

AGENDA

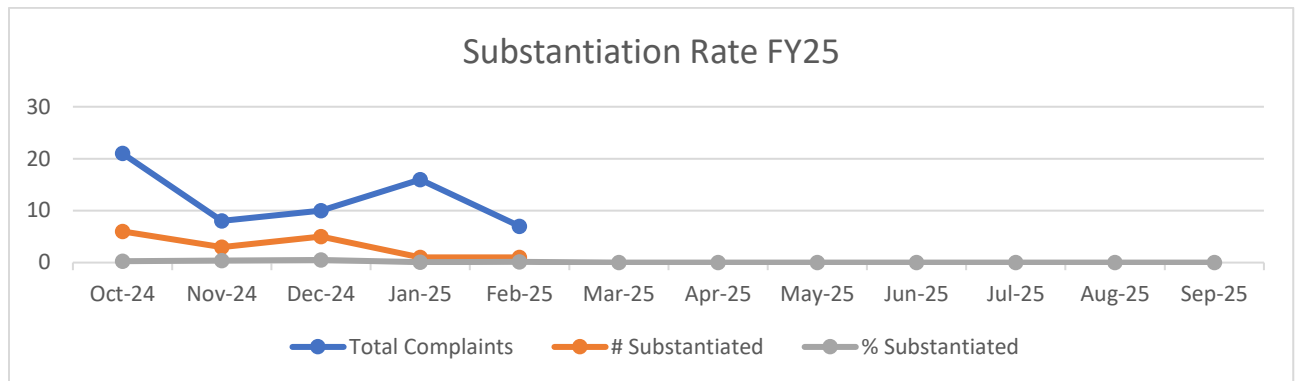
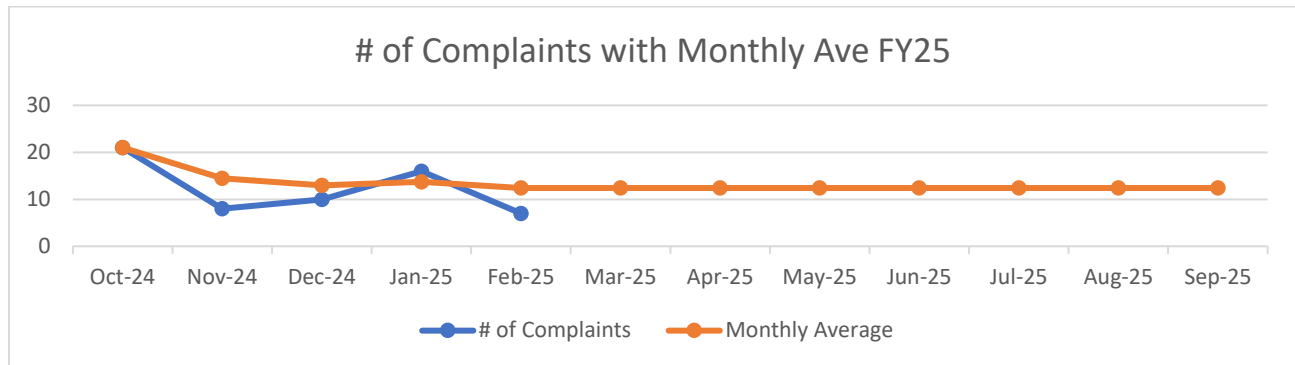
BAY ARENAC BEHAVIORAL HEALTH BOARD OF DIRECTORS RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING Monday, March 10, 2025 at 5:00 pm Room 225, Behavioral Health Center, 201 Mulholland Street, Bay City, MI 48708

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

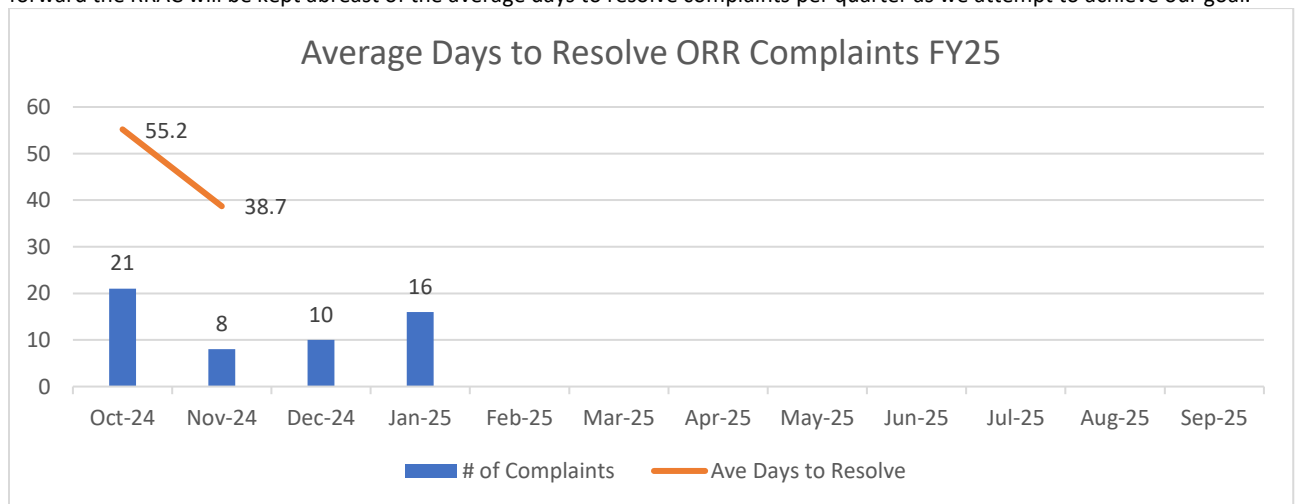
	Agenda Item	Discussion	Motion/Action
1.	Call To Order & Roll Call		
2.	Public Input (Maximum of 3 Minutes)		
3.	Unfinished Business 3.1) None		
4.	New Business 4.1) Executive Summary of Complaints through February of 2025 4.2) Policy Training: Restraint, 03-02-03 4.3) Policy Training Investigation Scenarios 4.4) Upcoming Site Visits 4.5) Annual Recipient Rights Training Reminder		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
5.	Adjournment	M - S - pm MA	

Recipient Rights Advisory Committee
Executive Summary of Complaints through February 28, 2025

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

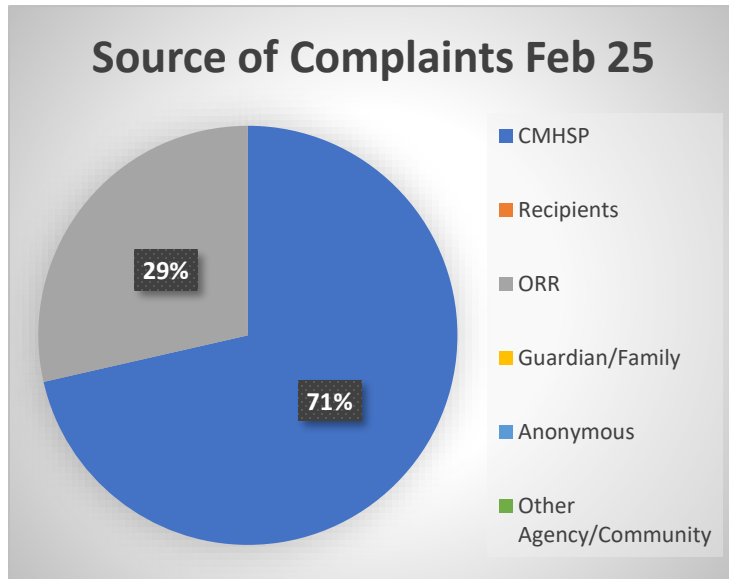


The BABHA ORR completed 190 ORR Complaints for FY23 with an average number of days to resolve the complaints being 57.675 days. The BABHA ORR's goal is to complete RR complaint investigations within 30 days from receipt of the complaint. Moving forward the RRAC will be kept abreast of the average days 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	7							
55.4	38.7										

Source of Complaints:



CMSHP Network Staff	5
Recipients	0
ORR	2
Guardian/Family	0
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	7							
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 October 2024:

Complaint ID	Rcv Date	Inv. Report Sent Date	Allegation Type	Remedial Action 1	Remedial Action 2	Remedial Action 3
1722	10/28/2024	11/7/2024	Disclosure of Confidential Information	Training	Written Counseling	
1711	10/16/2024	10/16/2024	Mental Health Services Suited to Condition (Includes Chapter 4 Violations)	Written Reprimand		
1710	10/14/2024	10/16/2024	Disclosure of Confidential Information	Employee left agency but substan		
1706	10/7/2024	12/23/2024	Dignity and Respect	Staff Transfer	Training	Written Reprimand
1705	10/4/2024	12/19/2024	Neglect, Class III	Written Reprimand	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
3	25	8

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:

2/5/25 Saginaw Psych – Euclid site and Johnson St site, Bay City, MI

2/6/25 Carebuilders At Home, Midland, MI

2/26/25 MPA, Bay City, 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	1								11
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	1								3
72225	Abuse II - Exploitation				1									1
7223	Abuse III	2		1	1									4
7224	Abuse I - Sexual Abuse													0
72251	Neglect I					2								2
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	3								13
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	1								7
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	8	0	0	0	0	0	0	0	72
Grand Total - Allegations YTD														72

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

Chapter: 3	Member Rights and Responsibilities		
Section: 2	Treatment Rights		
Topic: 3	Restraint		
Page: 1 of 3	Supersedes Date: Pol: 8-15-02, 6-3-02, 5-16-02, 8-18-02, 6-18-98 Proc: 3-30-11, 6-15-09	Approval Date: Pol: 10-16-03 Proc: 9-27-24	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <i>Board Chairperson Signature</i>
			<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <i>Chief Executive Officer Signature</i>
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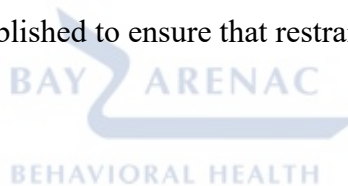
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that restraint shall not be used in agency programs or sites directly operated or under contract.

Purpose

This policy and procedure are established to ensure that restraint is not used at sites directly operated or under contract.



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

Anatomical Support: Body positioning or a physical support ordered by a physical or occupational therapist for the purpose of maintaining or improving a recipient's physical functioning.

Physical Management: A technique used by staff as an emergency intervention to restrict the movement of a recipient by direct physical contact to prevent the recipient from harming himself, herself, or others.

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY

POLICIES AND PROCEDURES MANUAL

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Restraint: The use of a physical device to restrict an individual's movement. Restraint does not include the use of a device primarily intended to provide anatomical support.

Procedure

The utilization of restraint requires application and monitoring by specialized personnel, which are not available in a community setting. Therefore, the use of restraints are strictly prohibited.

1. BABHA requires the use of non-restrictive techniques to address challenging behaviors. However, physical management can only be used on an emergency basis when a recipient is presenting an imminent risk of serious or non-serious harm to himself, herself or others and lesser restrictive interventions have been unsuccessful in reducing or eliminating the imminent risk of serious or non-serious physical harm.
 - a. Physical management should not be included as a component in the behavior treatment plan.
 - b. Prone immobilization of a recipient for the purpose of behavior control is prohibited unless implementation of physical management techniques, other than prone immobilization, is medically contraindicated and documented in the recipient's record.
2. The Recipient Rights Office shall review the restraint policies and procedures of contractual providers of inpatient services. The contractual providers will use restraint only when following guidelines as directed by the Michigan Mental Health Code 330.1740 and Administrative Rules 330.7243 and all applicable Federal regulations.
3. The use of physical restraint is expressly prohibited in all agency programs or sites directly operated or under contract where it is not permitted by statute and agency policy.

Attachments

N/A

BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY

POLICIES AND PROCEDURES MANUAL

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Related Forms

N/A

Related Materials

N/A

References/Legal Authority

Michigan Department of Community Health-Administrative Rules *Revised edition 2002* (AR 7243)
Michigan Mental Health Code 330.1700, 740, and 752.

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	No changes	Clarification on definitions to meet Administrative rule changes
Sara Heydens	Linda Maze	3/30/11	Revision	Update Mental Health code changes
		12/31/13	No changes	Triennial review
Melissa Prusi	Christopher Pinter	6/27/16	No changes	Triennial review
Melissa Prusi	Christopher Pinter	06/19/2019	Revision	Triennial and annual review – minor changes.
Melissa Prusi	Christopher Pinter	08/02/2020	No changes	Annual Review
Melissa Prusi	Christopher Pinter	06/23/2021	No changes	Annual Review
Melissa Prusi	Christopher Pinter	09/27/2024	Updated language	Reflect MDHHS ORR Standards

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
04/29/2025 –	Bangor, Bay City, MI Brookwood, Bay City, MI Jean Rd, Bay City, MI Mason, Bay City, MI Autism Plus, Bay City, MI Georgetown, Auburn, MI
05/01/2025 –	New Dimensions, Bay City, MI Fitzhugh, Bay City, MI Harbor House, Bay City, MI Bay House, Bay City, 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.