

AGENDA

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

Thursday, May 2, 2024 at 5:00 pm

Behavioral Health Center, Room 225, 201 Mulholland Street, Bay City, MI 48708

Committee Members:	Present	Excused	Absent	Committee Members	Present	Excused	Absent	Others Present:
Patrick McFarland, Ch	_____	_____	_____	Toni Marie Reese	_____	_____	_____	BABH: Melissa Prusi, Chris Pinter, and Sara McRae
Sally Mrozinski, V Ch	_____	_____	_____	Laurie Van Wert	_____	_____	_____	
Robert Bowers	_____	_____	_____	Robert Pawlak, Ex Off	_____	_____	_____	
Kathy Niemiec	_____	_____	_____	Richard Byrne, Ex Off	_____	_____	_____	
Justin Peters	_____	_____	_____					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.	Nomination & Elections 3.1) Committee Chair 3.2) Committee Vice Chair		3.1) Consideration of nomination to elect _____ as Committee Chair 3.2) Consideration of nomination to elect _____ as Committee Vice Chair
4.	Advisory Committee Report 4.1) Executive Summary of Complaints Through April 30, 2024		4.1) No action necessary
5.	Training 5.1) Consent for Treatment 3-3-2 5.2) Investigation Scenarios		5.1) No action necessary 5.2) No action necessary
6.	Unfinished Business 6.1) None		

AGENDA

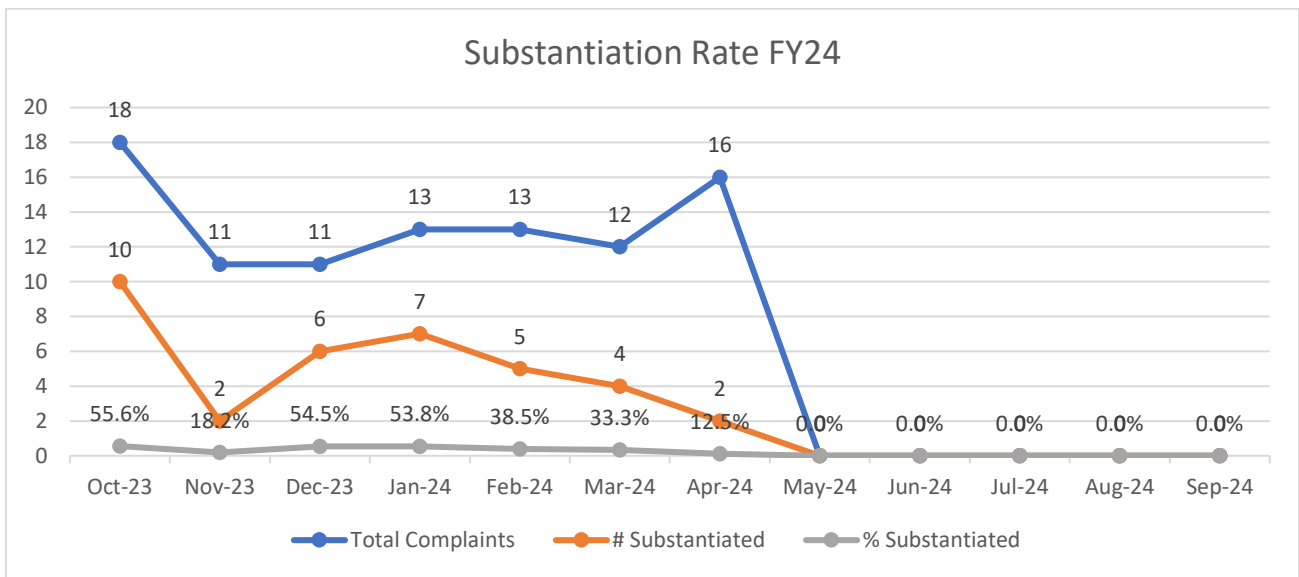
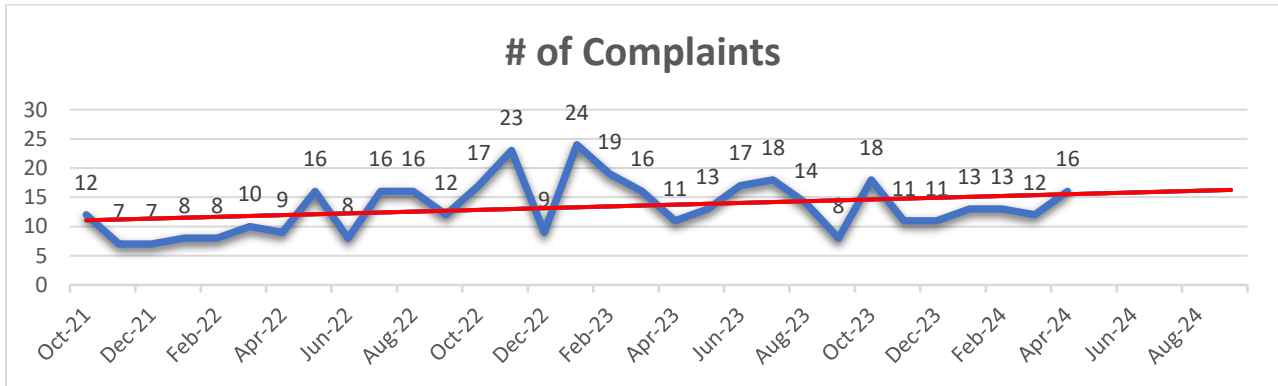
BAY ARENAC BEHAVIORAL HEALTH
BOARD OF DIRECTORS
RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING
Thursday, May 2, 2024 at 5:00 pm
Behavioral Health Center, Room 225, 201 Mulholland Street, Bay City, MI 48708

Page 2 of 2

7.	New Business 7.1) May Site Visits 7.2) 2024 Recipient Rights Conference Save the Date 7.3) Schedule Special Meeting for Appeals Training		7.1) No action necessary 7.2) Consideration of motion to forward the 2024 Recipient Rights Conference Save the Date to the full Board for information 7.3) No action necessary
8.	Adjournment	M -	S - pm MA

Recipient Rights Advisory and Appeals Committee
Executive Summary of Complaints through April 30, 2024

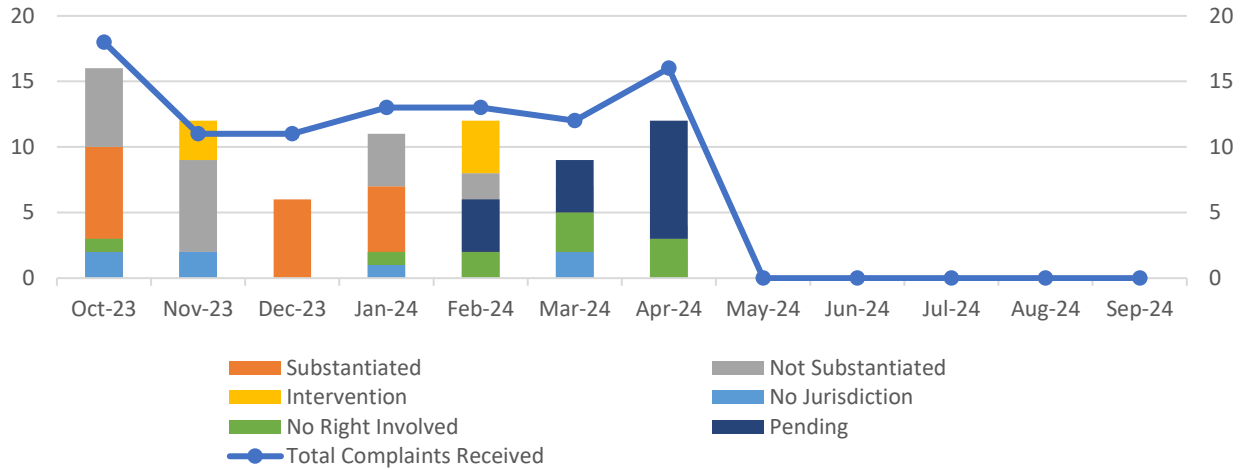
Overall Summary of the Office of Recipient Rights (ORR) Complaints through April 2024:



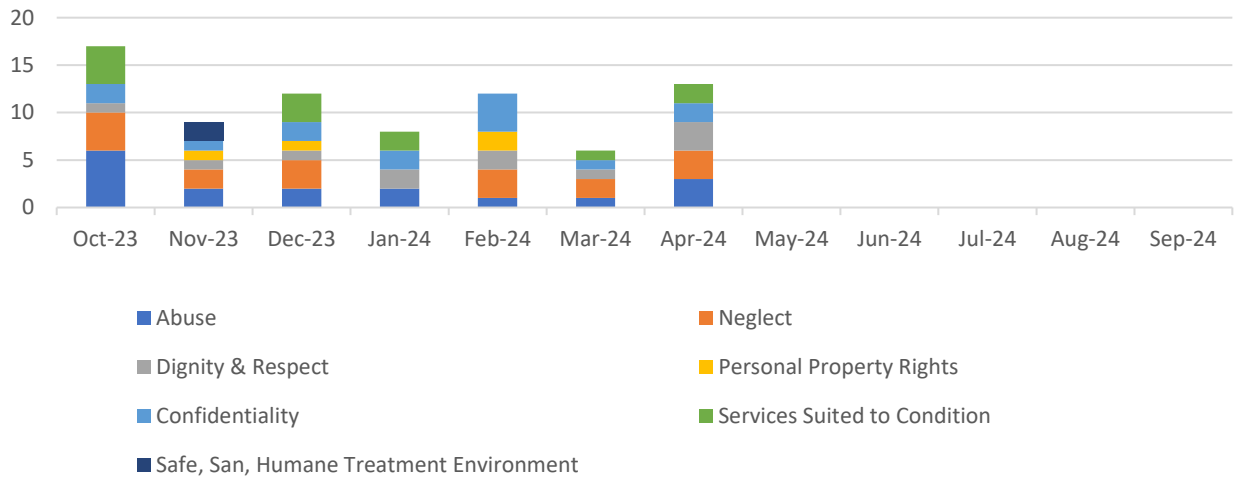
The BABHA ORR completed 190 ORR Complaints for **FY23** with an average number of days to resolve the complaints being **57.675 days**. The BABHA ORR’s goal is to complete RR complaint investigations within 30 days from receipt of the complaint. Moving forward the RRAC will be kept abreast of the average 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.
- For December 2023, the ORR resolved 13 complaints within an average of 50.7 days.
- For January 2024, the ORR resolved 13 complaints within an average of 38.06 days.

Complaint Trend by Resolution FY24

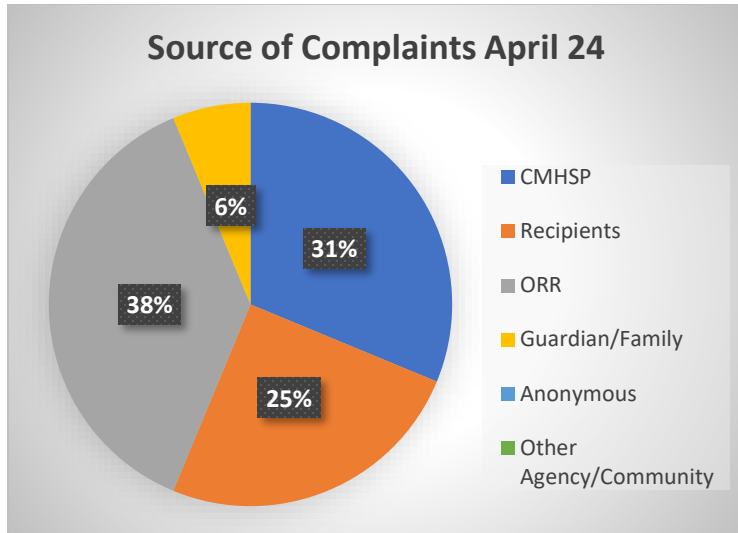


Trend Report by Allegation - Top 7 FY24



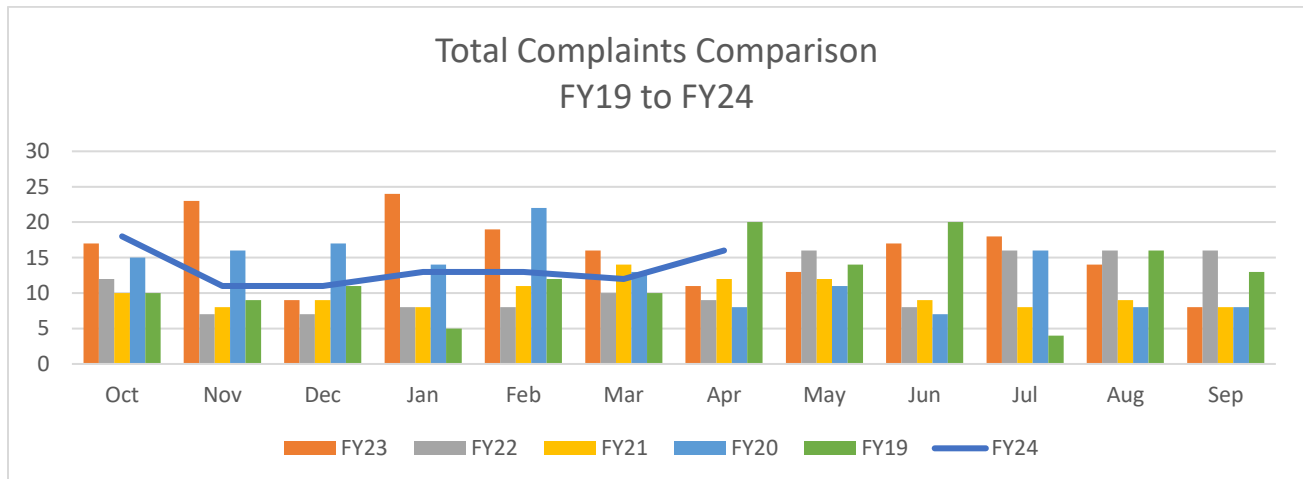
Trend Report by Allegation Top 7	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Abuse	6	2	2	2	1	1	3	0	0	0	0	0
Neglect	4	2	3	0	3	2	3	0	0	0	0	0
Dignity & Respect	1	1	1	2	2	1	3	0	0	0	0	0
Personal Property	0	1	1	0	2	0	0	0	0	0	0	0
Confidentiality	2	1	2	2	4	1	2	0	0	0	0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

Source of Complaints:



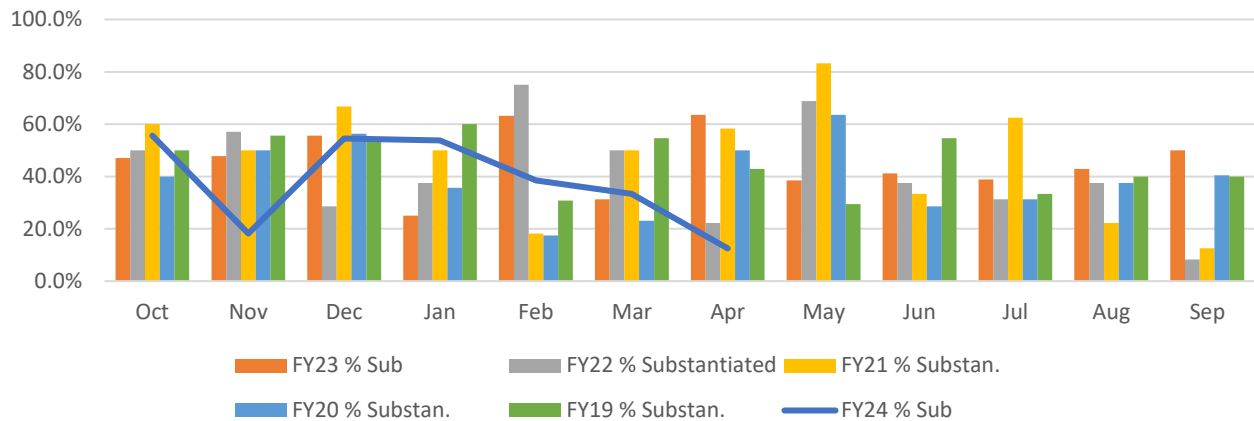
CMSHP Network Staff	5
Recipients	4
ORR	6
Guardian/Family	1
Anonymous	0
Other Agency/Community	0

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	13	12	16					
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%	18.2%	54.5%	53.8%*	38.5%*	33.3%*	12.5%					
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 January 2024:

Complaint ID	Rcv Date	Inv. Report Sent Date	Allegation Type	Remedial Action 1	Remedial Action 2	Remedial Action 3	Remedial Action 4
1576	1/29/24	4/17/24	Abuse, Class III	Employment Termination			
1570	1/22/24	1/24/24	Fingerprints, Photographs, Audio recordings, and Use of One-Way Glass	Written Counseling			
1568	1/16/24	1/22/24	Disclosure of Confidential Information	Verbal Counseling	Employment Termination		
1566	1/10/24	2/21/24	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Other (include explanation)	Other (include explanation)	Training	Plan of Service Revision
1564	1/8/24	1/10/24	Abuse, Class II – Unreasonable force	Employment Termination	Training		
1563	1/4/24	3/20/24	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Written Counseling			

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
7	38	10.5

Training by Recipient Rights Officer for Consumers previous month:

Number of Training Sessions	Number of People Attending	Number of Hours
1	6	1

Training received by the Recipient Rights Office:

4/12/24 CMH Directors Quarterly Meeting	Melissa
4/18/24 Ethics in Social Work & Pain Management	Melissa
4/29/24 Human Trafficking: A growing epidemic	Melissa

Site Visits:

4/24/24	BABHA - Wirt – Bay City, MI BABHA - Mulholland – Bay City, MI BABHA - Madison – Bay City, MI Horizon Home – Essexville, MI
4/25/24	Closer 2 Home – Flint, MI Closer 2 Home – Burton, MI
4/30/24	AuGres Care Center – AuGres, MI Bay Human Services – Almont – Standish, MI Bay Human Services - Grove – Standish, MI Valley Residential - Orchard Bay– Standish, MI Valley Residential - Elm – Standish, MI Central State Comm Svcs- Willow - Pinconning, MI

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 1 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	<hr/> <i>Board Chairperson Signature</i> <hr/> <hr/> <i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 4/30/2024. For Controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

DO NOT WRITE IN SHADED AREA ABOVE

Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that all recipients receiving services will sign an intake form authorizing services. This policy shall apply to BABHA and all services operated by or under contract with it. "Consent" means written, informed consent on the part of a recipient, empowered guardian, or parent of a minor.

Further, it is the policy of BABHA that the recipient shall be provided a summary of the Michigan Mental Health Code (MMHC), have that summary thoroughly explained to them, and a copy of the summary and documentation retained in the recipient's clinical record.



Purpose

This policy and procedure is established to ensure that all BABHA recipients give consent for services and are informed of their rights under the MMHC.

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

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 2 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	<hr/> <i>Board Chairperson Signature</i> <hr/> <i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 4/30/2024. For Controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

DO NOT WRITE IN SHADED AREA ABOVE

All recipients receiving services will sign an intake form authorizing services. This policy shall apply to BABHA and all services operated by or under contract with it. "Consent" means written, informed consent on the part of a recipient, empowered guardian, or parent of a minor.

Informed consent assumes:

- a. **Comprehension:** Comprehension requires the ability of an individual to understand rationally the nature of a procedure, risks, other consequences, and other relevant information.
- b. **Knowledge:** An individual consenting shall be aware of the procedure, risks, other consequences, and other relevant information. The standard governing required disclosure by a doctor is what a reasonable patient needs to know in order to make an intelligent decision. Other relevant information includes the purpose of the procedures, a description of attendant discomforts, risks, and benefits reasonably to be expected, a disclosure of appropriate alternatives advantageous to the recipient, and an offer to answer further inquiries.
- c. **Voluntariness:** There shall be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges of freedom. There shall be an instruction that an individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient.

1. Consent by the recipient to participate shall be given freely without force, fraud, duress, deceit, overreaching, or other ulterior forms of constraint or coercion including promises or assurances of privileges of freedom.
2. The recipient or guardian shall be instructed that consent may be withdrawn and services discontinued at any time without prejudice to the recipient or guardian.
3. All minors under 14 years of age who have a guardian must have a parent or guardian sign authorization for services before any services may be provided, except in the case of an emancipated minor who may authorize services.
4. An adult recipient, and a minor if emancipated, shall be presumed legally competent. This presumption may be rebutted only by court appointment of a guardian or exercised by a court of guardianship powers and only to the extent of the scope and duration of a guardianship.

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 3 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	<hr/> <i>Board Chairperson Signature</i> <hr/> <i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 4/30/2024. For Controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

DO NOT WRITE IN SHADED AREA ABOVE

An evaluation of the ability to give consent shall precede any guardianship proceedings. This evaluation shall be completed by a psychologist not providing direct services to the recipient, assuring that the recipient is the primary beneficiary.

5. In emergency or crisis situations, persons served normally will not be requested to sign an authorization form in order to receive mental health services.
6. Before consenting to receive mental health services, each client shall be informed of their rights including the foregoing information.
7. An individual consenting shall be knowledgeable of what the consent is for. He/she shall be aware of the procedure, risks, other consequences, and other relevant information. Relevant information includes the purpose of the procedures, a description of discomforts, risks and benefits reasonably to be expected, a disclosure of appropriate alternatives advantageous to the recipient, and an offer to answer any questions of the recipient.
8. Informed consent will be reobtained if changes in circumstances substantially change the risks, other consequences or benefits that were previously expected.
8. Individuals under court order shall be offered services and given the opportunity to give consent.
9. A minor, 14 years of age or older, may request and receive mental health services; and mental health professionals may provide services on an outpatient basis (excluding pregnancy termination referral services and use of psychotropic drugs) without the consent or knowledge of the minor’s parent or person in loco parentis.
10. The minor’s parent, guardian, or person in loco parentis, is not informed of the services without the consent of the minor, unless the treating mental health professional determines a compelling need for disclosure based upon substantial probability of harm to the minor or another and if the minor is notified of the treating professional’s intent to inform.
11. Services provided to the minor are limited to not more than 12 sessions or four (4) months, or per request after these expire. After that time, the mental health professional terminates the

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 4 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	_____ <i>Board Chairperson Signature</i> _____ <i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 4/30/2024. For Controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

DO NOT WRITE IN SHADED AREA ABOVE

services or, with the consent of the minor, notifies the parent, guardian, or person in loco parentis, to obtain consent to provide further outpatient services.

Attachments

N/A

Related Forms

N/A



Related Materials

N/A

References/Legal Authority

Department of Community Health Administrative Rule 330.7003[AR 7003 (3)]

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL**

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 1	Consent for Treatment		
Page: 5 of 4	Supersedes Date: Pol: 9-20-01, 6-18-98 Proc: 7-26-05, 6-3-02, 7-28-98	Approval Date: Pol: 6-3-02 Proc: 1-25-21	<hr/> <i>Board Chairperson Signature</i> <hr/> <i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 4/30/2024. For Controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

DO NOT WRITE IN SHADED AREA ABOVE

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-no changes
Melissa Prusi	Christopher Pinter	6/27/16	No changes	Triennial review-no changes
Melissa Prusi	Christopher Pinter	06/16/2019	No changes	Annual and Triennial review – no changes
Melissa Prusi	Christopher Pinter	08/01/2020	No changes	Annual review
Melissa Prusi	Christopher Pinter	01/25/2021	Revision	Revised to include updated MDHHS ORR Standards
Melissa Prusi	Christopher Pinter	6/23/21	No changes	Triennial review and review for CARF

Site Reviews:

- May 2, 2024
 - Georgetown – Auburn, MI
 - Rose Home – Auburn, MI
 - Bangor – Bay City, MI
 - Mason – Bay City, MI

- May 6, 2024
 - Fitzhugh – Bay City, MI

- May 15, 2024
 - Brookwood – Bay City, MI
 - Jean Rd – Bay City, MI
 - Kasemeyer – Bay City, MI
 - Autism Plus – Bay City, MI

- May 20, 2024
 - Bay House – Bay City, MI
 - Harbor House – Bay City, MI

- May 29, 2024
 - Knight – Bay City, MI
 - Nebobish - Bay City, MI
 - Parker – Bay City, MI
 - Beechwood – Bay City, MI
 - Candlestick – Bay City, MI
 - Fisher – Bay City, MI

- May 30, 2024
 - Huntington – Bay City, MI
 - North & Madison – Bay City, MI
 - Midland Manor – Bay City, MI

Sara McRae

Subject: FW: Blind Copy: 2024 Recipient Right Conference Hotel Reservation Link

From: Ryan, Veronica (DHHS) <RyanV1@michigan.gov>

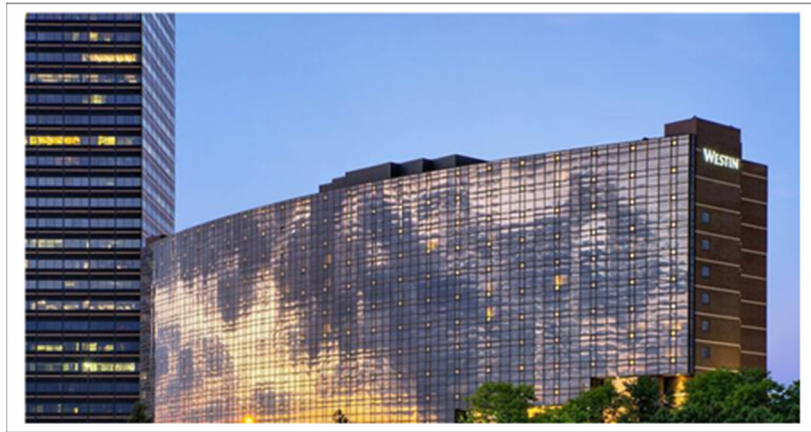
Sent: Friday, April 12, 2024 9:17 AM

To: Ryan, Veronica (DHHS) <RyanV1@michigan.gov>

Subject: Blind Copy: 2024 Recipient Right Conference Hotel Reservation Link

WARNING: This message has originated from an **External Source**, please use caution when opening attachments or clicking links.

SAVE THE DATE!
31ST ANNUAL RECIPIENT RIGHTS CONFERENCE:
WESTIN HOTEL SOUTHFIELD-DETROIT
SOUTHFIELD, MICHIGAN
HOTEL ROOM RATE IS \$159.00 PER NIGHT
CUTOFF DATE FOR SECURING HOTEL ROOM IS SEPTEMBER 2,
2024.
REGISTRATION LINK:
[BOOK YOUR GROUP RATE FOR 2024 RECIPIENT RIGHTS CONFERENCE](#)



Veronica S. Ryan
Administrative Assistant for Andrew Silver
Education, Training and Compliance
348.348.9961

May 2024

BABH Board of Directors

May 2024

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 28	29	30	May 1	2 5:00pm Recipient Rights Committee	3	4
5	6 5:00pm Health Care Improvement & Compliance Committee	7	8 5:00pm Finance Committee 5:30pm Bylaws Committee	9 5:00pm Program Committee	10	11
12	13 5:00pm Facilities & Safety Committee	14 5:00pm Audit Committee	15	16 5:00pm REGULAR BOARD MEETING	17	18
19	20	21	22	23	24	25
26	27 Memorial Day/BABH Offices Closed	28	29	30	31	Jun 1

June 2024

BABH Board of Directors

June 2024						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1
9	10	11	12	13	14	8
16	17	18	19	20	21	15
23	24	25	26	27	28	22
30						29

July 2024						
Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27
	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 26	27	28	29	30	31	Jun 1
2	3 5:00pm Health Care Improvement & Compliance Committee	4	5	6 5:00pm Recipient Rights Committee	7	8
9	10 5:00pm Facilities & Safety Committee	11	12 5:00pm Finance Committee 5:30pm Bylaws Committee	13 5:00pm Program Committee	14	15
16	17	18 5:00pm Audit Committee	19	20 5:00pm REGULAR BOARD MEETING	21	22
23	24	25	26	27	28	29
30	Jul 1	2	3	4	5	6