

(was MCCMH Policy 1-02-010)

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Chapter: **ADMINISTRATION**  
Title: **COMPLIANCE WITH LAWS AND REGULATIONS**

Prior Approval Date: 8/27/02  
Current Approval Date: 1/29/2020

Approved by:  1-29-20  
Chief Executive Officer Date

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**I. Abstract**

This policy establishes the position statement of the Macomb County Community Mental Health Board (MCCMH) regarding MCCMH adherence to and compliance with the legal requirements for the public behavioral health Prepaid Inpatient Health Plan (PIHP).

**II. Application**

This policy shall apply to the administrative offices and the directly-operated and contract network providers of the MCCMH Board.

**III. Policy**

It is the policy of the MCCMH Board that:

- A. The PIHP shall operate within the framework of laws, regulations, and requirements of all entities which have jurisdiction and application to the MCCMH PIHP, and
- B. The MCCMH PIHP shall comply with the legal requirements and mandates of all governmental and regulatory entities under whose authority it operates.

**IV. Definitions**

- A. None.

**V. Standards**

- A. The MCCMH PIHP shall comply with federal and state laws, statutes, rules, and regulations, including, but not limited to the following:

1. Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191; along with Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH); the Privacy Rule (42 CFR Part 160 and Subparts A and E of Part 164), Security Rule (45 CFR Part 160 and Subparts A and C of Part 164), Transaction and Code Set Rule (42 USC 1320d-2 and 45 CFR Part 162), and Breach Notification Rule (45 CFR 164.400-414); and 42 CFR Part 2
2. Balanced Budget Act of 1997 (BBA), P.L. 105-33
3. Anti-Lobbying Act, P.L. 101-121
4. Pro-Children Act of 1994, P.L. 103-227, Title X, Part C, Environmental Tobacco Smoke
5. Hatch Political Activity Act, 5 USC 1501-1509, and 7324-7328, and the Intergovernmental Personnel Act of 1970, as amended by Title VI of the Civil Service Reform Act, P.L. 95-454. 42 USC 4728-4763
6. Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq.
7. Title IX of the Education Amendments of 1972, 20 USC 1681 et seq.
8. Age Discrimination Act of 1975, 42 USC 6101 et seq.
9. Rehabilitation Act of 1973, 29 USC 794 et seq.
10. Americans with Disabilities Act of 1990 (ADA), 42 USC 12101 et seq., as amended by the ADA Amendments Act of 2008, P.L. 110-325
11. Social Security Act, including Sections 1902(2)(10)(A)(i)(VIII), 1902(a)(4)(C) and (D), and 1902(a)(25); 1915(b),(c), and (i); 1115(a), and the Flint 1115 Waiver
12. 42 CFR Parts 430, 431, 435, 436, 440, 441, and 447
13. 42 CFR 438, Managed Care Organizations Regulations
14. Patient Protection and Affordable Care Act (ACA), P.L. 111-148; 124 Stat. 119, as amended, and Health Care and Education Reconciliation Act of 2010, P.L. 111-152
15. Michigan Mental Health Code - PA 258 of 1974, as amended, and applicable Administrative Rules R 330.1001 et seq.
16. Michigan Public Health Code, P.A. 368 of 1978, as amended, and applicable Administrative Rules R 325.9001 et seq.
17. Substance Use Disorder Services, Chapter 2A of P.A. 258 of 1974, as amended, and applicable Administrative Rules R 325.1301-325.1399
18. Elliott-Larsen Civil Rights Act, P.A. 453 of 1976

19. The Whistleblowers' Protection Act, P.A. 469 of 1980.
  20. Persons with Disabilities Civil Rights Act, P.A. 220 of 1976
  21. Freedom of Information Act, P.A. 442 of 1976.
- B. The MCCMH PIHP shall comply with the regulations of the following State of Michigan entities:
1. Michigan Department of Health and Human Services (MDHHS)
  2. Michigan Department of Labor and Economic Opportunity- MIOSHA
  3. Michigan Department of Civil Rights
  4. MDHHS Office of Recipient Rights
  5. Michigan Civil Rights Commission
- C. The MCCMH PIHP shall comply with the Macomb County Board of Commissioners Resolution 1294 7/22/75(Community Mental Health Board establishment pursuant to P.A. 258 of 1974) and applicable Macomb County policies.
- D. The MCCMH program shall comply with the following contract and standards:
1. MDHHS - MCCMH Managed Specialty Supports and Services Contract,
  2. Commission on Accreditation of Rehabilitation Facilities (CARF) -to maintain accreditation for programs as required by MDHHS.
- E. The MCCMH PIHP shall comply with the Michigan Medicaid Provider Manual, as amended.

**VI. Procedures**

- A. None.

**VII. References / Legal Authority**

- A. See V. Standards.

**VIII. Exhibits**

- A. None.