

## The Right Door for Hope, Recovery and Wellness

Chapter Title	Chapter #		Subject #
Recipient Rights	RR		101
Subject Title <b>Recipient Rights – Consumer Rights</b>	Adopted  8/26/96	Last Revised  11/29/16	Reviewed: 4/21/05; 2/26/07; 2/28/08; 4/27/09; 8/30/10; 8/22/11; 9/24/12; 9/23/13; 12/10/14 ;9/23/15; 12/14/16; 9/13/17; 9/19/18; 10/16/19

### POLICY

#### APPLICATION

This policy shall apply to The Right Door for Hope, Recovery and Wellness and all services operated by or under contract with it.

- 1.0 Purpose:  
To assure that the rights of all recipients are protected.
  
- 2.0 Policy:
  - A. Each recipient/ shall be protected from rights violations while receiving services.
  - B. Each recipient/ 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 recipient of mental health services;
    2. PA 368 of 1978, "Public Health Code" for recipient of substance use 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 Recipient Rights Officer, subordinate only to the Chief Executive Officer, shall be maintained to assure recipient rights policies and procedures are carried out in all programs operated by, and under contract with, The Right Door for Hope, Recovery and Wellness.
  - E. The Board of Directors (the Board) and contractual 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, audio-recording, video-recording, 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;

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- 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 of 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 Chief Executive Officer and Recipient Rights Officer.
- 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 Chief Executive Officer, the rights investigation shall be conducted by the RRO of another community mental health services program or by the MDHHS Office of Recipient Rights, as decided by the Board of Directors.
- N. In the temporary absence of The Right Door for Hope, Recovery and Wellness Recipient Rights Officer, recipient rights services shall be provided by the Newaygo County Community Mental Health Recipient Rights Office per contract.
- O. Contractual service providers 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. These policies and procedures must be approved by The Right Door for Hope, Recovery and Wellness Office of Recipient Rights.

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### 3.0 Responsibilities:

- A. The Chief Executive Officer is responsible to appoint and supervise the Recipient Rights Officer.
- B. The Chief Executive Officer is responsible for ensuring that policies and procedures are developed and implemented to protect recipient rights.
- C. The Recipient Rights Officer is responsible for the implementation and review of policies and procedures to protect recipient rights.
- D. The Board of Directors or designee is responsible for appointing a Recipient Rights Advisory Committee.
- E. The Board of Directors or designee is responsible for appointing an Appeals Committee. The Recipient Rights Advisory Committee has been designated to serve as the Appeals Committee. The Recipient Rights Appeals Committee shall oversee appeals of the findings of rights investigations and remedies implemented to address substantiated violations of rights.

### 4.0 Monitoring and Review:

This policy is reviewed by the Recipient Rights Officer. It is monitored internally by the Recipient Rights Office and the Recipient Rights Advisory Committee. It is monitored externally by the MDHHS.

### 5.0 References:

PA 258 of 1974 as amended, Mental Health Code, Chapter 7 Recipient Rights of Mental Health Services.  
 PA 368 of 1978 Public Health Code, Recipient Rights of Substance Abuse Services  
 PA 121 of 1990 Michigan Handicapped Civil Rights Act  
 PL 93-112 of 1973, Section 504, Rehabilitation Act  
 PL 101-336 of 1990 Americans with Disabilities Act  
 MDHHS/CMHSP Managed Mental Health Supports and Services Contract, CMHSP Organizational Structure and Administrative Services.

Nancy Patera, Board Chairperson	Date		