals Committee directs the respondent to take additional or different action, the respondent must provide written notice within thirty (30) days of different or additional action taken or justification as to why it was not taken. The written notice shall be sent to the appellant, recipient if different than appellant, the recipient's legal guardian (if any), the RMHA if different than the respondent, the Appeals Committee, and MCCMH ORR.
 - c. If the action taken by the respondent is determined by the MCCMH Appeals Committee and or the appellant still to be inadequate to remedy the rights violation, the appellant shall be informed by the MCCMH Appeals Committee of his/her right to file a complaint against the MCCMH Chief Executive Officer or the Director of the Licensed Psychiatric Hospital/Unit – as applicable.
 - 4. Recommend to the MCCMH Board to request that an external investigation be conducted by the Michigan Department of Health and Human Services (MDHHS) ORR. If the MCCMH Appeals Committee recommends an external investigation by MDHHS ORR, the MCCMH Board shall make that request in writing within five (5) business days of receipt of the request from the MCCMH Appeals Committee.
 - a. Within ten (10) business days of receipt of the investigative report from MDHHS ORR, the Chief Executive Officer shall issue a Summary Report in compliance with Section 782 of the Michigan Mental Health 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 Right and the Appeals Committee.
 - b. 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 Chief Executive Officer of the right to Level 2 Appeal per Section 786 of the Michigan Mental Health 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.

5. If the appeal concerns the timeliness of the investigation and the Committee confirms that the investigation was not initiated or completed in a timely manner, recommend the MCCMH Chief Executive Officer address the lack of timeliness with staff completing the investigation.
- E. The MCCMH Recipient Rights Appeals Committee shall document its decision in writing. Within ten (10) working days of reaching its decision, it shall provide copies of the decision to the respondent, appellant, the recipient if different than the appellant, the recipient's parent(s) or guardian, if a guardian has been appointed, the MCCMH Board, and the MCCMH ORR. The appellant's copy shall be forwarded via "Certified Mail," Return Receipt requested, and via regular U.S. Postal delivery service. Documentation shall include justification for the decision made by the Committee.
- F. The decision shall include a statement of the appellant's right to appeal to the MDHHS Level 2 Appeal, the timeframe for appeal (forty-five (45) days from receipt of the decision), and the grounds for the appeal. The appeal shall be based on the record established in the previous appeal, and on the allegation that the investigative findings of the local MCCMH ORR are not consistent with the facts or law, MDHHS rules or guidelines, or MCCMH policies.
- G. Within forty-five (45) days of receiving written notice of the decision of the Recipient Rights Appeals Committee, the appellant may file a written appeal with MDHHS Level 2 Appeal.
- H. If the MDHHS Level 2 Appeals instructs that additional investigation be conducted, the MCCMH Chief Executive Officer shall ensure that such investigation is completed in a fair and impartial manner within forty-five (45) calendar days of receipt of the written notice from MDHHS Level 2 Appeals.
 1. The forty-five (45) calendar day timeframe may be extended at MDHHS Level 2 Appeals discretion upon showing of good cause by the MCCMH Chief Executive Officer. At no time shall the timeframe exceed ninety (90) calendar days.
 2. Within ten (10) business days of receipt of the Investigative Report from MDHHS ORR, the MCCMH Chief Executive Officer shall issue a Summary Report to the appellant and the MDHHS Level 2 Appeals. The Summary Report completed as a result of the re-investigation shall comply with all requirements listed in Chapter 7A of the Michigan Mental Health Code.
- I. If the findings of the additional investigation remain the same as those appealed, the MDHHS Level 2 Appeals shall notify the appellant (as defined) in writing of their right to seek redress through the Circuit Court.
- J. If the additional investigation results in the substantiation of a previously unsubstantiated allegation, but the appellant disagrees with the adequacy of the action taken or plan of action proposed to remedy the violation, the MDHHS Level 2 Appeals shall inform the appellant of their right to appeal to the MCCMH Appeals Committee.

- K. Upon receipt of an appeal, MDHHS shall proceed with the appeal process utilizing MCL 330.1786. The complainant shall be informed of their right to pursue injunctive and appropriate civil relief during the complaint and appeal process.

Level 2 Appeal Contact Information

Level 2 Appeal
MDHHS Legal Affairs Administration
Appeals Division
PO Box 30807
Lansing, MI 48909
FAX: (517) 241-7978

VII. REFERENCES / LEGAL AUTHORITY

- A. MCL 330.1772
- B. MCL 330.1774
- C. MCL 330.1784
- D. MCL 330.1786
- E. MDHHS Technical Requirement: Attachment C6.3.2.4

VIII. EXHIBITS

None.