

AGENDA

BAY ARENAC BEHAVIORAL HEALTH
BOARD OF DIRECTORS
RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING
 Thursday, September 5, 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 Legend: M-Motion; S-Support; MA-Motion Adopted; AB-Abstained
Sally Mrozinski, V Ch	_____	_____	_____	Laurie Van Wert	_____	_____	_____	
Robert Bowers	_____	_____	_____	Robert Pawlak, Ex Off	_____	_____	_____	
Kathy Niemiec	_____	_____	_____	Richard Byrne, Ex Off	_____	_____	_____	
Justin Peters	_____	_____	_____					

	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 August 31, 2024		3.1) No action necessary
4.	Training 4.1) Personal Property Funds, 3-3-10 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) September Site Visits		6.1) No action necessary

AGENDA

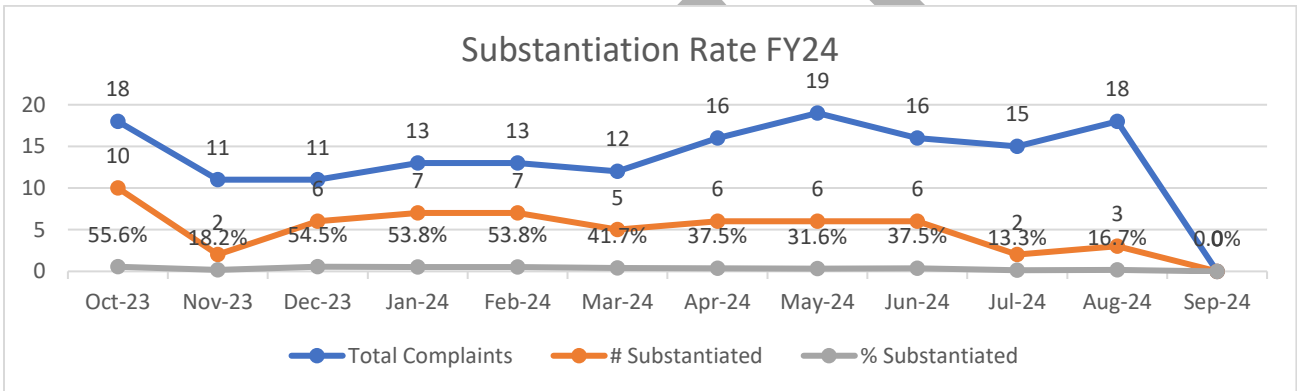
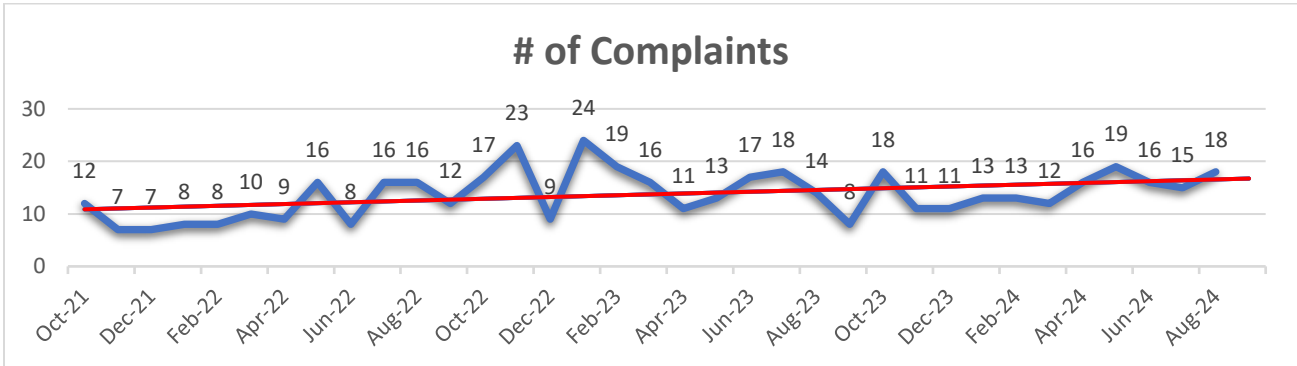
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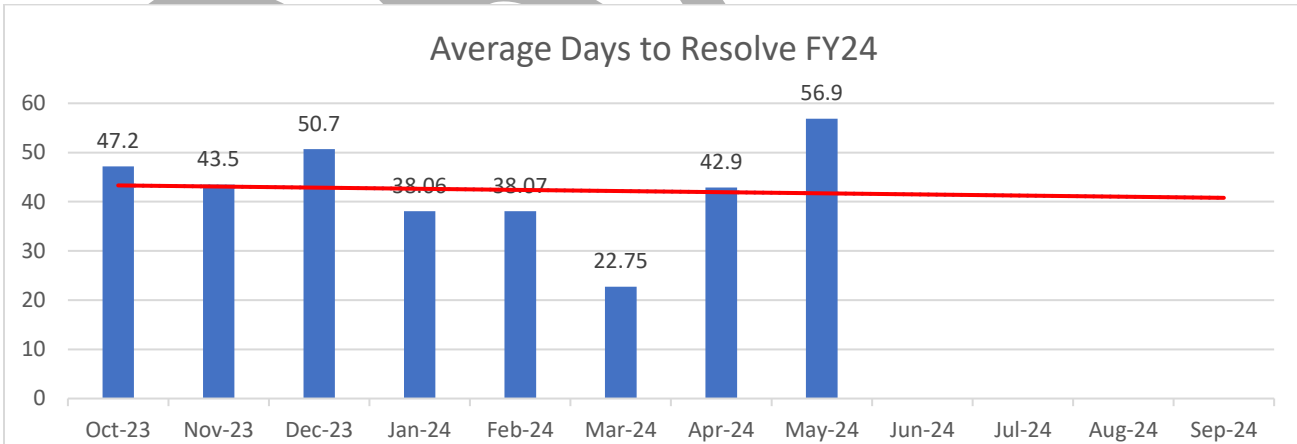
	6.2) 2024 RR Conference: Wednesday – Friday, September 25 – 27, 2024 at the Westin Southfield Detroit		6.2) No action necessary
7.	Adjournment	M -	S - pm MA

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

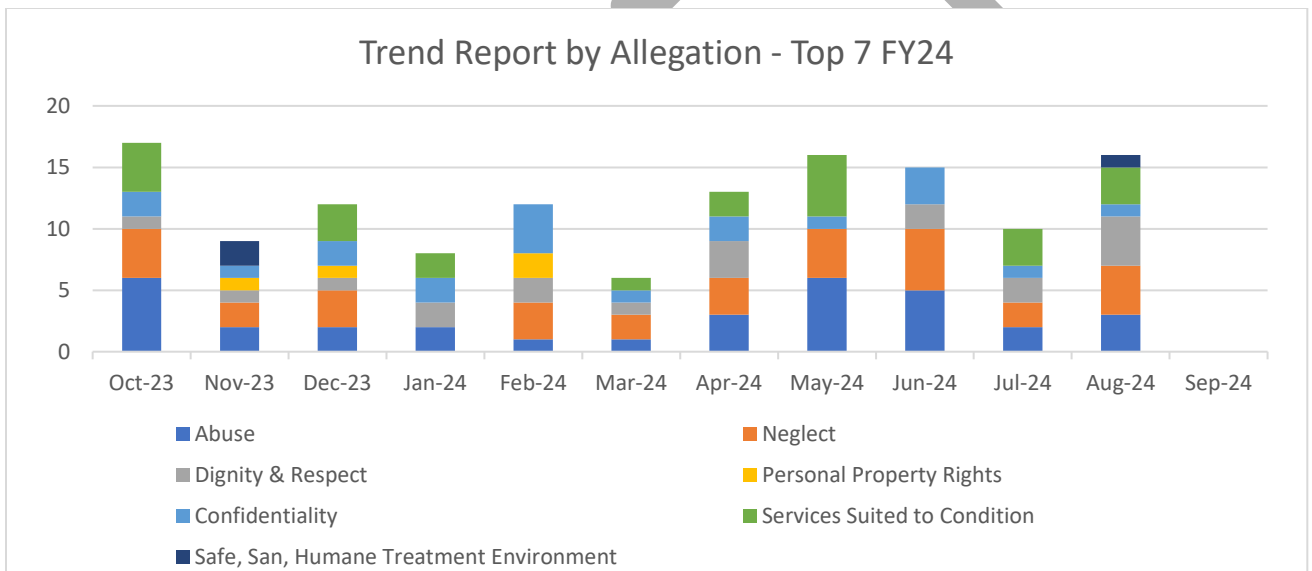
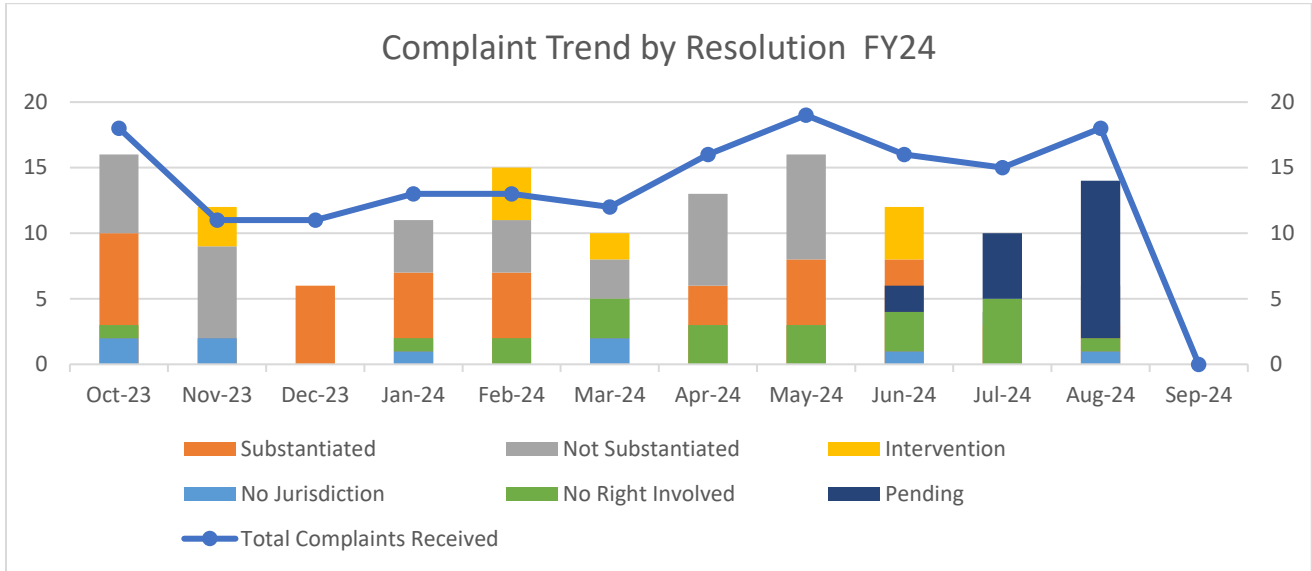
Overall Summary of the Office of Recipient Rights (ORR) Complaints through August 2024:



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.

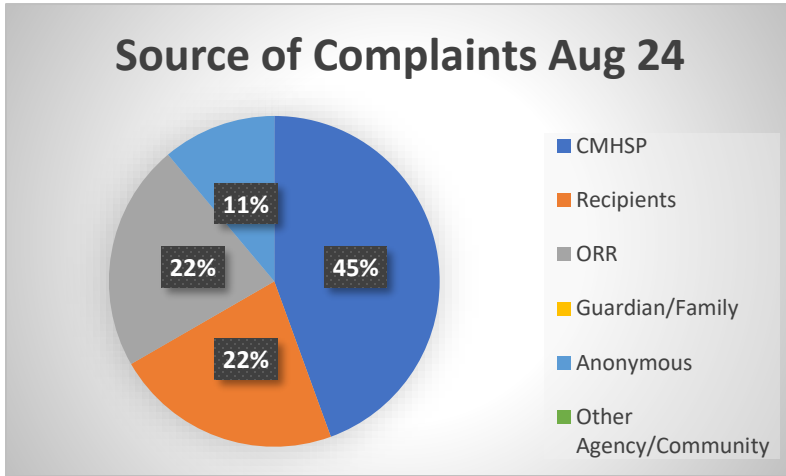


Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
18	11	11	13	13	12	16	19				



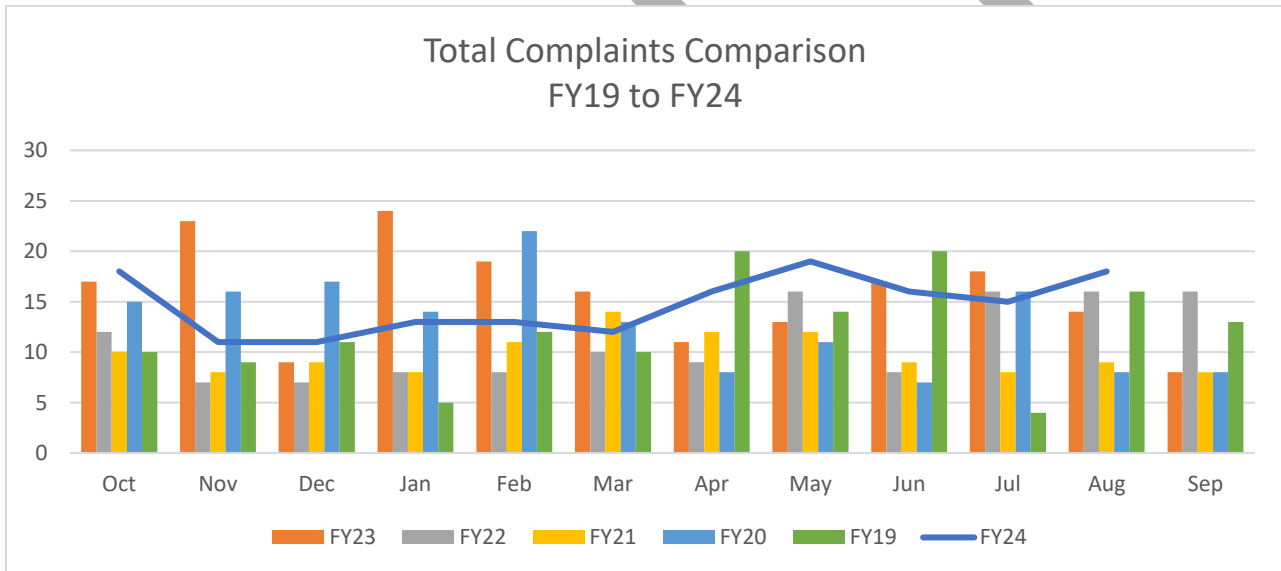
Trend Report by Allegation Top 7	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Abuse	6	2	2	2	1	1	3	6	5	2	3	0
Neglect	4	2	3	0	3	2	3	4	5	2	4	0
Dignity & Respect	1	1	1	2	2	1	3	0	2	2	4	0
Personal Property	0	1	1	0	2	0	0	0	0	0	0	0
Confidentiality	2	1	2	2	4	1	2	1	3	1	1	0
Svcs Suited to Cond	4	0	3	2	0	1	2	5	5	3	3	0
Safe, San, Humane Tx	0	2	0	0	0	0	0	0	5	0	1	0

Source of Complaints:



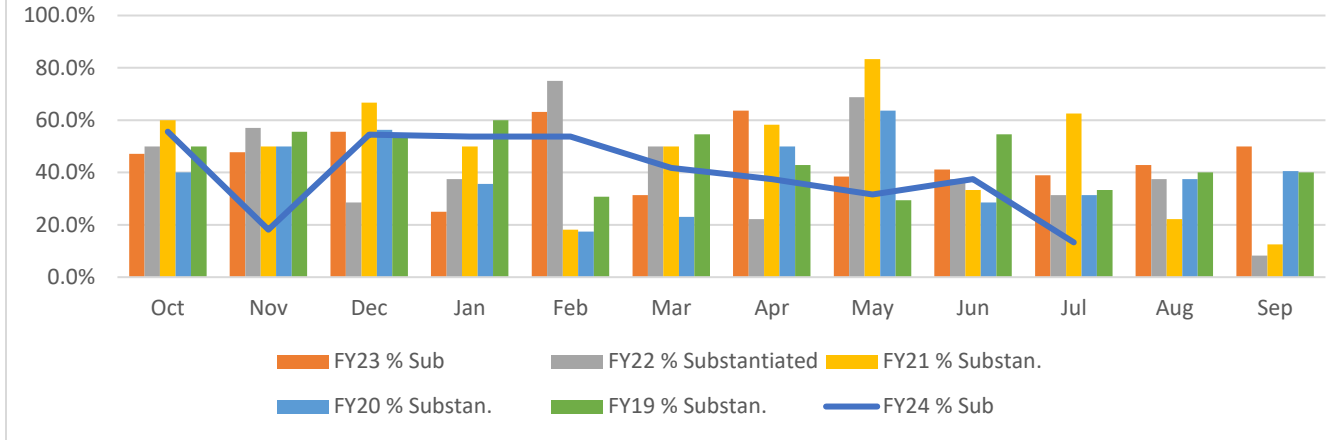
CMSHP Network Staff	8
Recipients	4
ORR	4
Guardian/Family	0
Anonymous	2
Other Agency/Community	0

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	19	16	15	18	
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%	53.8%	41.7%	37.5%	42.1%	50.0%	20.0%	16.7%	
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 May 2024:

ID	Rcv Date	Inv. Report	Allegation Type	Remedial Action 1	Remedial Action 2	Remedial Action 3	Remedial Action 4	Remedial Action 5
1618	5/3/2024	7/29/2024	Abuse, Class II - Exploitation; Neglect III	Training	Written Reprimand	Training	Staff Transfer	Suspension
1620	5/10/2024	8/2/2024	Neglect, Class II	Training	Contract Action			
1621	5/15/2024	8/13/2024	Family Rights	Staff Transfer	Training	Training		
1622	5/16/2024	6/20/2024	Neglect, Class III	Contract Action	Other (include explanation)	Training		
1623	5/16/2024	7/15/2024	Neglect, Class II; Neglect III	Contract Action	Employment Termination			
1625	5/21/2024	6/21/2024	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Training	Verbal Counseling	Training		
1629	5/24/2024	7/12/2024	Abuse, Class III; Disclosure of Confidential Informaiton	Employment Termination				
1631	5/29/2024	6/28/2024	Neglect, Class II	Written Reprimand	Employment Termination	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
7	44	10.5

Training by Recipient Rights Officer for Consumers previous month:

Number of Training Sessions	Number of People Attending	Number of Hours

Training received by the Recipient Rights Office:

8/14/24 Jeff Wells, RR/CSS "Implicit Bias" virtual training

Site Visits:

8/22/24 Pal's Place – Specialized Residential – Burton, MI
8/27/24 PAO Site Review - CLS
8/29/24 Aidaly Care of MI - 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	2	1	3		2	3	4		23
7081	Mh Services Suite to Condition	4		3	2		1	2	4		3	5		24
7082	Safe, Sanitary/Humane Treatment/Environment		2									1		3
7100	Physical and Mental Exams													0
7120	Person Centered Process													0
7110	Family Dignity & Respect													0
7120	Individual Plan of Service	1												1
7130	Choice of Physician or Mental Health Professional													0
7150	Services of a Mental Health Professional													0
7221	Abuse I													0
72221	Abuse II - Non-Accidental Act	1	1						3	1				6
72222	Abuse II - Unreasonable Force	2		2	2									6
72225	Abuse II - Exploitation	1	1					1	1	2		3		9
7223	Abuse III	1				1	1	1	1	2	2			9
7224	Abuse I - Sexual Abuse	1						1	1					3
72251	Neglect I		1											1
72252	Neglect I - Failure to Report													0
72261	Neglect II					1		1	2		1	1		6
72262	Neglect II - Failure to Report			1										1
72271	Neglect III	4	1	2		2	2	2	2	5	1	2		23
7240	Photographs, Fingerprints - Prior Consent				1									1
7249	Video Surveillance													0
7262	Communications-Telephone													0
7263	Communications-Mail													0
7281	Personal Property - Possession		1	1		2								4
7286	Personal Property-Limitations													0
7300	Safeguarding money													0
7360	Labor & compensation													0
7400	Restraint													0
7420	Seclusion						1							1
7440	Freedom of Movement							1			1	1		3
7480	Disclosure of Confidential Information	2	1	2	2	4	1	2	2	3	1	1		21
7550	Rights Protection System													0
7555	Retaliation/Harassment				1									1
0001	Outside jurisdiction	2	2		1		2			1		1		9
0000	No Right involved	1	0		2	2	3	3	3	3	5	1		23
														0
	Subtotal	21	12	13	14	14	12	17	19	19	17	20	0	178
														178

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights & Responsibilities		
Section: 3	Rights of Consumers		
Topic: 10	Personal Property and Funds		
Page: 1 of 5	Supersedes Date: Pol: 8-18-16, 9-19-02, 8-15-02, 9-25-01 Proc: 6-15-09, 7-26-05, 8-15-02, 9-20-01, 7-15-99	Approval Date: Pol: 2-21-19 Proc: 6-03-16	_____ <i>Board Chairperson Signature</i> _____ <i>Chief Executive Officer Signature</i>
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that a recipient utilizing residential services is entitled to receive, possess, and use all personal property, including clothing, except for those items prohibited including weapons, drugs, drug paraphernalia, alcoholic beverages, and any items which violate federal, state or local laws. Recipients shall be afforded maximum control over and choice in the utilization of their personal funds. Any exclusions of personal property shall be written and posted in each residential unit. Searches for excluded items should be conducted in accordance with BABHA’s Policy and Procedure, C03-S03-T0 – 7 *Personal Search*. Those searches conducted on an emergency basis shall be documented using a Procedures Incident Report. A search procedure shall be justified as part of the team meeting process and documented in the recipient’s search and seizure record.

Furthermore, staff shall not through fraud, deceit, misrepresentation, coercion or unjust enrichment obtain or use a recipient’s property or funds for the benefit of anyone other than the recipient. Theft of a recipient’s property or funds shall be reported to law enforcement. Provider Agencies shall reimburse a recipient for any discrepancies in recipient funds due to theft or error.

Purpose

This policy and procedure is established to ensure the rights of BABHA recipients in residential services to receive, possess, and use personal property and funds.

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
- Other:

Definitions

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N/A

Procedure

A recipient utilizing residential services or utilizing community living supports and staff are safeguarding the recipient’s personal property or funds is entitled to receive, possess, and use all funds personal property, including clothing, except for those items prohibited (weapons, drugs, drug paraphernalia, alcoholic beverages, and any items which violate federal, state, or local laws). Any exclusions of personal property shall be written and posted in each residential unit. Searches for excluded items should be conducted in accordance with BABHA’s Policy and Procedure, C03-S03-T09 - *Personal Search*. Those searches conducted on an emergency basis shall be documented using an Incident Report. A search procedure shall be justified as part of the team meeting process and documented in the recipient’s search and seizure record.

Items of personal property, which are not subject to an exclusion of limitation, shall be permitted to remain with the resident. BABHA operated and contracted residential providers shall provide a reasonable amount of storage space to each resident for his/her clothing and other personal property. Items such as bank accounts, stocks, bonds, insurance policies, and storage receipts shall receive immediate action so as to properly release the residential provider and BABHA from liability and provide appropriate protection of a residential consumer’s assets.

Additional limitations on the right to receive, possess, and use personal property and funds may be imposed by the person in charge of the recipient’s plan of service if such limitations are the minimum essential to: (1) prevent theft, loss or destruction of personal property and funds, unless a waiver is signed by the resident; (b) prevent the recipient from physically harming self or others. Any such limitation must be preceded by documentation of the circumstances, which indicate that the limitation is the minimal essential step to achieve one of the above stated allowable objectives. Such limitations are to be documented in the clinical record along with the date the limitation will expire. Any limitation imposed shall be removed when the circumstances which justified the limitation ceases to exist. A receipt shall be given to the recipient and his/her designee for any of his/her personal property that is taken into the possession of the provider. A recipient shall have the opportunity to inspect his/her property at reasonable times as set forth by the Individual Plan of Service (IPOS). A recipient may challenge any limitation on personal property by filing a complaint with the Recipient Rights Officer who will conduct an

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investigation into the complaint and report the results to the Chief Executive Officer (CEO), or his/her designee, or may request mediation in accordance with the MMHC, Chapter 7.

Any personal property in the possession of the provider at the time the resident to whom it belongs is discharged from the residential setting or no the staff no longer safeguard the personal property/funds shall be returned to the recipient.

A provider, in conjunction with the Interdisciplinary Treatment Team, may require that all money which is on a person of a recipient, which comes to a resident, or which the residential provider receives in place of the resident under a benefit arrangement or otherwise be turned over to the residential provider for safekeeping. Such monetary funds shall be accurately accounted for in the name of the recipient and recorded on an ongoing basis in the records of the resident. Funds accounted for in the name of a residential recipient may be deposited with a financial institution. Any earnings attributable to money in an account of a resident shall be credited to that account. Upon request, funds accounted for in the name of a recipient shall be turned over to a legal guardian of the recipient if the guardian has such legal authority.

A recipient may challenge any limitation on use of funds by filing a complaint with the Recipient Rights Officer, who will conduct an investigation into the complaint and report the results to the CEO, or his/her designee, in accordance with BABHA Policy, C03-S05-T02 - Investigative Report and Summary. Any funds, in the possession of the residential provider at the time the resident to whom it belongs is discharged from the residential setting, shall be returned to the resident.

In the event of the death of a recipient, every effort shall be made by the provider to divest itself of the resident's personal effects and monies if the effects and monies consist of only clothing and up to \$100 cash. Divestiture shall be made to the spouse, child, or parent of the decedent providing the spouse, child, or parent furnishes identification and an affidavit of such relationship and that an estate of the decedent is not pending. The provider shall send a list of personal effects or monies being held by the provider to the nearest living relative by registered mail and to probate court and shall call attention to statutes that provide for disposition. If the nearest relative cannot be contacted, the residential provider shall send, by registered mail, to the person or entity that paid the funeral expenses, a list of articles being held by the provider and a statement which calls attention to statutes providing for disposition. If there are questions as to rival claims to personal effects or monies, property may be held by the provider or BABHA until the claims are determined in probate court.

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If there are no claims to personal effects or monies of a recipient who has died, the properties or monies shall be considered to be unclaimed. If such properties or monies remain held for two years, the property or money shall be disposed of pursuant to Act No. 63 of the Public Acts of 1949, as amended. Delivery of property and a report to the State Board of Escheats shall be on or before the thirtieth day of June each year. The report shall list the property possessed as of the last preceding first day of June. Appropriate property may be disposed of before the end of the two-year period pursuant to Act No. 238 of the Public Acts of 1957.

If a recipient leaves a residential setting without notice and cannot be located in the local community or neighboring communities by the recipient’s case manager, and if the resident’s property and money are not claimed by the resident, or the resident’s relatives, heirs, or personal or legal representative, the residential provider or BABHA shall retain custody of the property and funds and shall handle them in the same manner as other unclaimed property.

Attachments

N/A

Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Department of Health and Human Services -Administrative Rules (AR 7009) Michigan Mental Health Code 330.1728, 730, 732, 752.

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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
Sara Heydens	Linda Maze	6/15/09	Revision	Title change from Community Living Director to CCPO
		12/31/12	No changes	Triennial Review
Melissa Prusi	Melissa Prusi	6/3/16	Revision	Triennial Review-updated titles, added detail to include accounting for protection/replacement of loss of funds and maximizing recipient control of funds
M. Prusi	C. Pinter	12/10/18	Revision	Updated Policy statement
Melissa Prusi	Christopher Pinter	07/01/2019	Revision	Triennial and annual review – minor changes to include CLS staff who safeguard the recipient’s property/funds.
Melissa Prusi	Christopher Pinter	12/20/2020	No changes	Annual Review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Triennial Review



**Recipient Rights Advisory & Appeals Committee
Site Reviews
September 2024**

Site Reviews:

- None