

# AGENDA

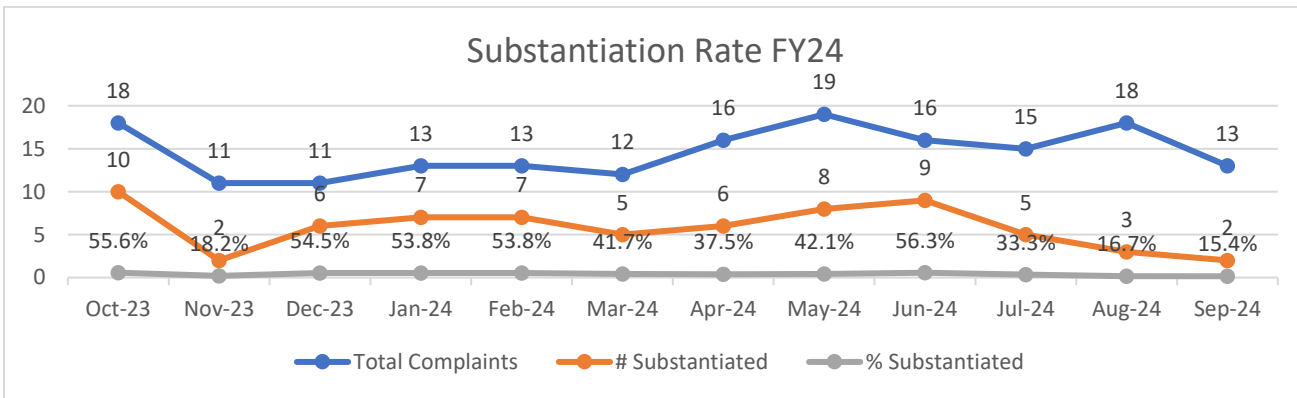
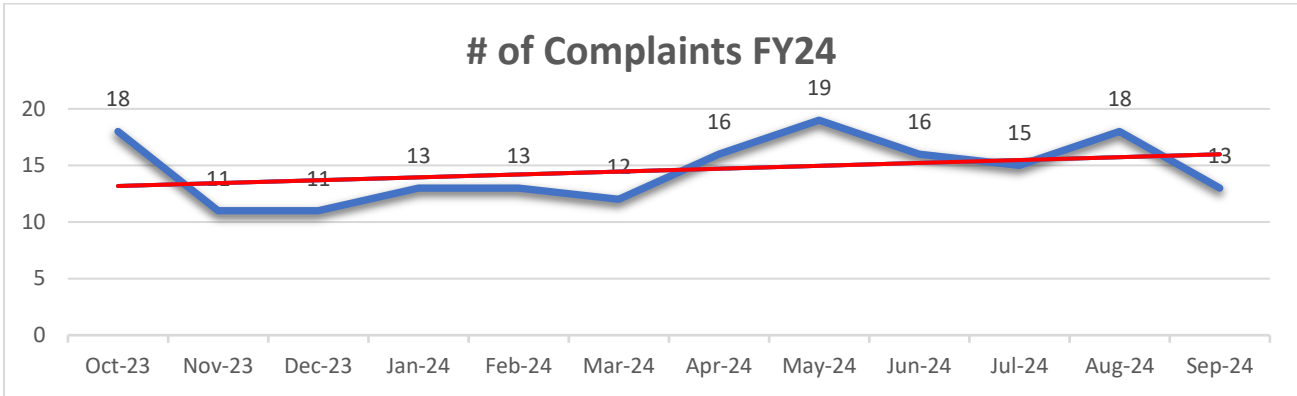
**BAY ARENAC BEHAVIORAL HEALTH  
 BOARD OF DIRECTORS  
 RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING**  
 Thursday, October 3, 2024 at 5:00 pm  
 Behavioral Health Center, Room 225, 201 Mulholland Street, Bay City, MI 48708

<b>Committee Members:</b>	<b>Present</b>	<b>Excused</b>	<b>Absent</b>	<b>Committee Members</b>	<b>Present</b>	<b>Excused</b>	<b>Absent</b>	<b>Others Present:</b>
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	_____	_____	_____					

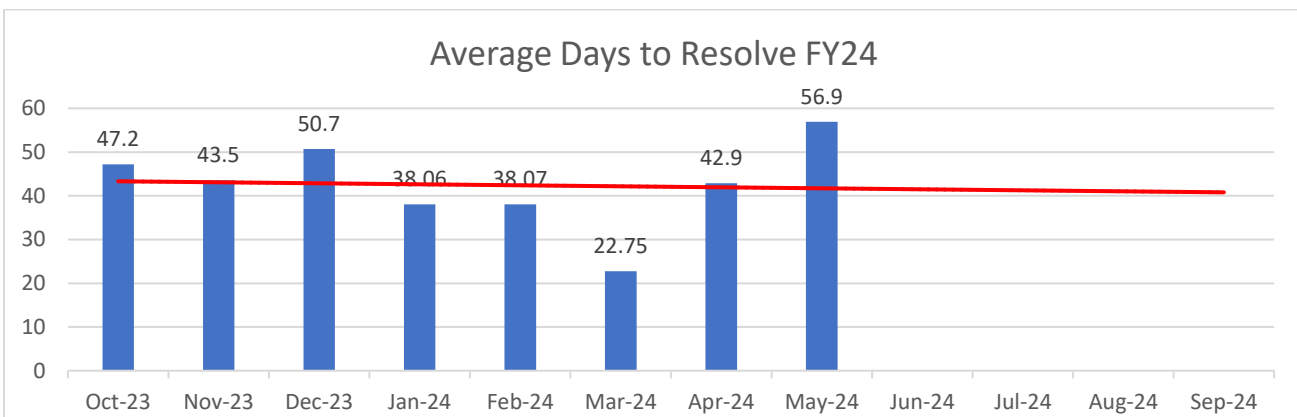
	Agenda Item	Discussion	Motion/Action
1.	Call To Order & Roll Call		
2.	Public Input (Maximum of 3 Minutes)		
3.	Advisory Committee Report 3.1) Executive Summary of Complaints Through September 30, 2024		3.1) No action necessary
4.	Training 4.1) Right to Access, 3-3-7 4.2) Investigation Scenarios		4.1) No action necessary 4.2) No action necessary
5.	Unfinished Business 5.1) None		
6.	New Business 6.1) October Site Visits 6.2) 2024 RR Conference Review		6.1) No action necessary 6.2) No action necessary
7.	Adjournment	M -	S - pm MA

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

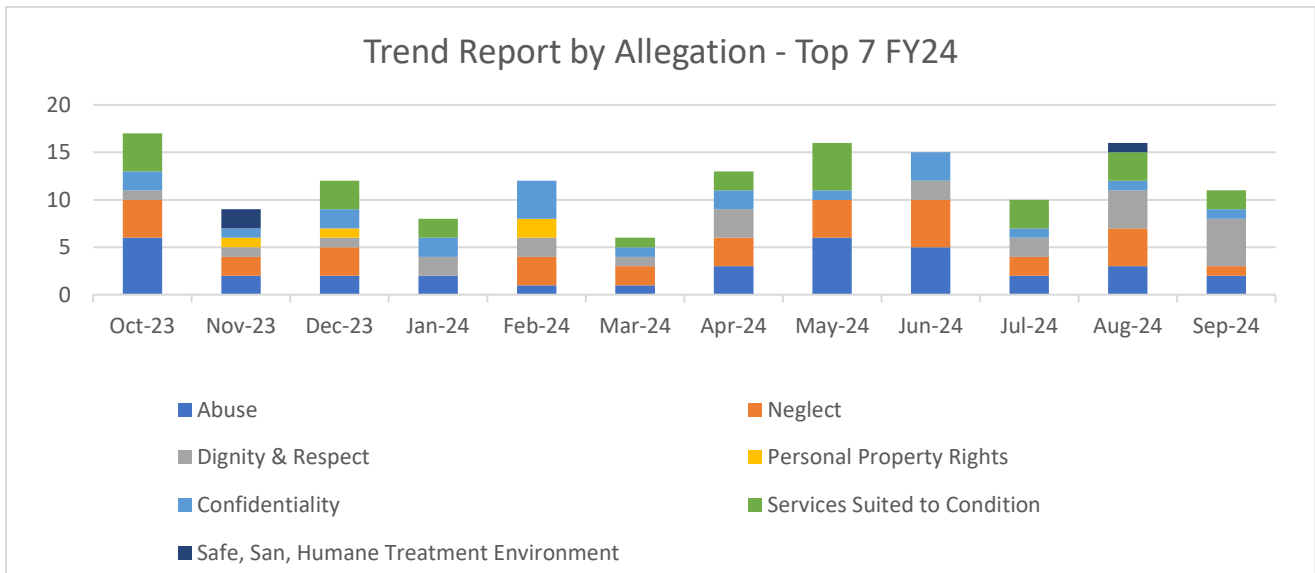
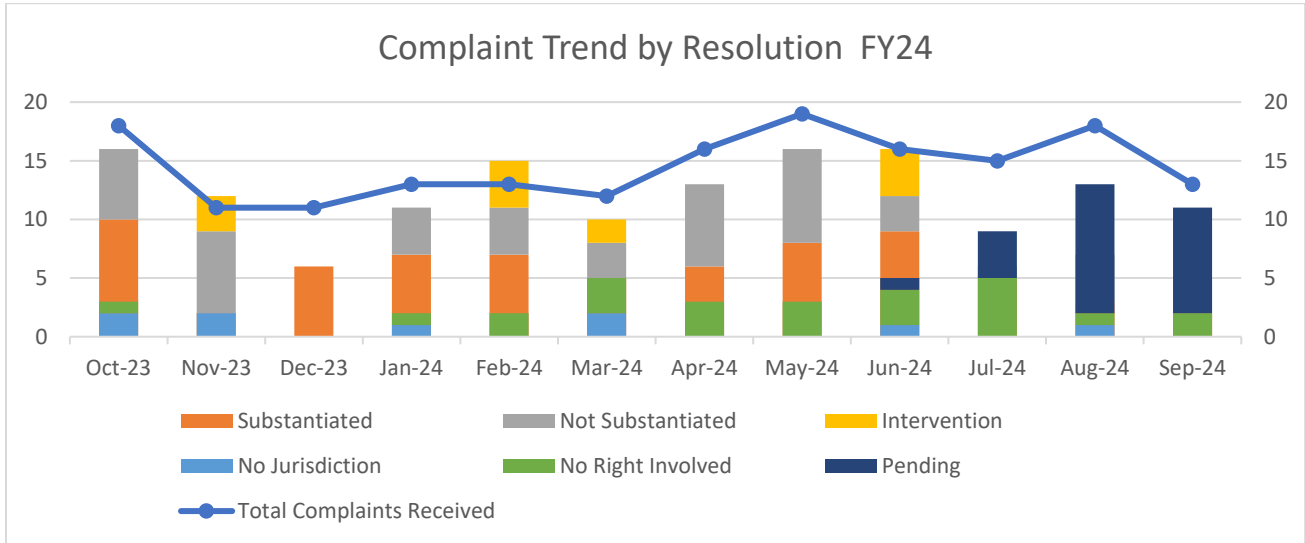
**Overall Summary of the Office of Recipient Rights (ORR) Complaints through September 2024:**



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.

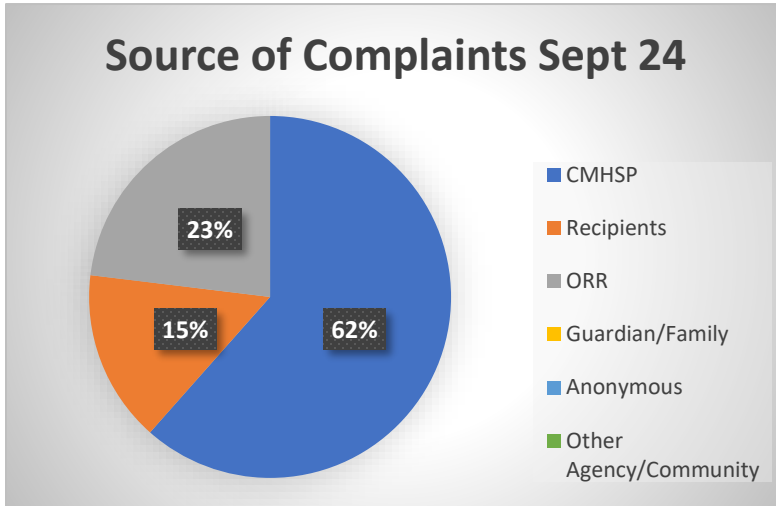


Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
18	11	11	13	13	12	16	19				



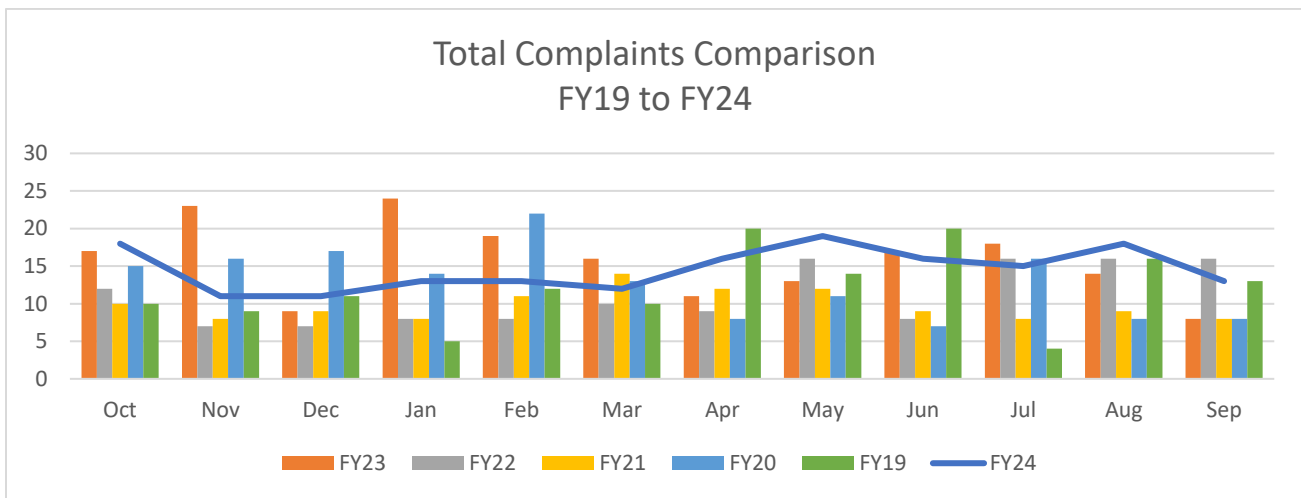
Trend Report by Allegation Top 7	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Abuse	6	2	2	2	1	1	3	6	5	2	3	2
Neglect	4	2	3	0	3	2	3	4	5	2	4	1
Dignity & Respect	1	1	1	2	2	1	3	0	2	2	4	5
Personal Property	0	1	1	0	2	0	0	0	0	0	0	0
Confidentiality	2	1	2	2	4	1	2	1	3	1	1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

**Source of Complaints:**



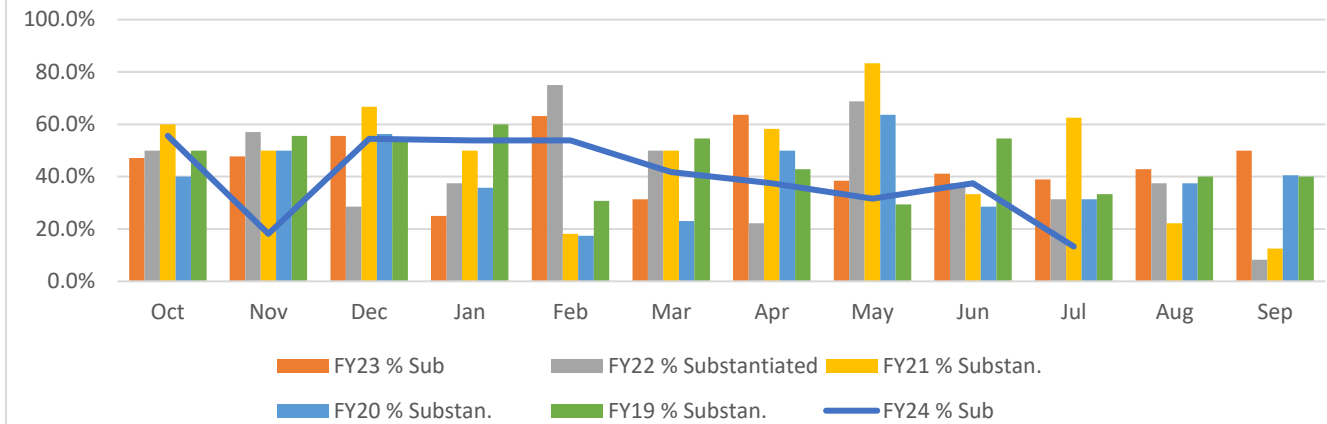
CMSHP Network Staff	8
Recipients	2
ORR	3
Guardian/Family	0
Anonymous	0
Other Agency/Community	0

**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	19	16	15	18	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%	18.2%	54.5%	53.8%	53.8%	41.7%	37.5%	42.1%	56.3%	33.3%	16.7%	15.4%
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
6	42	9.5

**Training by Recipient Rights Officer for Consumers previous month:**

Number of Training Sessions	Number of People Attending	Number of Hours
1	8	1

**09/18/2024 – Melissa trained the BABHA CAC on several policies**

**Training received by the Recipient Rights Office:**

**9/23/24 to 9/27/24 Annual RR Conference Melissa, Jeff, Bridget, and Kevin**

**Site Visits:**

9/12/24 Milestones ABA Clinic of MI

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	5	28
7081	Mh Services Suite to Condition	4		3	2		1	2	4		3	5	2	26
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	2
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								1	7
72225	Abuse II - Exploitation	1	1					1	1	2		3	1	10
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	1	24
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	1	22
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	2	25
														0
	Subtotal	21	12	13	14	14	12	17	19	19	17	20	14	192
<b>Grand Total - Allegations YTD</b>														192

# BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

<b>Chapter:</b> 3	<b>Member Rights and Responsibilities</b>		
<b>Section:</b> 3	<b>Rights of Consumers</b>		
<b>Topic:</b> 7	<b>Right to Access</b>		
<b>Page:</b> 1 of 3	<b>Supersedes Date:</b> Pol: 7-15-99 Proc: 6-3-02, 7-28-98	<b>Approval Date:</b> Pol: 6-3-02 Proc: 7-2-08	<hr/> <i>Board Chairperson Signature</i> <hr/>
			<hr/> <i>Chief Executive Officer Signature</i> <hr/>
<b>Note:</b> Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 9/30/2024. For controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.			

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## Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that recipients of service shall have the right to entertainment material, information, and news. Recipients shall not be prevented from obtaining/reading/viewing/listening to material at their own expense.

## Purpose

This policy and procedure are established to ensure that recipients have the right to obtain entertainment materials, information, and news.



## 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

- I. Recipients of service shall have the right to entertainment material, information, and news. The recipient shall not be prevented from obtaining, using, reading, viewing, or listening to material at his/her own expense for reasons of, or similar to, censorship. A provider may limit access to entertainment materials, information, or news only if such a limitation is specifically approved in the resident's individualized plan of service. A provider shall document each instance when a limitation is imposed in the resident's record. The limitation must be reviewed on a routine basis to determine if the reason for

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

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the limitation still exists. Any limitation/restriction is to be removed when it is no longer clinically justified.

Minors may not have access over the objection of parent/guardian or if access is against state law.

- A. Access to material may only be restricted if said material may represent a risk to the recipients or others or if said material is in violation of state law.
- B. Should the consumer object to restriction/limitation, he/she may appeal this restriction/limitation through complaint investigation and resolution policy and procedure.
- C. In the case where a minor’s parent or guardian has objected to material, the client services manager, as part of the annual Person-Centered Planning team process, may discuss the withdrawal of the objection, should the minor request this. Should the objection continue, minor may not have access to the material pursuant to objection of parent/guardian.
- D. At least annually a consumer in a residential setting shall be polled by the assigned worker regarding his/her interest in a daily newspaper.
- E. Restrictions to access in a living unit must be posted in the living unit’s rules. These rules should be promulgated in accordance with this Right to Access Policy.

**Attachments**

N/A

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
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**Related Forms**

N/A

**Related Materials**

N/A

**References/Legal Authority**

Michigan Mental Health Code 330.1752. (AR 7139)



<b>SUBMISSION FORM</b>				
<b>AUTHOR/ REVIEWER</b>	<b>APPROVING BODY/COMMITTEE/ SUPERVISOR</b>	<b>APPROVAL /REVIEW DATE</b>	<b>ACTION (Deletion, New, No Changes, Replacement or Revision)</b>	<b>REASON FOR ACTION - If replacement list policy to be replaced</b>
Linda Maze	Robert Blackford	7/2/08	Revision	Incorporated a portion of the information from now deleted BABHA Policy and Procedure - C03-S03-T08 - Pornographic Literature
		12/31/12	No Changes	Triennial Review
Melissa Prusi	Christopher Pinter	6/27/16	Revision	Triennial Review-word change from consumer to recipient
Melissa Prusi	Christopher Pinter	06/20/2019	Revision	Triennial and annual review – minor changes
Melissa Prusi	Christopher Pinter	08/04/2020	No changes	Annual review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Triennial review



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

Site Reviews:

- 10/01/2024 – Liberty Living, Inc. homes – Bay City, MI - Wilson, Independence, Jefferson, Jefferson North, Liberty
- 10/02/2024 - McLaren Bay Region LPH – Bay City, MI
- 10/03/2024 – Autism & Neurodiversity Services – Bay City, MI
- 10/10/2024 – Mid-Michigan Specialized Residential – Burton, MI
- 10/15/2024 – Flourish ABA – Bay City, MI
- 10/17/2024 – Mercy Plus ABA – Standish, MI
- 10/24/2024 – Safehaus Site Review CRU – Warren, MI