

AGENDA

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

Thursday, March 7, 2024 at 5:00 pm

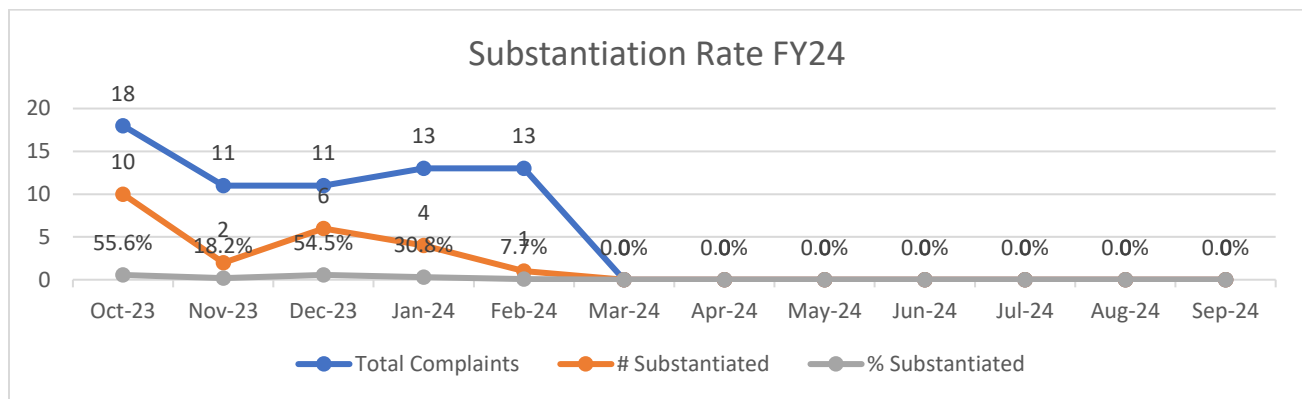
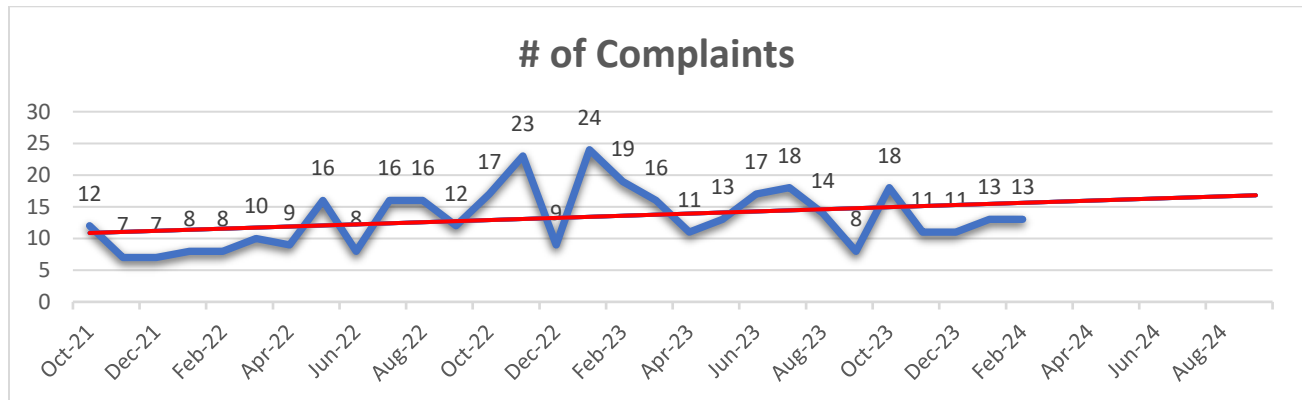
William B. Cammin Clinic, Bay Room, 1010 N. Madison Avenue, Bay City, MI 48708

Committee Members:	Present	Excused	Absent	Committee Members	Present	Excused	Absent	Others Present:
Patrick McFarland, Ch	_____	_____	_____	Justin Peters	_____	_____	_____	BABH: Melissa Prusi, Chris Pinter, and Sara McRae
Sally Mrozinski, V Ch	_____	_____	_____	Laurie Van Wert	_____	_____	_____	
Robert Bowers	_____	_____	_____	Colleen Maillette, Ex Off	_____	_____	_____	
Ernie Krygier	_____	_____	_____	Richard Byrne, Ex Off	_____	_____	_____	
Kathy Niemiec	_____	_____	_____					Legend: M-Motion; S-Support; MA-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 February 29, 2024		3.1) No action necessary
4.	Training 4.1) Mail, Communication, Telephone & Visits, 3-3-14 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) March Site Visits 6.2) Annual Recipient Rights Online Training Fair Reminder		6.1) No action necessary 6.2) Consideration of motion to forward the 2024 Annual Recipient Rights Training reminder to the full Board for information
7.	Adjournment	M - S - pm MA	

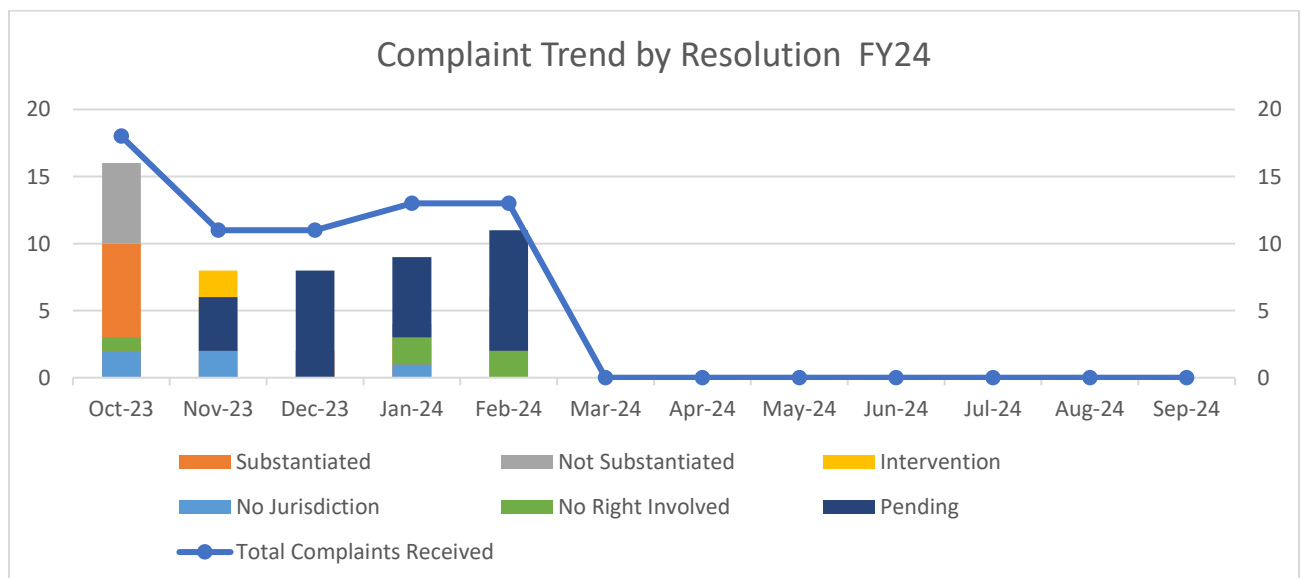
Recipient Rights Advisory and Appeals Committee
Executive Summary of Complaints through February 29, 2024

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

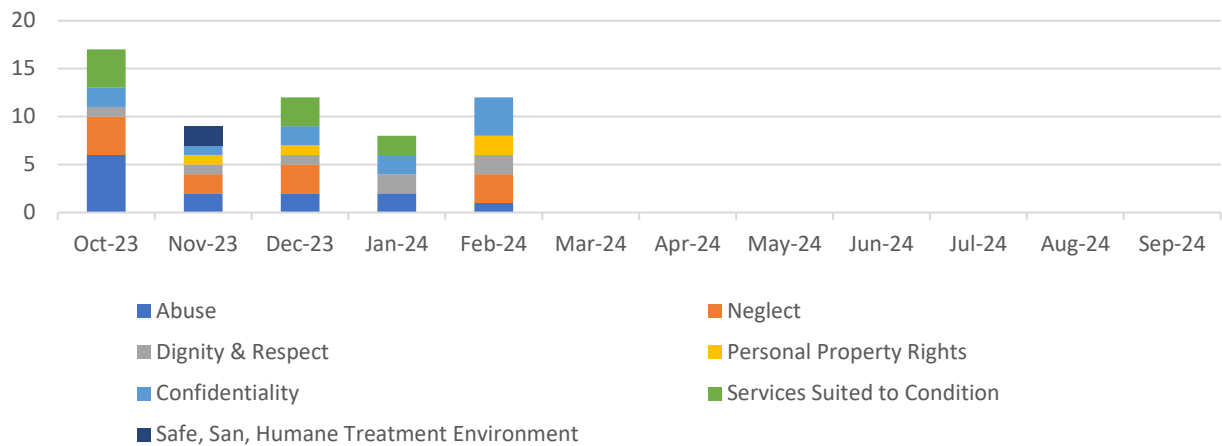


The BABHA ORR completed 190 ORR Complaints for **FY23** with an average number of days to resolve the complaints being **57.675 days**. The BABHA ORR's goal is to complete RR complaint investigations within 30 days from receipt of the complaint. Moving forward the RRAC will be kept abreast of the average 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.
- For November 2023, the ORR resolved 11 complaints within an average of 43.5 days.

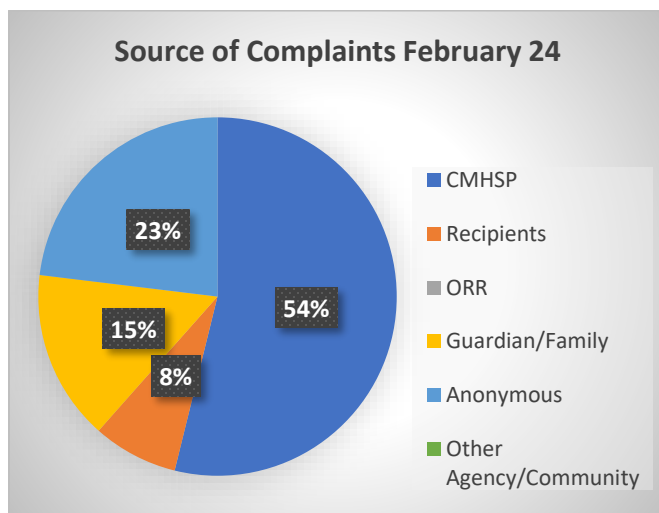


Trend Report by Allegation - Top 7 FY24



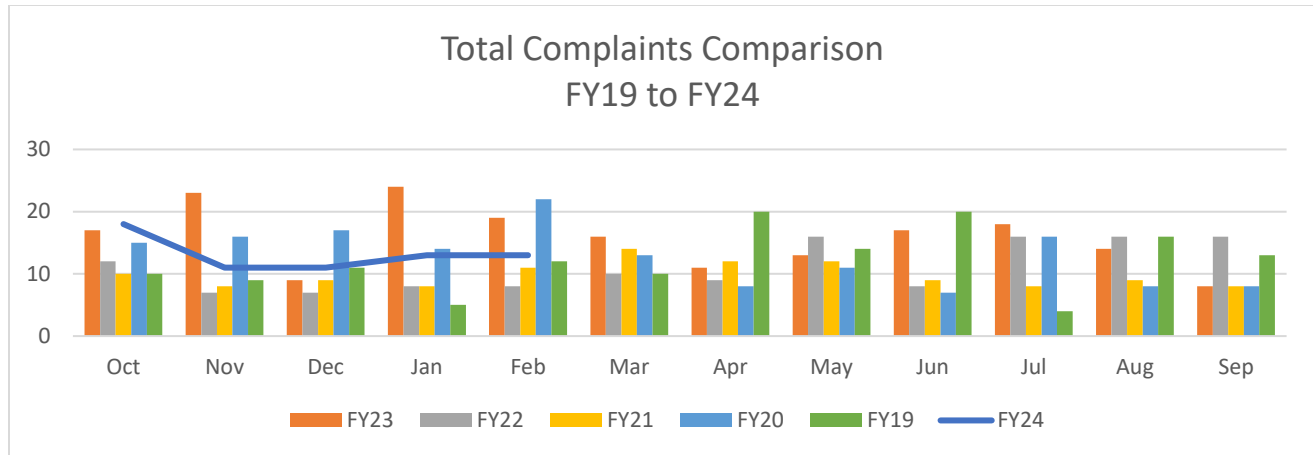
Trend Report by Allegation Top 7	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Abuse	6	2	2	2	1	0	0	0	0	0	0	0
Neglect	4	2	3	0	3	0	0	0	0	0	0	0
Dignity & Respect	1	1	1	2	2	0	0	0	0	0	0	0
Personal Property	0	1	1	0	2	0	0	0	0	0	0	0
Confidentiality	2	1	2	2	4	0	0	0	0	0	0	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:

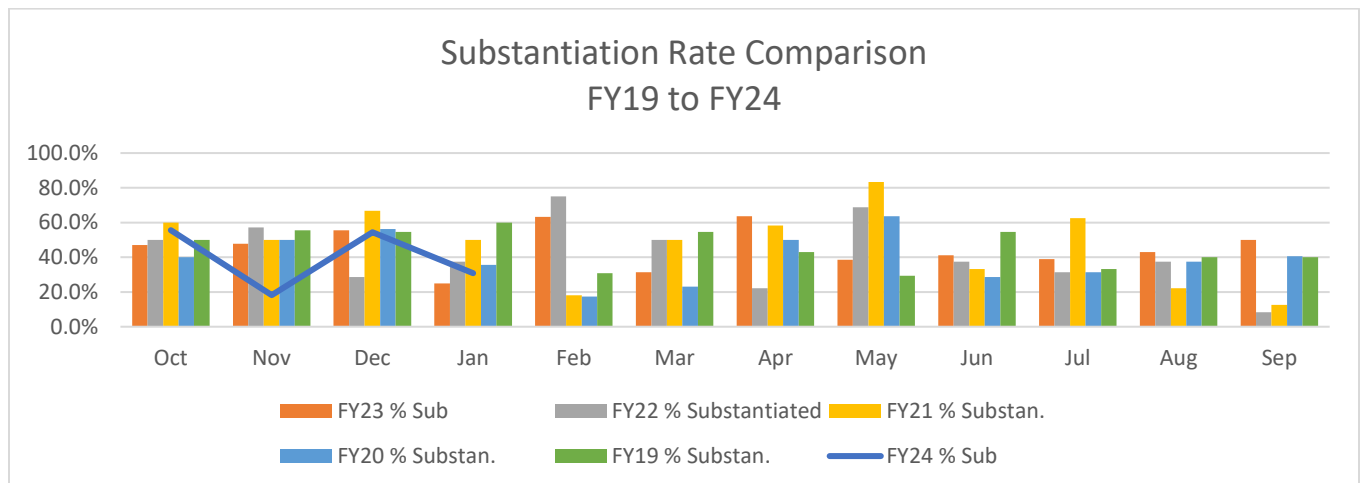


CMSHP Network Staff	7
Recipients	1
ORR	0
Guardian/Family	2
Anonymous	3
Other Agency/Community	0

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	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



	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
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FY24 % Sub	55.6%	18.2%*	54.5%*	30.8%*								
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%	57.1%	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 October 2023:

ID	Rcv Date	Inv. Report Sent Date	Allegation Type	Remedial Action 1	Remedial Action 2	Remedial Action 3	Remedial Action 4
1536	10/27/2023	1/18/2024	Dignity and Respect	Training			
1532	10/23/2023	1/17/2024	Disclosure of Confidential Information	Written Counseling	Training		

1531	10/23/2023	1/20/2024	Personal Property – Possession and Use	Training	Employment Termination		
1529	10/17/2023	10/18/2023	Neglect, Class III	Written Counseling			
1527	10/13/2023	12/11/2023	Neglect, Class III	Employment Termination			
1525	10/10/2023	11/1/2023	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Employment Termination			
1524	10/3/2023	11/14/2023	Neglect, Class III	Employment Termination			
1522	10/5/2023	10/27/2023	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Written Counseling	Training		
1518	10/3/2023	10/25/2023	Neglect, Class III	Employment Termination			
1517	10/2/2023	10/19/2023	Abuse, Class II – Unreasonable force; Neglect, Class III	Training	Written Reprimand	Other (include explanation)	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
1	1	1

Training received by the Recipient Rights Office January 2024:

Site Visits:

- 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

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	2								10
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								2
7224	Abuse I - Sexual Abuse	1												1
72251	Neglect I		1											1
72252	Neglect I - Failure to Report													
72261	Neglect II					1								1
72262	Neglect II - Failure to Report			1										1
72271	Neglect III	4	1	2		2								9
7240	Photographs, Fingerprints - Prior Consent				1									1
7249	Video Surveillance													
7262	Communications-Telephone													
7263	Communications-Mail													
7281	Personal Property - Possession		1	1		2								4
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	4								11
7550	Rights Protection System													
7555	Retaliation/Harassment				1									1
0001	Outside jurisdiction	2	2		1									5
0000	No Right involved	1	0		2	2								5
	Subtotal	21	12	13	14	14								74
Grand Total - Allegations YTD														74

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY

POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights & Responsibilities		
Section: 3	Rights of Consumers		
Topic: 14	Communication/Mail/Telephone/Visits		
Page: 1 of 5	Supersedes Date: Pol: 12-15-05, 9-19-05, 6-3-02, 9-20-01 Proc: 6-27-16, 12-15-05	Approval Date: Pol: 8-18-16 Proc: 1-3-19	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <i>Board Chairperson Signature</i>
	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <i>Chief Executive Officer Signature</i>		
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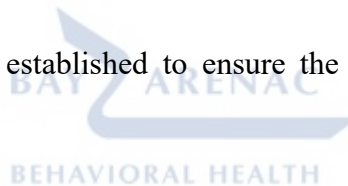
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that a recipient of residential services is assured unimpeded, private and uncensored communication with others by mail and telephone and to visit with persons of his/her choice, except in the circumstances and under the conditions set forth by this section.

Purpose

This policy and procedure is established to ensure the recipients' rights to have mail, use the telephone and have visitors.



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

Definitions

N/A

Procedure

- A. Telephone Calls
 - 1. A recipient shall be provided access to a telephone for incoming and outgoing calls unless the resident is otherwise restricted in an approved treatment plan.

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2. If establishing uniform telephone hours the residential setting shall do all of the following:
 - a. Provide for telephone calls to be made and received not less than during daytime shift hours and not less than two evening hours.
 - b. Post the times incoming and outgoing telephone calls are permitted in all telephone areas and on resident bulletin boards and in each living unit.
 - c. Set house rules and procedures which may limit the length of incoming/outgoing calls for all residents, but to not less than five minutes.
 - d. Provide for the allocation and distribution of reasonable funds for long distance telephone calls for indigent residents.
- B. Visits – If visiting hours are established by the provider then:
1. A recipient shall be guaranteed regular visiting hours, unless the recipient is otherwise restricted in an approved treatment plan.
 2. Visiting hours shall be scheduled to be least disruptive of normal treatment activity and to occur on no less than three days weekly.
 3. Visiting hours shall be posted in waiting rooms and in a centralized, accessible location within the residence and in each living unit.
 4. Adequate space shall be provided for residents to visit with visitors in privacy.
 5. Appropriate modifications in visiting hours shall be made for minors attending school.
- C. Mail
1. A recipient shall be provided daily distribution of mail unless the recipient is restricted, and limitations have been incorporated into the recipient's plan of service.
 2. A postal box or daily pickup and deposit of mail shall be provided.
 3. Non-letterhead stationery, non-letterhead envelopes, pens/pencils, and reasonable funds for postage shall be furnished upon request for indigent residents, unless the recipient is restricted, and limitations have been incorporated into the resident's plan of service.
 4. Incoming and outgoing mail for a recipient shall not be opened or destroyed unless the recipient, a legally empowered guardian, or the parent of a minor has consented

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that an article of mail may be opened by a designated person, or there is reasonable belief that the mail is in violation of a limitation. All instances of opening or destruction of mail by staff shall be recorded in the recipient's record. Limitations shall be identified in a plan of service.

5. Mail shall be conveniently and confidentially received and mailed and writing materials and postage will be provided in reasonable amounts.

D. For all limitations, the following criteria shall be met:

1. A limitation is the minimum essential to achieve the purposes proposed. Documentation must support the reasons and evidence to justify the extent of limitation as being minimum amount essential.
2. A limitation is approved by the Treatment Team.
3. A limitation is supported by documentation, entered in the resident's record/plan of service, establishing the following:
 - a. Reasons that justify the limitation, i.e., significant evidence supporting the potential mental or physical harm, the violation of law, of harassment. In the case of telephone harassment, a limitation to prevent harassment shall require a written request from the victim of the harassment, documentation of the frequency or content of past harassment, and whether future telephone harassment can reasonably be expected.
 - b. A specific expiration date established by the Treatment Team stating at which time the limitation will be re-assessed. (Reassessment shall occur no more than thirty days from the enactment of the restriction.).
 - c. A recipient shall be informed of a limitation on mail, telephone calls, or visits. Upon request, the resident shall be informed of the purpose a limitation is intended to achieve, the persons, or entities involved, and additional information deemed necessary.
4. The right to communicate by mail or telephone or to receive visitors shall not be further limited except as authorized in the recipient's plan of service.

E. A recipient, (parent or guardian if appropriate), shall be able to appeal the extent or duration of a limitation regarding telephone, mail or visiting rights. Appeals may be made in accordance with BABHA Policy and Procedure, C03-S08-T07 – Appeals and Grievance Procedural Processes.

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- F. Current limitations shall be reviewed in conjunction with other reviews of the content of a written plan of service.
- G. With the exception of limitations put into effect for a recipient through a recipient's plan of service, general house rules for all persons living in a residential setting, i.e., set times for visitation, telephone use, no smoking, smoking in designated area, etc., may be implemented and posted.
- H. Sealed mail calls from or to, and visits from a recipient's private physician, a mental health professional, a court, a recipient's attorney, or other person if communication involves matters which are or may be the subject of legal inquiry, shall not be limited, except that non-emergency visits of a private physician or a mental health professional may be limited to reasonable times. A time is reasonable if a visit does not seriously tax the effective functioning of the facility. "Legal inquiry" includes any matter concerning civil, criminal, or administrative law. The written policies of residential settings shall establish procedures insuring access to private physicians or legal counsel.
- I. Appeal:
A recipient or another individual on behalf of a recipient has the right to appeal denials or limitations of his/her right to communication, telephone, visiting, or the time frames placed upon a limitation. Appeals may be made through the Recipient Rights/Customer Service Department.

Attachments

N/A

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Related Forms

N/A

Related Materials

N/A

References/Legal Authority



Michigan Mental Health Code 330.1715, 330.1726, 330.1752.

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
		12/31/12	No changes	Triennial Review
Melissa Prusi	Christopher Pinter	6/27/16	Revision	Triennial Review-changed "resident" to "recipient" and changed Appeal and Grievance policy reference to reflect current policy number and title.
Melissa Prusi	C. Pinter	1/3/19	Changes	Language addition about visiting and title changes
Melissa Prusi	Christopher Pinter	06/12/2019	Revision	Triennial and annual review. Minor changes.
Melissa Prusi	Christopher Pinter	09/11/2020	No changes	Annual Review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Triennial Review

Site Reviews:

- March 15, 2024
 - Flatrock Manor – Burton and Flint locations
 - Burton location - Specialized Residential Provider
 - Flint location - Specialized Residential Provider
- March 20, 2024
 - Arenac Opportunities – Vocational Provider - Standish, MI
 - Arenac Center – BABHA Site – Standish, MI
 - North Bay – BABHA Site – Kawkawlin, MI

2024 Annual Recipient Rights Training Fair Reminder

The annual Recipient Rights 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. The training is a state requirement for all Board and Committee members. If you need the link to Relias and sign-on information contact Sara McRae at smcrae@babha.org or 989-895-2348.