

AGENDA

**BAY ARENAC BEHAVIORAL HEALTH
 BOARD OF DIRECTORS
 SPECIAL RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING**
 Monday, June 24, 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.	Appeals Training		3) No action necessary
4.	Adjournment	M -	S - pm MA

RECIPIENT RIGHTS APPEAL PROCESS



MHC 330.1774 APPEALS COMMITTEE

- ▶ **330.1774 Appeals Committee...(2) The board of a community mental health services program shall do 1 of the following:**
- ▶ **(a) Appoint an appeals committee consisting of 7 individuals, none of whom shall be employed by the department or a community mental health services program, to hear appeals of recipients' rights matters. The appeals committee shall include at least 3 members of the recipient rights advisory committee, 2 board members, and 2 primary consumers. A member of the appeals committee may represent more than 1 of these categories.**
- ▶ **(b) Designate the recipient rights advisory committee as the appeals committee.**
- ▶ **How does BABHA meet this requirement?**
 - ▶ **BABHA designated the advisory committee as the appeals committee.**

WHO CAN APPEAL A RECIPIENT RIGHTS COMPLAINT?

1. The Complainant
2. The Recipient
3. The Parent of a Minor Recipient
4. The Guardian of a Recipient

It is imperative to note that the employee named in a complaint **CANNOT** appeal a Recipient Rights Complaint.



The findings of the Rights Office were inconsistent with facts, law, rules, etc.



The action, or plan of action, to remedy the violation was inadequate.



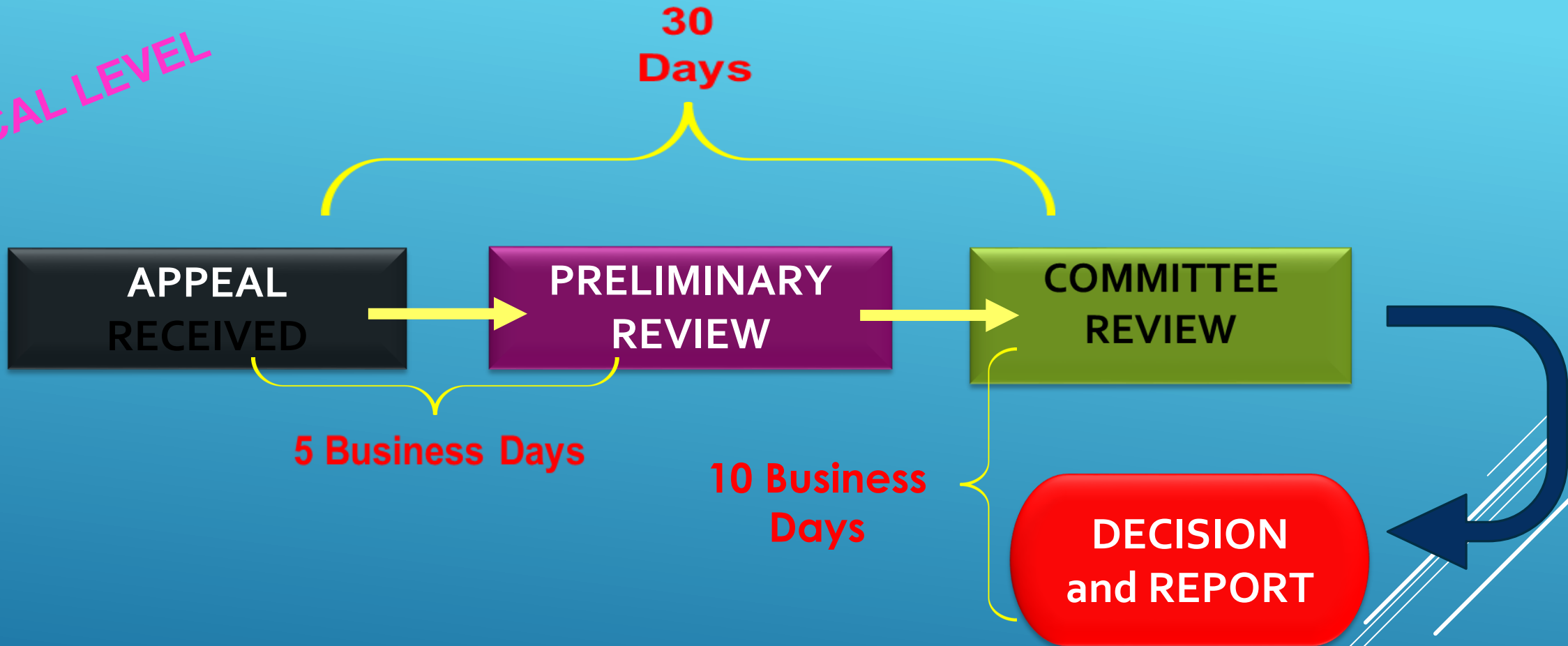
The investigation was not initiated or completed in a timely manner.

WHAT ARE THE REASONS (GROUNDS) FOR AN APPEAL?

WHAT IS THE TIMEFRAME FOR AN APPEAL?

The Appellant can appeal within 45 days from when he/she receives the Director's Summary Report.

LOCAL LEVEL



RECIPIENT RIGHTS APPEAL PROCESS

- 1. Request for Appeal**
- 2. Original Complaint**
- 3. ORR Report of Investigative Findings**
- 4. Director's Summary Report**



**WHAT INFORMATION DOES THE APPEAL
COMMITTEE NEED FOR APPEAL DECISION**

WHAT ACTION CAN THE COMMITTEE TAKE?

Uphold	Uphold the findings and the action taken
Return	Return to the local ORR for re-investigation
Request	Request an external investigation by MDHHS ORR
Recommend	Recommend different or additional action
Action	Have the CEO take action against the Recipient Rights Officer if the investigation was not completed in a timely manner.



- ▶ The Appeals Committee must document the decision within 10 business days and provide copies of the decision to:
 - The respondent, appellant, recipient (if different), and recipient's legal representative (if there is one), the RMHA and the Rights Office.
- ▶ The appellant, recipient and legal representative must be provided an offer of assistance from the Office of Recipient Rights.

WHAT HAPPENS AFTER THE ACTION DECISION IS MADE?

An appeal to MDHHS may be taken only upon the ground that the investigative findings of the office were inconsistent with the facts, laws, rules, policies, or guidelines and only after a decision on an appeal has been made by the Appeals Committee.

Within 45 days after receiving written notice of the decision of the Appeals committee the appellant may file a written appeal with MDHHS. The BABHA ORR will offer assistance in filing the appeal.

MDHHS shall give written notice of the receipt to the respondent, BABHA ORR and the RMHA.

MDHHS shall review the record generated by the local appeal. It shall not consider additional evidence or information that was not available during the local appeal.

MDHHS LEVEL APPEAL

- ▶ Within 30 days after receiving the appeal, MDHHS shall review the appeal and do one of the following:
 - ▶ Uphold the findings of the office.
 - ▶ Affirm the decision of the Appeals Committee
 - ▶ Return the matter to the Director of the Department's Office of Recipient Rights, the CEO of the CMHSP with instruction for additional investigation or consideration.
- ▶ MDHHS shall provide copies of its action to the respondent, appellant, recipient (if different), the recipient's legal guardian if any, the board of the CMHSP and the BABHA ORR. If MDHHS upholds the finding of the office, notice shall be provided to the appellant of his/her legal right to seek redress through the circuit court.

MDHHS LEVEL APPEAL - CONTINUED

- ▶ **If MDHHS instructs that additional investigation be conducted, the MDHHS ORR Director and BABHA CEO shall assure that the investigation is completed in a fair and impartial manner within 45 days of the receipt of MDHHS's written notice. In cases of re-investigation by MDHHS's ORR the Director shall be responsible for the submission of the investigative report to the appropriate MDHHS Director.**
- ▶ **Within 10 business days of the receipt of the investigative report, the Director or BABHA CEO shall issue a Summary Report to MDHHS, appellant, the recipient (if different) and the recipient's legal representative, if any.**

MDHHS LEVEL APPEAL - CONTINUED

- ▶ **If the findings of the additional investigation remain the same as those appealed, MDHHS shall inform the appellant, the recipient (if different) and the recipient's legal representative, if any, in writing to seek redress through the circuit court. Copies of this notice will be provided to the Deputy Director of MDHHS.**
- ▶ **If the findings result in substantiation of previously unsubstantiated violation but the appellant, recipient (if different) and/or the recipient's legal guardian disagrees with the adequacy of the action taken or plan of action to remedy the violation, MDHHS shall inform the individual(s) of the right to appeal this to the local Appeals Committee.**

MDHHS LEVEL APPEAL

Is it a proper appeal?

- Does the person making the appeal have standing to appeal?
- Was the appeal filed timely?
- Do the grounds for filing the appeal meet the standards set by the Mental Health Code?

Has the proper notice been given?

- If the appeal is denied because of lack of timeliness or insufficient grounds, was the appellant notified within 5 business days?
- If the appeal is accepted for review have the appellant, respondent and RMHA been notified within 5 business days?
- Was the Appeals Committee review conducted within 30 days of the receipt of the appeal?

Should the appeal be upheld?

- Was the investigation initiated and completed in a timely manner?
- Were the findings of the investigation consistent with the facts and laws, rules, policies and/or guidelines?
- Was the action taken or the proposed plan of action adequate to remedy the violation?

Did you decide to:

1. Uphold the investigative findings of the Office and the action taken or plan of action by the respondent? OR
2. Return the investigation to the Office and request that it be reopened or reinvestigated?
3. Uphold the findings of the Office but recommend additional or different action to remedy the violation?
4. Recommend that the CMH Board of Directors request an external investigation by the MDHHS's ORR?

Did you:

- Document your decision within 10 business days and provide copies to the respondent, appellant, recipient (if different), and recipient's legal representative (if there is one), the RMHA and the Rights Office?
- Provide information regarding further appeal rights to the appellant, recipient, and legal representative and provide an offer of assistance from the ORR?