

AGENDA

BAY ARENAC BEHAVIORAL HEALTH BOARD OF DIRECTORS RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING

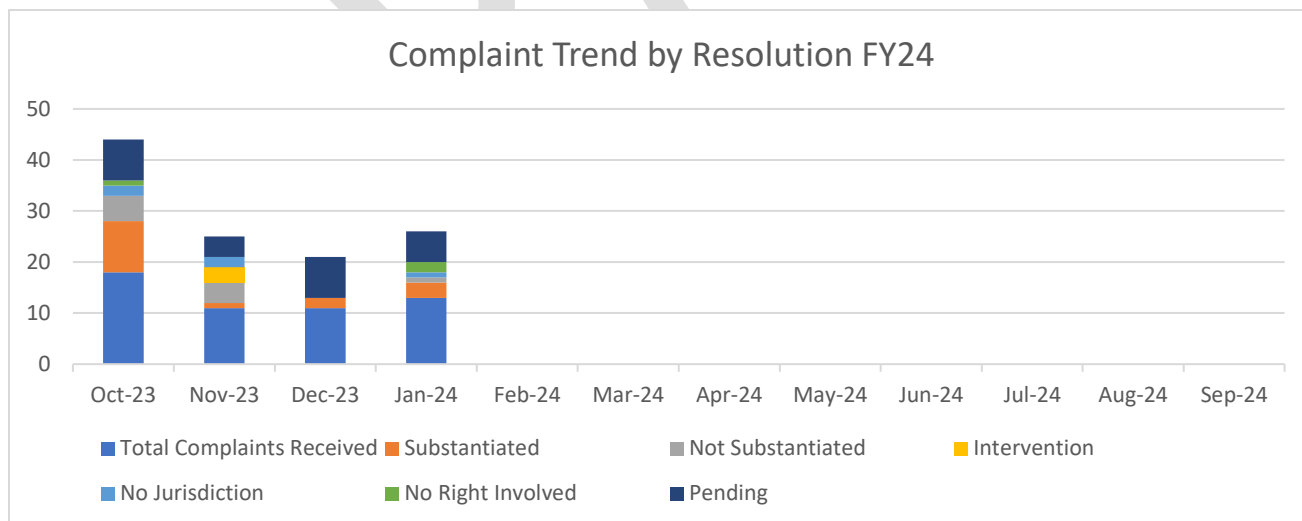
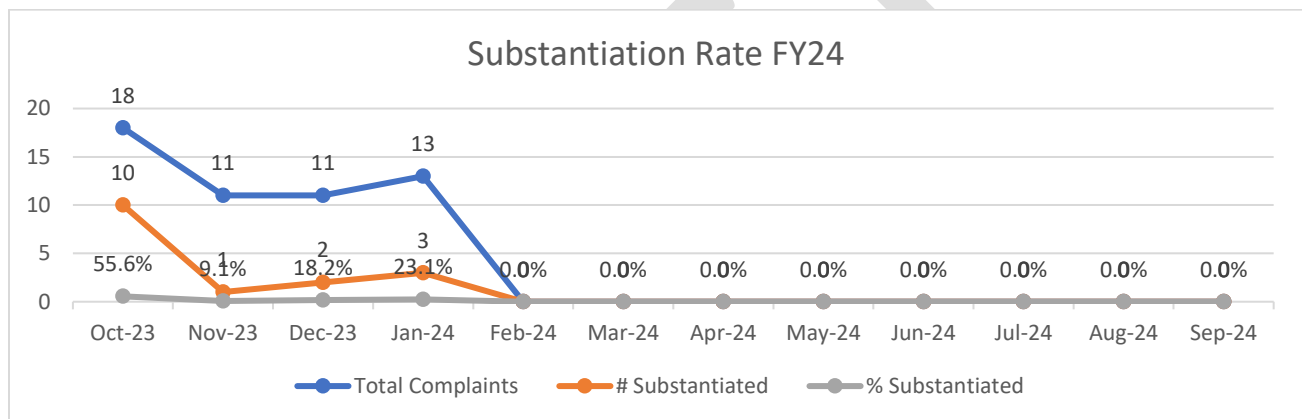
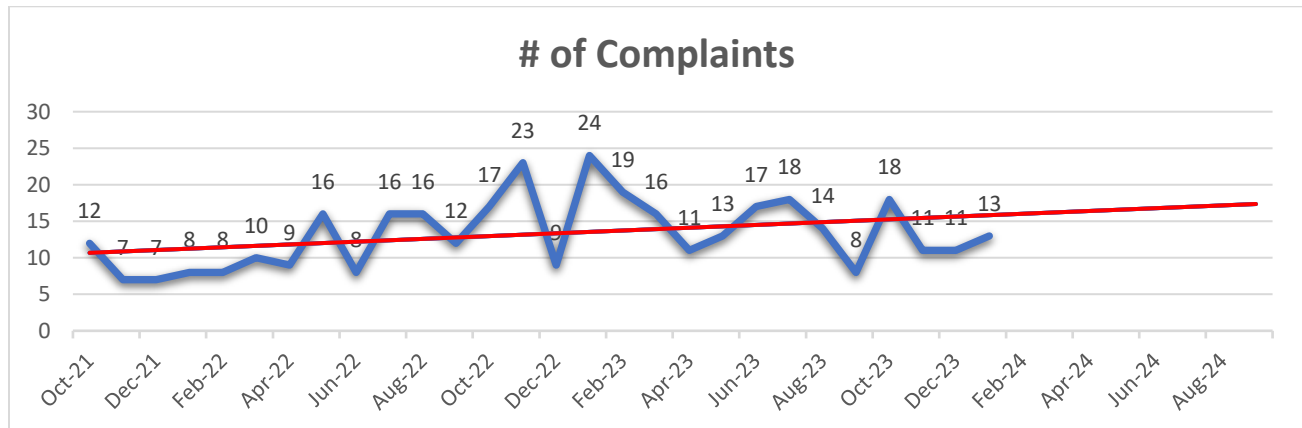
Thursday, February 1, 2024 at 5:00 pm

William B. Cammin Clinic, Bay Room, 1010 N. Madison Avenue, Bay City, MI 48708

Committee Members:	Present	Excused	Absent	Committee Members	Present	Excused	Absent	Others Present:
Patrick McFarland, Ch	_____	_____	_____	Justin Peters	_____	_____	_____	BABH: Melissa Prusi and Sara McRae
Sally Mrozinski, V Ch	_____	_____	_____	Laurie Van Wert	_____	_____	_____	
Robert Bowers	_____	_____	_____	Colleen Maillette, Ex Off	_____	_____	_____	
Ernie Krygier	_____	_____	_____	Richard Byrne, Ex Off	_____	_____	_____	Legend: M-Motion; S-Support; MA-
Kathy Niemiec	_____	_____	_____					Motion Adopted; AB-Abstained

	Agenda Item	Discussion	Motion/Action
1.	Call To Order & Roll Call		
2.	Public Input (Maximum of 3 Minutes)		
3.	Advisory Committee Report 3.1) Executive Summary of Complaints Through January 31, 2024		3.1) No action necessary
4.	Training 4.1) Appointment, Construction, Function 3-7-1 4.2) Investigation Scenarios		4.1) No action necessary 4.2) No action necessary
5.	Unfinished Business 5.1) None		
6.	New Business 6.1) February Site Visits 6.2) Annual Recipient Rights Online Training Fair		6.1) No action necessary 6.2) Consideration of motion to forward the 2024 Annual Recipient Rights Training notice to the full Board for information
7.	Adjournment	M -	S - pm MA

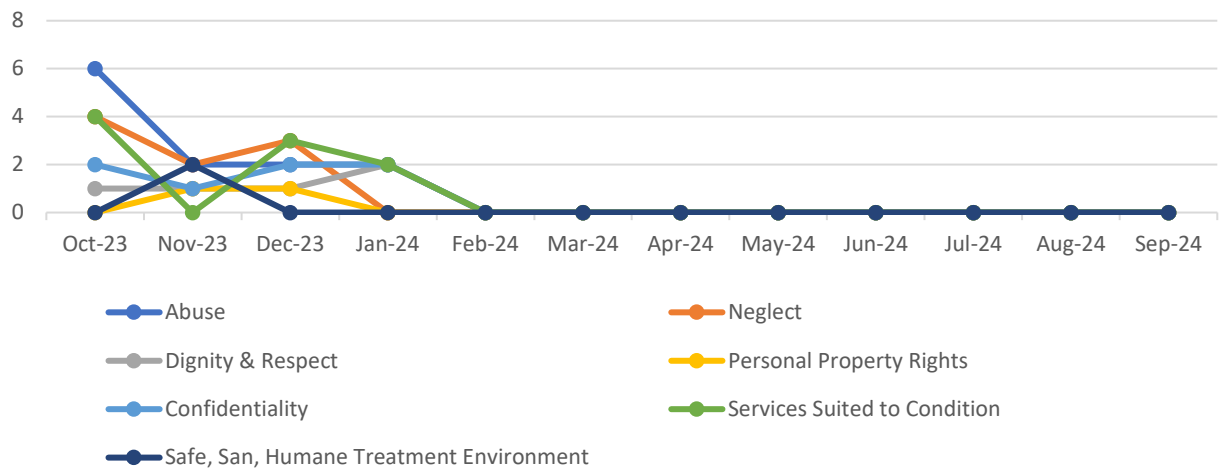
Overall Summary of the Office of Recipient Rights (ORR) Complaints through January 2024:



The BABHA ORR completed 190 ORR Complaints for FY23 with an average number of days to resolve the complaints being 57.675 days. The BABHA ORR's goal is to complete RR complaint investigations within 30 days from receipt of the complaint. Moving forward the RRAC will be kept abreast of the average days to resolve complaints per quarter as we attempt to achieve our goal.

- For October 2023, the ORR resolved 18 complaints within an average of 47.2 days.

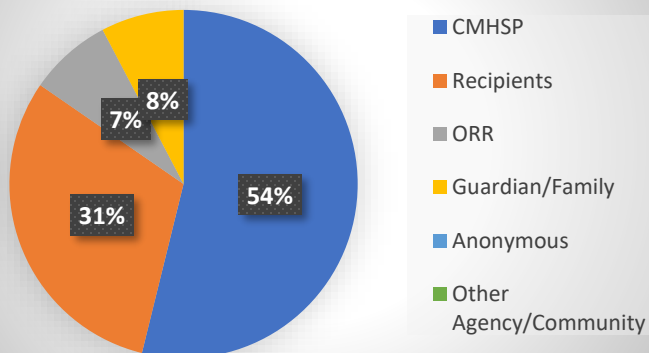
Trend Report by Allegation - Top 7 FY24



Trend Report by Allegation Top 7	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Abuse	6	2	2	2	0	0	0	0	0	0	0	0
Neglect	4	2	3	0	0	0	0	0	0	0	0	0
Dignity & Respect	1	1	1	2	0	0	0	0	0	0	0	0
Personal Property	0	1	1	0	0	0	0	0	0	0	0	0
Confidentiality	2	1	2	2	0	0	0	0	0	0	0	0
Svcs Suited to Cond	4	0	3	2	0	0	0	0	0	0	0	0
Safe, San, Humane Tx	0	2	0	0	0	0	0	0	0	0	0	0

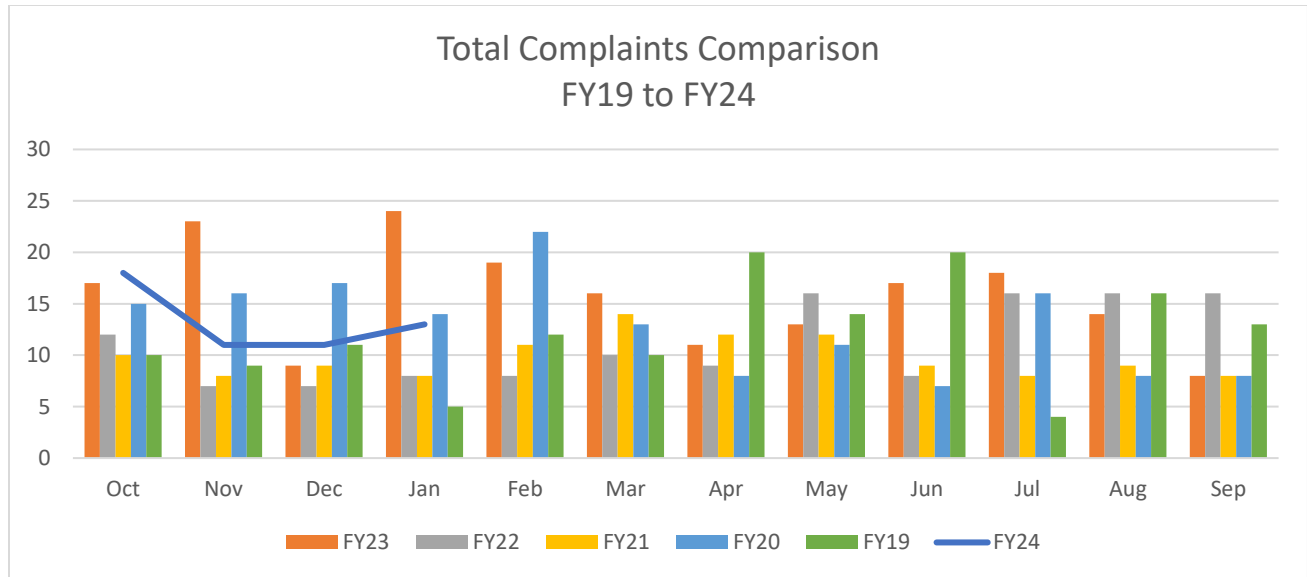
Source of Complaints:

Source of Complaints Jan 24



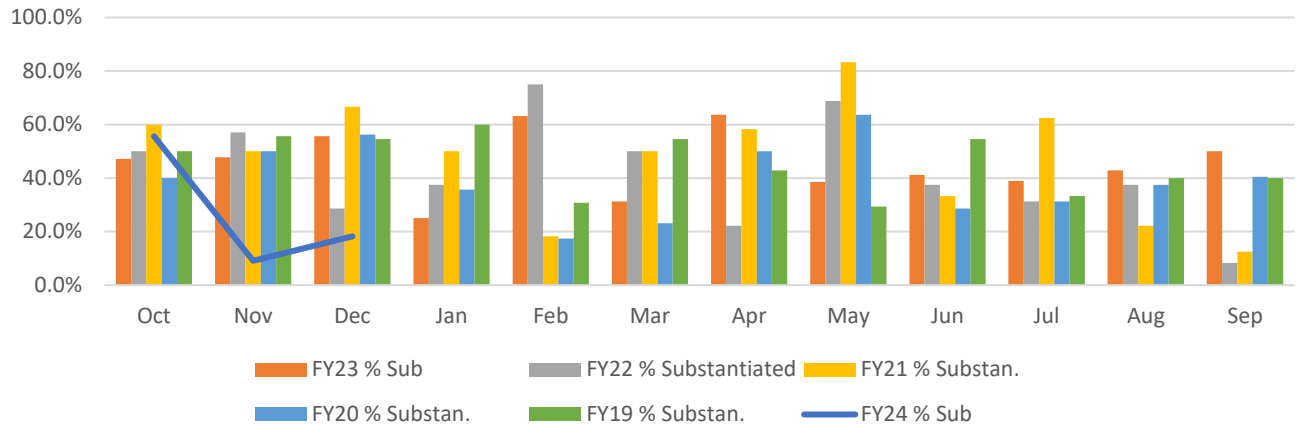
CMSHP Network Staff	7
Recipients	4
ORR	1
Guardian/Family	1
Anonymous	0
Other Agency/Community	0

Comparison of Complaints for FY98 to FY24 (DRAFT):



Total Comp	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
FY24	18	11	11	13								
FY23	17	23	9	24	19	16	11	13	17	18	14	8
FY22	12	7	7	8	8	10	9	16	8	16	16	16
FY21	10	8	9	8	11	14	12	12	9	8	9	8
FY20	15	16	17	14	22	13	8	11	7	16	8	8
FY19	10	9	11	5	12	10	20	14	20	4	16	13

Substantiation Rate Comparison FY19 to FY24



	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
FY24 % Sub	55.6%	9.1%	18.2%	23.1%								
FY23 % Sub	47.1%	47.8%	55.6%	25.0%	63.2%	31.3%	63.6%	38.5%	41.2%	38.9%	42.9%	50.0%
FY22 % Sub	50.0%	57.10%	28.60%	37.5%	75.0%	50.0%	22.2%	68.8%	37.5%	31.3%	37.5%	8.0%
FY21 % Sub	60.0%	50.0%	66.7%	50.0%	18.2%	50.0%	58.3%	83.3%	33.3%	62.5%	22.2%	13.0%
FY20 % Sub	40.0%	50.0%	56.3%	35.7%	17.4%	23.1%	50.0%	63.6%	28.6%	31.3%	37.5%	40.5%
FY19 % Sub	50.0%	55.6%	54.6%	60.0%	30.8%	54.6%	42.9%	29.4%	54.6%	33.3%	40.0%	40.0%

When comparing FY18 with FY19, FY20, FY21, FY22 and FY23 there were significant differences in the number of complaints received in the following months:

- In April 2018 BABHA's ORR received twenty complaints whereas in April 2019 seven complaints were received.
- In June 2018 BABHA's ORR received twenty complaints whereas in June 2019 eleven complaints were received.
- In July 2018 BABHA's ORR received four complaints whereas in July 2019 fifteen complaints were received.
- FY20's total number of complaints is higher for the first quarter than the first quarter for FY19, and FY18.
- COVID-19 significantly reduced the number of RR complaints reported to BABHA's ORR. (Starting March 2020 through FY22.)

- FY23 complaints are trending above FY22 and FY21:
 - FY21 October 2020 through September 2021 the ORR received 118 complaints.
 - FY22 October 2021 through September 2022 the ORR received 133 complaints.
 - FY23 October 2022 through September 2023 the ORR received 190 complaints.

Report of Remedial Action for Substantiated Complaints for September 2023:

ID	Rcv Date	Sum/Int Report Sent Date	Allegation Type	Remedial Action 1	Remedial Action 2
1507	9/6/2023	9/18/2023	Dignity and Respect	Employment Termination	
1508	9/8/2023	10/20/2023	Abuse, Class III	Employment Termination	
1509	9/8/2023	11/1/2023	Dignity and Respect	Employment Termination	
1509	9/8/2023	11/1/2023	Dignity and Respect	Employment Termination	
1513	9/20/2023	11/20/2023	Abuse, Class III	Suspension	Training

The matrix displays the substantiated complaints with the date that each complaint was received, resolved, and the date the Summary Report was issued. It is important to note that all complaints were resolved within the 90-calendar day requirement established by the Michigan Mental Health Code. The Mental Health Code dictates that the Responsible Mental Health Agency (RMHA) takes remedial action to correct and prevent reoccurrence of substantiated Recipient Rights Complaints. In addition, if the violation of Abuse or Neglect is substantiated then the RMHA must take fair disciplinary action as well. The matrix above lists the substantiated complaint allegation type and all of the remedial action utilized by the RMHA. The Office of Recipient Rights can only call for disciplinary action as required in the Mental Health Code. The Office cannot dictate the level of disciplinary action as the RMHA determines this action.

Additional Activities by the Office of Recipient Rights:

Training by Recipient Rights Officer for Staff previous month:

Number of Training Sessions	Number of People Attending	Number of Hours
4	25	7.5

Training by Recipient Rights Officer for Consumers previous month:

Number of Training Sessions	Number of People Attending	Number of Hours
0	0	0

Training received by the Recipient Rights Office January 2024:

1/18/24 Implicit Bias: Seeing More Clearly by Examining Ourselves- Melissa Prusi
1/24/24 Deconstructing Chap 4-Understanding voluntary and involuntary process-Melissa

Site Visits:

1/16/24 Touchstone/Opp Center Site Review – Drop-In Center
1/25/24 Do-All Site Review – Job Training/CLS
1/25/24 List Psychological Site Review – Primary Provider for CSM/OPT
1/29/24 Disability Network of Mid MI Site Review - CLS

Recipient Rights Complaints
Reporting Period - Oct 2023 - September 2024

Category	Category Description	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Total Allegations YTD
7084	Dignity and Respect	1	2	2	3									8
7081	Mh Services Suite to Condition	4		3	2									9
7082	Safe, Sanitary/Humane Treatment/Environment		2											2
7100	Physical and Mental Exams													
7120	Person Centered Process													
7110	Family Dignity & Respect													
7120	Individual Plan of Service	1												1
7130	Choice of Physician or Mental Health Professional													
7150	Services of a Mental Health Professional													
7221	Abuse I													
72221	Abuse II - Non-Accidental Act	1	1											2
72222	Abuse II - Unreasonable Force	2		2	2									6
72225	Abuse II - Exploitation	1	1											2
7223	Abuse III	1												1
7224	Abuse I - Sexual Abuse	1												1
72251	Neglect I		1											1
72252	Neglect I - Failure to Report													
72261	Neglect II													
72262	Neglect II - Failure to Report			1										1
72271	Neglect III	4	1	2										7
7240	Photographs, Fingerprints - Prior Consent				1									1
7249	Video Surveillance													
7262	Communications-Telephone													
7263	Communications-Mail													
7281	Personal Property - Possession		1	1										2
7286	Personal Property-Limitations													
7300	Safeguarding money													
7360	Labor & compensation													
7400	Restraint													
7420	Seclusion													
7440	Freedom of Movement													
7480	Disclosure of Confidential Information	2	1	2	2									7
7550	Rights Protection System													
7555	Retaliation/Harassment				1									1
0001	Outside jurisdiction	2	2		1									5
0000	No Right involved	1	0		2									3
	Subtotal	21	12	13	14									60
Grand Total - Allegations YTD														60

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights and Responsibilities		
Section: 7	Recipient Rights Advisory Committee		
Topic: 1	Appointment, Construction and Functions		
Page: 1 of 4	Supersedes Date: Pol: 6-3-02,9-20-01, 7-15-99 Proc: 7-28-98	Approval Date: Pol: 3-30-11 Proc: 6-3-02	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> <i>Board Chairperson Signature</i>
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	<small>Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 1/30/2024. For Controlled copy, view shared directory G:\Isimage01\BACMH_users\bacmh_group\Agency\Agency_Manual.</small>		

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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that the Recipient Rights Advisory Committee shall be established by BABHA as a Standing Committee. It shall consist of at least six (6) members. Membership shall represent the various perspectives of BABHA's geographic area. At least one third (1/3) of the membership are primary consumers or family members. At least one half (1/2) of the above one third (1/3) are primary consumers.

The Recipient Rights Advisory Committee is hereby appointed as the Appeals Committee when an appeal is received. The Appeals Committee must consist of at least seven (7) members, none of whom shall be employed by the department or a Community Mental Health Services Program (CMHSP). The Appeals Committee must include at least two (2) board members and two (2) primary consumers. A member of the Appeals Committee may represent more than one of these categories.

Purpose

This policy and procedure is established to ensure that BABHA has a recipient rights advisory committee that meets the Michigan Mental Health Code (MMHC) requirements.

Education Applies to:

- ☒ All BABHA Staff
- ☐ Selected BABHA Staff, as follows:
- ☒ All Contracted Providers: ☐ Policy Only ☒ Policy and Procedure
- ☐ Selected Contracted Providers, as follows:
 - ☐ Policy Only ☐ Policy and Procedure
- ☐ BABHA's (Affiliates): ☐ Policy Only ☐ Policy and Procedure

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY

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Definitions

N/A

Procedure

BABHA shall establish a Recipient Rights Advisory Committee. The Recipient Rights Advisory Committee shall:

1. Receive, review, and recommend to the Board for approval, rights related policies and procedures for each service.
2. Review and provide comments on the report submitted by the Chief Executive Officer (CEO) to the Board under Section 755.
3. Meet at least four (4) times annually to insure all BABHA programs meet with recipient rights guidelines.
4. A current list of committee members' names and the interests they represent shall be maintained and available upon request.
5. Protect the Office of Recipient Rights from pressure that could interfere with the impartial, even-handed and thorough performance of its functions.
6. Serve in an advisory capacity to the CEO and the Office of Recipient Rights.
7. Communications from the Recipient Rights Committee will be from the Committee chairperson to the CEO to the Board.
8. Receive education and training in Recipient Rights policies and procedures.
9. Recommend candidates to head the Office of Recipient Rights to the CEO when a vacancy occurs. An Officer of Recipient Rights shall not be dismissed without the CEO consulting the Recipient Rights Committee.
10. A grievance procedure is available to the rights officer in the event of disciplinary action or discharge.
11. The Director of the Rights Office shall have no direct clinical service responsibilities.
12. Reviews and provides comments on the annual rights report submitted by the CEO to the Board of the CMHSP.
13. Minutes from the Recipient Rights Advisory Committee are maintained and made available to individuals upon request.

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

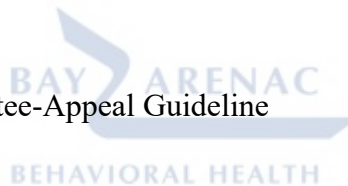
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14. Serve as the Appeals Committee under Section 784 of the MMHC.
15. Be a component of Performance Improvement.
16. Submit quarterly reports to the Performance Improvement Committee and the Board.
17. Review funding for the Rights Office annually.
18. Hold meetings subject to the Open Meetings Act Minutes shall be maintained and made available to individuals upon request.

Attachments

Recipient_Rights Appeals Committee-Appeal Guideline



Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Michigan Mental Health Code 330.1757.

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SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/COMMITTEE/ SUPERVISOR	APPROVAL /REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION - If replacement list policy to be replaced
Marlene Wolber	Linda Maze	11/10/09	Revision	Triennial Review-format and language updated
Sara Heydens	Linda Maze	3/30/11	Revision	Added additional information to policy statement to clarify membership of Appeals Committee
		12/31/12	No Changes	Triennial Review-no changes
Melissa Prusi	Christopher Pinter	6/27/16	Revision	Triennial Review-Changed Performance "Council" to "Committee" to reflect current name
Melissa Prusi	Christopher Pinter	06/15/2019	Review	Triennial and annual review. No changes.
Melissa Prusi	Christopher Pinter	10/1/2021	No changes	Triennial review-no changes
Melissa Prusi	Christopher Pinter	8-18-22	Revision	Added a new attachment to P&P

Site Reviews:

- February 1, 2024
 - Lighthouse campus – Caro, MI
 - Southern Cross Specialized Residential Provider
 - Jamie’s House Specialized Residential Provider
- February 7, 2024
 - Saginaw Psychological Services, Inc – Bay City, MI
 - Johnson Location – Primary Provider
 - Euclid Location – Primary Provider
- February 28, 2024
 - Carebuilders at Home – Midland, MI – CLS Provider
 - MPA NFP, Ltd – Bay City, MI – Primary Provider

2024 Annual Recipient Rights Training Fair

It is that time of year again for the annual Recipient Rights Training. The training is on-line only again this year and is required for all Board and Recipient Rights Advisory & Appeals Committee members. The training consists of three courses in Relias, Part I, Part II and Part III. All three training modules will need to be completed no later than March 31, 2024. All Board and Committee members will receive an email containing the link to Relias and sign-on information. If you have trouble accessing the training or have questions contact Sara McRae at smcrae@babha.org or 989-895-2348.