

AGENDA

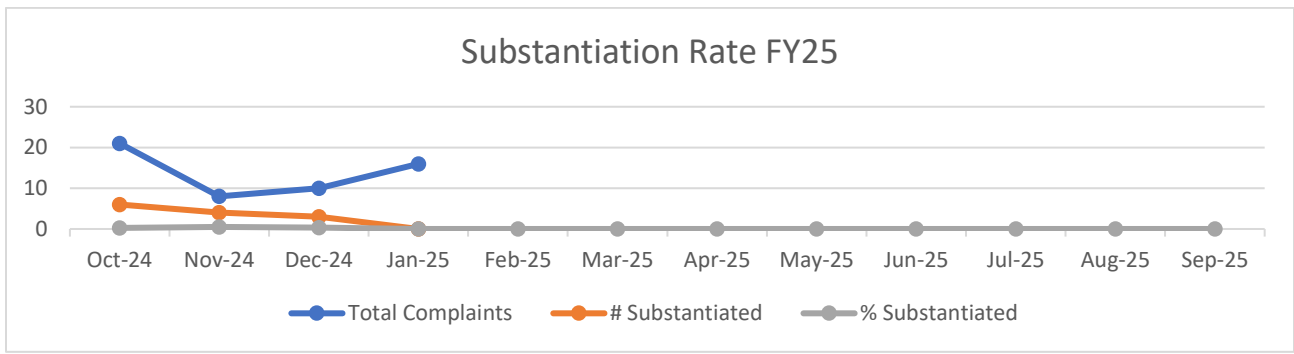
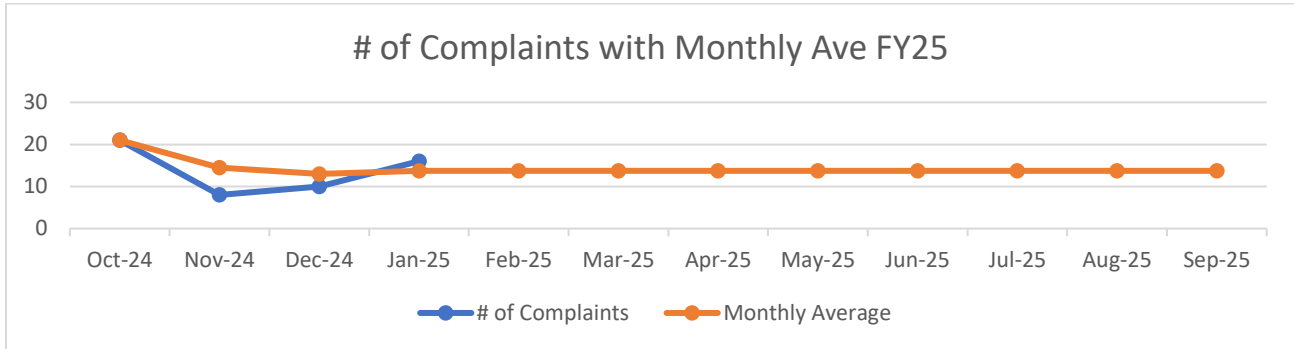
**BAY ARENAC BEHAVIORAL HEALTH
BOARD OF DIRECTORS
RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING
Monday, February 10, 2025 at 5:00 pm
Room 225, Behavioral Health Center, 201 Mulholland Street, Bay City, MI 48708**

Committee Members:	Present	Excused	Absent	Committee Members	Present	Excused	Absent	Others Present:
Patrick McFarland, Ch	_____	_____	_____	Vacancy	_____	_____	_____	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

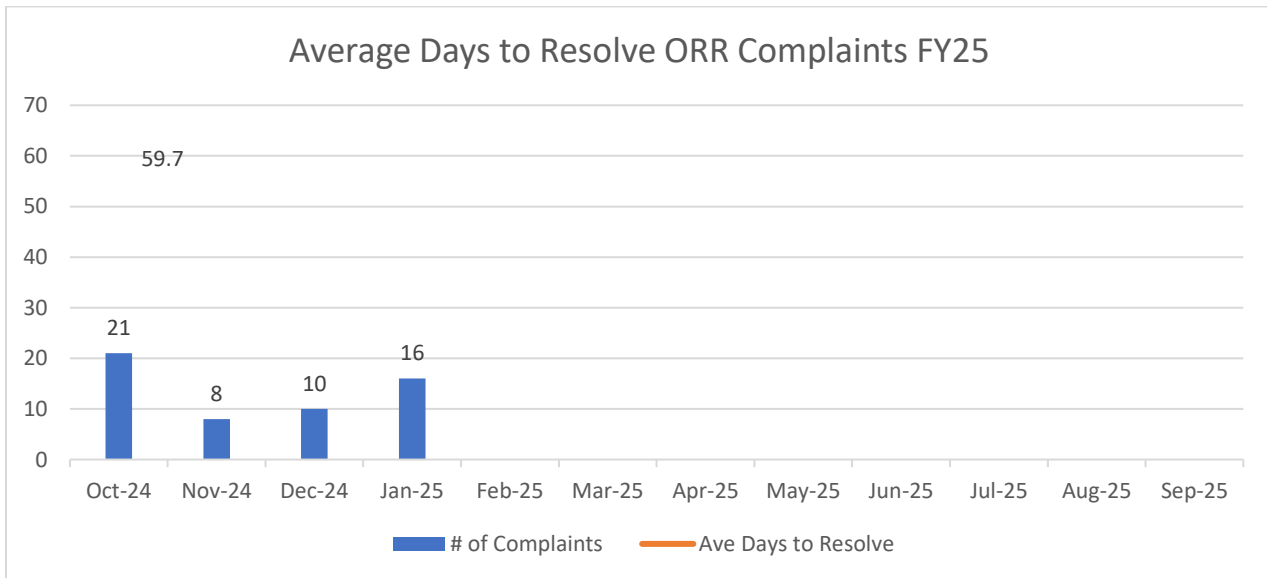
	Agenda Item	Discussion	Motion/Action
1.	Call To Order & Roll Call		
2.	Public Input (Maximum of 3 Minutes)		
3.	Unfinished Business 3.1) None		
4.	New Business 4.1) Executive Summary of Complaints through January of 2025 4.2) Policy Training: Comprehensive Exams, 03-02-02 4.3) Policy Training Investigation Scenarios 4.4) Upcoming Site Visits 4.5) Annual Recipient Rights Training 4.6) MLive Article regarding Michigan’s Mental Health Recipients Rights System		4.1) No action necessary 4.2) No action necessary 4.3) No action necessary 4.4) No action necessary 4.5) Consideration of a motion to forward to full Board for information 4.6) No action necessary
5.	Adjournment	M -	S - pm MA

Recipient Rights Advisory Committee
Executive Summary of Complaints through January 31, 2025

Overall Summary of the Office of Recipient Rights (ORR) Complaints through December 2025:

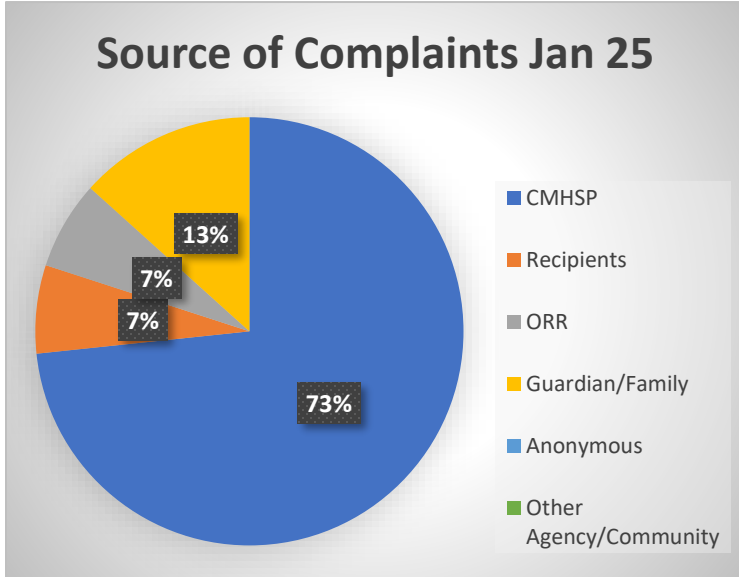


The BABHA ORR completed 190 ORR Complaints for FY23 with an average number of days to resolve the complaints being 57.675 days. The BABHA ORR’s goal is to complete RR complaint investigations within 30 days from receipt of the complaint. Moving forward the RRAC will be kept abreast of the average days to resolve complaints per quarter as we attempt to achieve our goal.



Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25
21	8	10	16								
59.7											

Source of Complaints:



CMSHP Network Staff	11
Recipients	1
ORR	1
Guardian/Family	2
Anonymous	0
Other Agency/Community	0

Comparison of Complaints for FY19 to FY25:

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
FY25	21	8	10	16								
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
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
FY25 % Sub	24.0%	13.0%	30.0%									

- FY21 the ORR received 118 complaints.
- FY22 the ORR received 133 complaints.
- FY23 the ORR received 190 complaints.
- FY24 the ORR received 177 complaints.

Report of Remedial Action for Substantiated Complaints for September 2024:

Complaint ID	Rcv Date	Inv. Report Sent Date	Provider Type	Allegation Type	Remedial Action 1	Remedial Action 2
1699	9/16/2024	10/14/2024	Outpatient	Individual Written Plan of Service (Person-Centered Process)	Other (include explanation)	
1697	9/13/2024	11/22/2024	Residential MI & DD	Abuse, Class II - Nonaccidental act	Written Reprimand	Employment Termination
1694	9/5/2024	9/5/2024	Supported Employment	Dignity and Respect	Training	
1692	9/5/2024	11/13/2024	Residential MI & DD	Dignity and Respect	Suspension	Training
1691	9/5/2024	11/21/2024	Residential MI & DD	Dignity and Respect	Written Reprimand	Training
1690	9/5/2024	11/20/2024	Other	Abuse, Class II - Exploitation	Employee left agency but substan	Written Reprimand

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	17	8.5

Training by Recipient Rights Officer for Consumers previous month:

Number of Training Sessions	Number of People Attending	Number of Hours
0	0	0

Training received by the Recipient Rights Office:

None

Site Visits:

- 01/08/2025 – Encompass ABA – Bay City, MI**
Encompass ABA – Auburn, MI
- 01/10/2025 – Paramount ABA – Bay City, MI**
- 01/16/2025 – Do-All – Bay City, MI**
Opportunity Center – Bay City, MI
- 01/23/2025 – List – Bay City, MI**
- 01/29/2025 – Disability Network – Bay City, MI**
- 01/30/2025 – Jamie’s House – Caro, MI**
Southern Cross – Caro, MI

Recipient Rights Complaints
Reporting Period - Oct 2024 - September 2025

Category	Category Description	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Total Allegations YTD
7084	Dignity and Respect	3	1	3	3									10
7081	Mh Services Suite to Condition	6	4	2	1									13
7082	Safe, Sanitary/Humane Treatment/Environment				1									1
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		1									3
72222	Abuse II - Unreasonable Force	1			1									2
72225	Abuse II - Exploitation				1									1
7223	Abuse III	2		1	1									4
7224	Abuse I - Sexual Abuse													0
72251	Neglect I													0
72252	Neglect I - Failure to Report													0
72261	Neglect II	2		2	1									5
72262	Neglect II - Failure to Report													0
72271	Neglect III	1	2	3	4									10
7240	Photographs, Fingerprints - Prior Consent	1												1
7249	Video Surveillance													0
7262	Communications-Telephone													0
7263	Communications-Mail													0
7281	Personal Property - Possession													0
7286	Personal Property-Limitations													0
7300	Safeguarding money													0
7360	Labor & compensation													0
7400	Restraint													0
7420	Seclusion													0
7440	Freedom of Movement													0
7480	Disclosure of Confidential Information	4		1	1									6
7550	Rights Protection System													0
7555	Retaliation/Harassment													0
0001	Outside jurisdiction		1		1									2
0000	No Right involved	2	1		2									5
														0
	Subtotal	23	10	13	18	0	0	0	0	0	0	0	0	64
Grand Total - Allegations YTD														64

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Members Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 2	Comprehensive Exams		
Page: 1 of 3	Supersedes Date: Pol: Proc:	Approval Date: Pol: 6-18-98 Proc: 7-28-98	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>Board Chairperson Signature</i></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>Chief Executive Officer Signature</i></div>
	Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 2/4/2025. 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 a recipient shall receive an initial comprehensive physical, mental, and social examination. This examination shall serve as the basis for development of a recipient’s individualized plan of service.

Purpose

This policy and procedure are established to ensure that recipients receive an initial comprehensive physical, social, and mental exam.



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 report of an initial comprehensive examination shall include diagnosis of physical and mental conditions and a prescribed program of initial care, treatment and rehabilitation of the diagnosed conditions, pending completion of a total individual plan of service. The person responsible for delivering the service shall be identified.

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

Chapter: 3	Members Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 2	Comprehensive Exams		
Page: 2 of 3	Supersedes Date: Pol: Proc:	Approval Date: Pol: 6-18-98 Proc: 7-28-98	<hr/> <i>Board Chairperson Signature</i> <hr/> <i>Chief Executive Officer Signature</i>
<small>Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 2/4/2025. For controlled copy, view Agency Manuals - Medworxx on the BABHA Intranet site.</small>			

DO NOT WRITE IN SHADED AREA ABOVE

Re-examination shall be a part of the required periodic review.

Clinical results of examinations and re-examinations shall be kept in the recipient's record.

Attachments

N/A

Related Forms

N/A



Related Materials

N/A

References/Legal Authority:

Michigan Department of Health and Human Services-Administrative Rules *Revised Edition*
2009(AR 7181)
Michigan Mental Health Code 330.1752.

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Members Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 2	Comprehensive Exams		
Page: 3 of 3	Supersedes Date:	Approval Date:	
	Pol:	Pol: 6-18-98	<i>Board Chairperson Signature</i>
	Proc:	Proc: 7-28-98	<i>Chief Executive Officer Signature</i>
Note: Unless this document has an original signature, this copy is uncontrolled and valid on this date only: 2/4/2025. 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
M. Wolber	Linda Maze	11/10/09	Changes	Triennial review-format and language updated
M. Prusi	C. Pinter	12/31/12	No changes	Triennial Review
M. Prusi	C. Pinter	6/19/19	Changes	Triennial Review-minor change. No change to P&P process.



**Recipient Rights Advisory & Appeals Committee
Site Reviews
February, March, and April 2025**

Site Reviews:

- 02/26/2025 – MPA Ltd. – Bay City, MI

- 03/05/2025 – AOI – Standish, MI
Arenac Center – Standish, MI
North Bay – Kawkawlin, MI

- 03/06/2025 – Madison Clinic – Bay City, MI
Horizon Home – Essexville, MI
Mulholland – Bay City, MI

- 03/20/2025 – Flatrock – Burton, MI
Flatrock – Flint, MI
Hickory Hollow – Flint, MI
Mid-Michigan Specialized – Burton, MI

- 04/24/2025 – Augres Care Center – Augres, MI
Grove – Standish, MI
Almont – Standish, MI
Elm – Standish, MI
Orchard Bay – Standish, MI
Willow – Pinconning, MI

2025 Annual Recipient Rights Training

It is that time of year again for the annual Recipient Rights Training. The training is on-line only this year and is required for all Board and Recipient Rights Advisory & Appeals Committee members. The 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, 2025. All Board and Committee members should have received an email containing the link to Relias and sign-on information. If you have trouble accessing the training or have questions contact Sara McRae at smcrae@babha.org or 989-895-2348.

‘A broken system.’ Mental health patient complaints go nowhere in Michigan

Getting a complaint to stick in Michigan’s mental health system isn’t easy, an MLive investigation revealed.

In 2023, 73% of complaints were found to be unsubstantiated and never investigated any further – usually by the same provider or hospital the complaint was lodged against.

Attempts to change the system over the last 20 years have not gained any traction. It’s left people already struggling to access mental health care for themselves and loved ones hopeless and demoralized.

Take Sue Stuever, who filed a complaint claiming she couldn’t get mental health services for her two adopted sons born with fetal alcohol syndrome and on the autism spectrum. She says one of the boys can become violent without proper treatment.

Her complaint was not substantiated.

“What was so silly about it is ... they investigated themselves, which I find to be problematic,” Stuever said.



Sue Stuever, 50, sits with her sons Elias Stuever Battel, 14 at left, and Asher Stuever Battel, 16, on Thursday, Jan. 23, 2025 at the Stuever residence in Capac. Jake May | MLive.com

Another mother compared the process to a rigged chess game.

The state's patient complaint process, named the recipient rights system by the Michigan Department of Health and Human Services (MDHHS), is intended to protect vulnerable mental health patients. But an MLive investigation shows that people filing complaints rarely win. MLive reviewed complaints, inspections, police reports, state data and conducted several interviews with patients, guardians, mental health advocates and former mental health directors. A few key findings from the investigation include:

- The complaint process is tainted by conflicts of interest since providers investigate wrongdoing by their own employees or contractors. Appeals are also heard by a committee appointed by county mental health providers.
- The most serious allegations are found to be unsubstantiated. Among 17,084 complaints logged in fiscal year 2023, only 27% were substantiated; however, the rate dips dramatically for the most serious assault and sex abuse cases, which were substantiated 13% and 7% of the time, respectively.
- Some psychiatric hospitals aren't following the rules established by MDHHS to guide how complaints are received, investigated and resolved. In 2023, MDHHS assessments found 82% of hospitals had recipient rights processes deemed to be flawed. That's worse than 2022, when the number was 63%.

"A lot of times ... you sort of give up," said Marianne Huff, Allegan County mental health director from 2010 to 2017. "It's a very frustrating system for people."

'DANGEROUS FOR MY FAMILY'

When Stuever moved from Tuscola County to St. Clair County's Capac in 2022, she called ahead to transfer mental health services, hoping for a seamless transition for her sons, one of whom requires two-on-one supervision due to behavioral issues and occasional violence.

She said a nightmare began.



Chris Page, a registered behavioral technician, works on math and writing skills with Elias Stuever Battel on Thursday, Jan. 23, 2025 at the Stuever residence in Capac. Jake May | MLive.com

“They refused to even take down my name,” Stuever said, since she wasn’t yet living in the county.

After moving in June 2022, it took the mental health agency nearly five months to place her eldest son and a year to find consistent therapy for her youngest, according to the complaint she filed with the state’s Office of Recipient Rights.

The state office, which had 23 employees and a \$3.2 million budget in 2023, oversees decentralized recipient rights offices in four state-run psychiatric hospitals with greater than 700 beds, nearly 55 licensed psychiatric hospitals with more than 2,500 beds and 46 county mental health providers that service more than 200,000 patients per year.

When Stuever tried to hold the system accountable for perceived missteps, she said she was led down a path of red tape and frustration. While complaints are usually private, Stuever shared her records with MLive.

“Mom expressed dissatisfaction with the amount of time it has taken to get services in place since her move to our County,” read notes in Stuever’s file that were included in the complaint investigation. “This is the second time mom has expressed her dissatisfaction.”



Asher Stuever Battel, 16, smiles from cheek to cheek while staring out his mother's phone while his favorite song and artist — Taylor Swift's "Speak Now" — plays aloud while he enjoys a sliced apple snack on Thursday, Jan. 23, 2025 at the Stuever residence in Capac. Jake May | MLive.com

“It was really awful and dangerous for my family,” Stuever told MLive.

Initially, Stuever was told no one received her complaint, even though she printed verification of the email. Stuever said she felt investigators spent more time blaming her than evaluating possible mistakes.

Notes in the complaint summary accuse Stuever of not returning calls at times and failing to complete parental training classes she agreed to take.

The mental health agency in question told Stuever that at the time they didn't have contactors available to provide the services she was requesting, according to file notes included in the complaint investigation.



Elias Stuever Battel, 14, holds one of their pets on Thursday, Jan. 23, 2025 at the Stuever residence in Capac. Elias has been diagnosed with level three severe autism, a milder case of intellectual impairment than Asher, fetal alcohol syndrome and disruptive mood dysregulation disorder. Jake May | MLive.com

Stuever’s dissatisfaction with the system is common, according to advocates.

Michelle Barnes, the Jackson County cofounder of Advocacy for Mental Health MI Youth, works with nearly 900 parents like Stuever and navigated the mental health system with her own child. She said the system rarely substantiates allegations. According to 2023 data, nearly 75% of complaints were denied.

Because of this, she said parents tend to “give up.”

“It’s like you’re drowning and you’re waiting for someone to toss you a life preserver,” Barnes said. “Instead, they’re throwing you rocks.”

‘IT’ S JUST TOO INCESTUOUS’

One reason claims are rarely substantiated, advocates argue, is because the state’s 46 community mental health providers and 50-plus hospitals that offer psychiatric care hire their own recipient rights officers.

“That can raise some questions, if your own employees are investigating their coworkers and essentially their employer,” said Simon Zagata with Disability Rights Michigan, a group that helps patients file complaints. “Is there the right level of independence there and the right amount of length from the system to ensure a good investigation and accurate outcome?”

Barnes said there is a chilling effect – parents are simply afraid to speak up.

“I don’t know any parents that are getting all of the services that they’re eligible for,” she said.

Marianne Huff saw the process firsthand as Allegan County mental health director from 2010 to 2017. When rights violations were proven, she determined the punishment for her employees and contractors.

“I don’t believe that rights officers should report directly to the CEO (or director),” Huff said. “There should be a state rights office, meaning ... that all rights officers should work for the state, because otherwise you have this conflict of interest.”

James Haveman, Michigan’s director of community health from 1996 to 2003 and 2012 to 2014, also thinks there should be a separate agency that investigates the complaints.

“I’ve always felt (recipient rights) should be from the outside looking in,” he said. “When the fox is watching the henhouse – like the community health board, who employs the recipient rights person and reports to the director – that to me was always an uncomfortable situation ... It’s just too incestuous.”

Raymie Postema, director of the state Office of Recipient Rights, declined to comment on perceived conflicts of interest.

“I can’t speak to the internal versus external rights systems,” Postema said. “There’s been a lot of back and forth, in general, for many, many years on that.”

When asked to comment on MLive’s investigative findings, MDHHS officials didn’t respond directly, but spokesperson Lynn Sutfin issued a statement that said: “MDHHS is committed to ensuring Michigan residents seeking behavioral health services can exercise their rights and that rights complaints are addressed.”

‘HAMSTER WHEEL’

Appeals are possible, but not likely to get results.

Of 59 appeals accepted in 2023 – .08% of all complaints – 48 initial findings were upheld, seven were turned back for further investigation or action and no outcome was listed for the remainder.

Appeals are handled by a seven-member committee appointed by the same mental health authority or hospital under investigation, and in certain situations by a state-level appeals committee.

Patients can file a second appeal with the state Office of Recipient Rights appeals committee, but it’s extremely rare to get results.

There were four state-level appeals heard in 2023 and seven in 2022. They’re mostly sent back to the local recipient rights office for further investigation.

Barnes said it feels like a never-ending “hamster wheel.”

A ‘DEFICIENT’ PROCESS

When hospitals and other facilities are assessed by MDHHS, statistics show many aren’t doing an adequate job – 82 percent were not in compliance in 2023.

A 2020 assessment of Copper Country Mental Health Services in Houghton deemed its recipient rights system to be in “less than substantial” compliance. The next visit in 2023 led to the same conclusion.

During an MDHHS [inspection completed at Garden City Hospital](#) in December 2021, the hospital's recipient rights office didn't provide information on filing appeals or have an appeals committee in place. There was no distinct complaint log, investigative files were missing findings and complaints were categorized incorrectly, among numerous other problems.

The hospital repeatedly failed to provide adequate evidence that it corrected the issues, and in August MDHHS sent a letter indicating it asked Licensing and Regulatory Affairs (LARA) to file sanctions. It's unclear if sanctions were ever issued, but another MDHHS assessment conducted in October found the complaint process issues had been resolved.

Despite possible penalties, problems often don't get corrected.

Since 2022, 75% of psychiatric hospitals had "numerous areas of deficiency" in their complaint handling systems and needed "significant corrections," according to the Office of Recipient Rights.

County mental health providers performed better. Since 2020, about 20% were found by MDHHS to have "numerous areas of deficiency" in need of corrections.

CHALLENGING CASES

Mental health workers say the cases they deal with are difficult because the people seeking help can be afflicted in ways that disrupt their sense of reality.

Stepanie VanSlyke, the recipient rights officer for Munson Medical Center's in-patient psychiatric hospital, said deciphering statements that are true versus the byproduct of mental illness is "probably the most challenging part of the job."

"When we're talking about patients who are sick enough that they require an in-patient hospitalization, you've got to be pretty sick," VanSlyke said. "With mental illness there is a component of either paranoia or delusion -- or whatever their underlying mental illness is -- and trying to work through and balance all of that is really intense."

But the patient always gets the benefit of the doubt.

"Even if a patient is delusional, I have to believe what they're saying, unless I can prove otherwise," Van Slyke said.

That is of little comfort for Chelsea Benham, the 31-year-old mother of an autistic boy, who has felt these doubts first-hand in two separate cases.

When Benham's 11-year-old son claimed he was sexually assaulted at a hospital during a stay when he was nine, police investigated, but the inquiry was quickly closed, according to the report. Benham said she was told her son wasn't a "reliable witness" and the detective wasn't going "on a wild goose chase."

A year after that complaint, the boy was involved in another assault case – this time at his Ann Arbor-area house. Benham called 911 one day because her son was having a hard time. The licensed mental health worker who responded was accused of assaulting him. Once again, the boy's reliability was questioned. A police and internal investigation followed, but the boy was never interviewed because, in part, he "is not always a reliable reporter due to his disability," according to the recipient rights complaint findings.

Both were discouraging experiences for Benham and her son.



Chelsea Benham poses in her Pittsfield Township home on Thursday, Oct. 24 2024. Benham filed multiple complaints with the Michigan Department of Health & Human Services after negative experiences with social workers treating her 11-year-old son, Jacob Hamilton | MLive.com

Even though he couldn't be interviewed in the second case, Washtenaw County prosecutors charged the worker with assault and battery, but a judge found the worker not guilty at a bench trial.

The recipient rights investigation, however, substantiated various MDHHS rules violations, finding that the worker smacked Benham's son, made threatening remarks, used unreasonable force and deprived the family of their right to dignity and respect, according to the report, which also indicated the mental health worker was terminated and the findings added to her personnel file.

Benham was pleased the employee could no longer respond to crisis situations, but said the outcome felt inadequate since there was no broader examination into policies, training or procedures that led to the behavior.

Overall, the most severe assault and sexual abuse cases rarely result in any action. In 2023, there were just eight substantiated sex abuse cases out of 112 complaints in Michigan's entire mental health system that serves more than 200,000, according to state statistics. Serious assault and sex abuse cases were only substantiated 13% of the time in 2022 and 7% in 2023.

HISTORY OF REFORM EFFORTS

Problems in the recipient rights system have been acknowledged for decades.

Twenty years ago, then-Gov. Jennifer Granholm appointed a Michigan Mental Health Commission that raised serious concerns about the program.

The commission's report said mental health providers employed the investigators and determined the punishment, which presented a concerning "conflict of interest."

"The public mental health system is not sufficiently accountable to consumers and families," the commission's final report in 2004 said. "Recipient rights are one area where this is most evident."

The commission called for the system to be "redesigned."

And in 2007, Disability Rights Michigan attempted to bring the problem to public light when it published a 33-page report recounting the circuitous odyssey of one complaint that endured 14 investigations, appeals or administrative court hearings over more than two years before reaching a dead end.

The complaint accused Pathways, the Marquette County mental health authority, of failing to properly treat a mentally ill jail inmate who later committed suicide in custody.

"The well-documented allegation in this complaint, the response of the Recipient Rights Office in addressing the complaint, and the ensuing attempts to hold the system accountable to correct the violation, all serve to illustrate the inherent flaws in the Michigan's Department of Community Health's current Recipient Rights system," said the report.

Nothing came of it.

Two decades later, little has changed.

In 2021, among other changes to the mental health system, Republicans proposed a privatization law that would have stripped county mental health providers of their complaint investigation function and transferred it to a nongovernmental third party.

It was rejected in a vote the following year.

'IT'S AN AMAZING SYSTEM'

The largest organization opposing changes is the Community Mental Health Association (CMHA) of Michigan, a trade organization that brought in \$10 million in 2023 and employs its own lobbyists representing the mental health providers.

Efforts to change the system "come up every five to 10 years," said Robert Sheehan, the trade group's CEO for the past 25 years. Sheehan said if complaints were handled by a third-party, it would create a "punitive environment," and the number of complaints would drop dramatically.

"It's an amazing system," he said, "because it's based on quality improvement, not based on (someone) being blamed for something."

But advocates and lawmakers are still crusading for change.

The most vocal legislator is state Sen. Michael Webber, R-Rochester Hills, who requested an audit of the Office of Recipient Rights by the state Auditor General in 2023. That audit is underway and expected to be completed by mid-2025. It's unclear if it will focus solely on state-run hospitals or the much larger recipient rights system.

The last Office of Recipient Rights audit occurred in 2014 and was limited to state-run psychiatric hospitals.

But Haveman, the former head of Michigan's mental health system, said overall there's little political will to improve the system.

"We could never get the votes to change it," he said.

Meanwhile, mothers like Denise Meitz struggle to get the services they believe their children need.

Meitz, whose 25-year-old cognitively impaired son requires around-the-clock assistance, has filed numerous complaints related to services she believes her provider improperly denied.

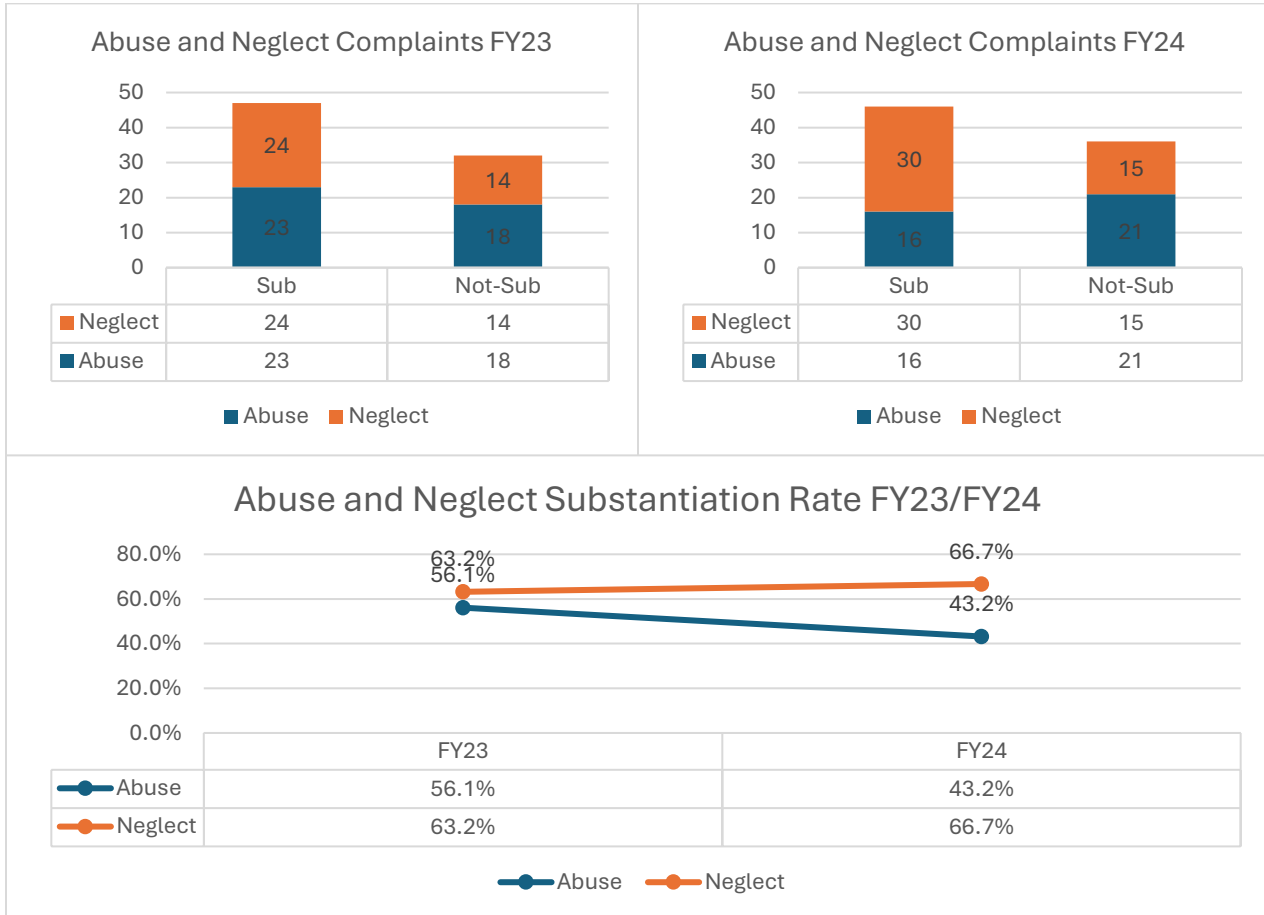
None were substantiated, despite appeals and administrative court hearings.

Meitz doesn't think the mental health gatekeepers truly understand the struggles of patients and their families.

"You've got to understand that most of these mothers, they're just trying to keep up with meds and changing (diapers) -- just trying to survive," she said. "They don't even have time to pick up a pen and do a recipient rights complaint.

"And why would they, after what I've been through. It's a broken system."

If you've have an experience with Michigan's mental health complaint system that you'd like to share, please contact reporter Gus Burns, fburns@mlive.com.



The BABHA ORR received 190 complaints for FY23 with 41 allegations of Abuse and 38 allegations of Neglect. The substantiation rate for Abuse allegations was 56.1% and Neglect allegations was 63.2%. [More recent information for FY24 is that the BABHA ORR received 177 complaints, with 37 allegations of Abuse and 45 allegations of Neglect. The substantiation rate for Abuse allegations was 43.2% and Neglect allegations was 66.7%.]

BABHA’s ORR data paints a different picture when comparing it to the article data which noted, “In 2023, 73% of complaints were found to be unsubstantiated and never investigated any further –usually by the same provider or hospital the complaint was lodged against.” And “The most serious allegations are found to be unsubstantiated. Among 17,084 complaints logged in fiscal year 2023, only 27% were substantiated; however, the rate dips dramatically for the most serious assault and sex abuse cases, which were substantiated 13% and 7% of the time, respectively.”