

AGENDA

BAY ARENAC BEHAVIORAL HEALTH BOARD OF DIRECTORS RECIPIENT RIGHTS ADVISORY & APPEALS COMMITTEE MEETING

Monday, June 8, 2026 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, Ex Off, Ch | _____ | _____ | _____ | Carole O'Brien | _____ | _____ | _____ | BABH: Jackie Kish, Chris Pinter, and Sara McRae |
| Sally Mrozinski, V Ch | _____ | _____ | _____ | Justin Peters | _____ | _____ | _____ | |
| Robert Bowers | _____ | _____ | _____ | Laurie Van Wert | _____ | _____ | _____ | |
| Richard Byrne | _____ | _____ | _____ | Robert Pawlak, Ex Off | _____ | _____ | _____ | |
| Kathy Niemiec | _____ | _____ | _____ | | | | | |
| | | | | | | | | 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 5 Minutes) | | |
| 3. | Unfinished Business 3.1) None | | |
| 4. | New Business 4.1) Appeals Training 4.2) Save the Date: 33 rd Annual Recipient Rights Conference is Wednesday – Friday, September 16 – 18, 2026 at Crystal Mountain Resort | | 4.1) No action necessary 4.2) No action necessary |
| 5. | Adjournment | M - | S - pm MA |



RECIPIENT RIGHTS APPEALS
COMMITTEE TRAINING
MICHIGAN MENTAL HEALTH
CODE – APPEALS
REQUIREMENTS

Purpose of the Appeals Committee

- ▶ **Ensure fairness**

Make sure the investigation wasn't one-sided or missing important information.

- ▶ **Provide an impartial review**

You are not part of CMH staff, so you can look at the case without bias.

- ▶ **Check that the investigation followed the law and policy**

Confirming the investigator used the correct rights category and applied the right standards.

- ▶ **Protect the rights of recipients**

Ensuring a person's dignity, safety, and legal rights were respected.

Legal Authority

330.1774 — Appeals Committee Requirements

- ▶ Defines who must be on the committee- **At least 2 primary consumers** must be included.
- ▶ **Members cannot be CMH or MDHHS employees**- A CMH case manager cannot sit on the committee.
- ▶ Ensures independence- Prevents the agency from reviewing its own work.

330.1784 — Appeal Procedures

- ▶ Lists valid appeal reasons-“The findings don’t match the facts.”
- ▶ Defines **what documents must be reviewed**-RIF, Summary Report, complaint, policies.
- ▶ Sets timelines-Committee **must meet within 30 days**.

330.1786 — Level 2 Appeals

- ▶ Explains when a case can go to the state- After Level 1 upholds the findings.
- ▶ Defines what MDHHS can do- Send the case back for more investigation.

Who Can Appeal?

- ▶ **Complainant-** The individual who reported the complaint.
- ▶ **Recipient-** A person receiving services who disagrees with the findings.
- ▶ **Guardian or parent of a minor-** A parent appealing on behalf of their child.
- ▶ **Advocacy organization acting on behalf of the appellant-** Disability Rights Michigan submitting the appeal letter.

Note An employee/staff named in a complaint, CANNOT appeal a Recipient Rights Investigation

What Can Be Appealed?

Appeals must be based on one or more of these facts:

- ▶ **Findings don't match the facts or law:**

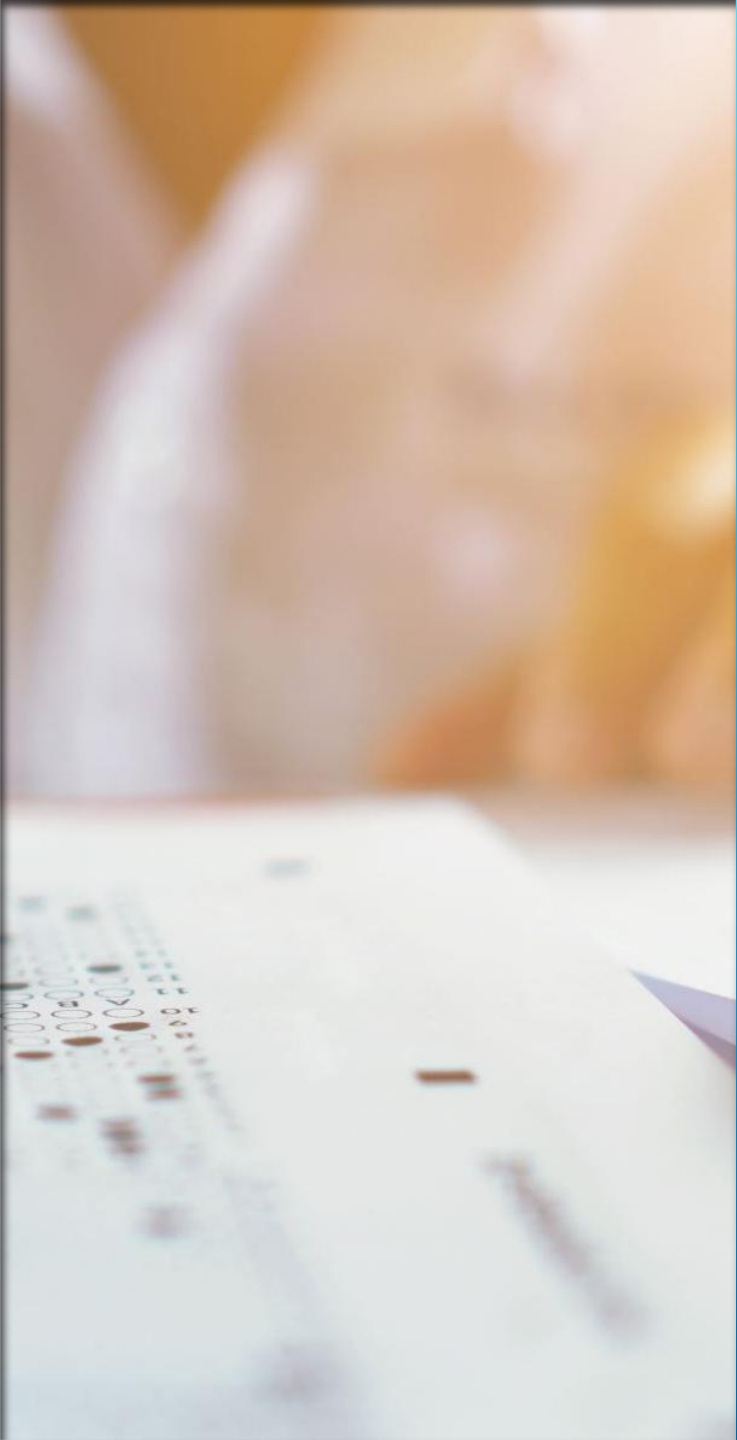
The report says a camera wasn't working, but video footage exists. OR the complaint was about verbal abuse, but it was investigated from a Dignity and Respect perspective.

- ▶ **Remedial Action taken for a substantiated allegation was not adequate:**

Staff yelled at a recipient, but the remedial action was "verbal coaching."

- ▶ **Investigation wasn't done in a timely manner:**

The investigation took 90 days with no documented reason. OR the investigation was done too quickly.



Timeframes

10 business days to send decision letter:
If the meeting was on the 10th, the letter must be sent by the 24th.

30 days for full committee review:
Meeting must occur within 30 days of receiving the appeal.

45 days to file an appeal from date received the Summary Report: If the Summary Report was received on June 1, the appeal is due by July 16.

5 business days for preliminary review:
Two members check standing, timeliness, and grounds.

Bay-Arenac Behavioral Health

Attn: Recipient Rights Appeals Committee

201 Mulholland St, 2nd Floor

Bay City, MI 48708

May 12, 2023

Dear Recipient Rights Appeals Committee Chairperson:

Please consider this a request for appeal of complaint #1234. Mr. John Smith contacted the Office of Recipient Rights and asked for help to file his appeal. He stated that he wants to appeal the decision as the report made him look even worse, he never took off his shirt and staff lied about him.

Thank you for your consideration of this request for appeal.

Respectfully submitted by Melissa Prusi on behalf of:

Mr. John Smith

1234 Anywhere Rd.

Bay City, MI 48708

► Request for Appeal Sample Letter



If the Appeal Is Accepted:

Committee receives:

- ▶ **Appeal letter:** *The appellant must request an appeal in writing to the appeals committee. The ORR shall assist in requesting the appeal should the appellant desire assistance.*
- ▶ **Original complaint:** The initial allegation of neglect.
- ▶ **Acknowledgment letter:** *Shows when ORR opened the case.*
- ▶ **RIF (Report of Investigative Findings):** *The full investigation.*
- ▶ **Summary Report:** *The short version sent to the appellant.*
- ▶ **Relevant policies:** BABH discipline policy regarding appeals.
- ▶ **Follow-up action documents:** Proof or evidence that the remedial action reported was completed i.e. that staff were retrained.*

ACKNOWLEDGEMENT OF RIGHTS APPEAL REQUEST

TO:

Address

Address - 2

FROM: Recipient Rights Appeals Committee Chairperson

SUBJECT: Appeal Request for Complaint

This notice is to inform you that the Appeals Committee has received your request to appeal complaint # on DATE. After reviewing your request, the two committee members have decided to:

Hear your request for appeal. The committee will meet no later than _____ to address the concerns you identified and make a decision about your request. Within 10 working days after the committee reaches its decision, it will provide you its decision in writing.

Deny your request for an appeal. Your request is being denied because you failed to identify one of the following grounds for an appeal:

1. Investigative findings of the office are not consistent with the facts or with law, rules, policies, or guidelines.
2. The action taken, or plan of action proposed by the respondent does not provide an adequate remedy.
3. An investigation was not initiated or completed on a timely basis.

Deny your request for an appeal. Your request is being denied because you failed to request the appeal within the required timeframe. (45 days from receipt of the Summary Report).

Deny your request for an appeal. Your request is being denied because you do not have standing to appeal. Only the recipient, complainant, parent of a minor or guardian may file an appeal.

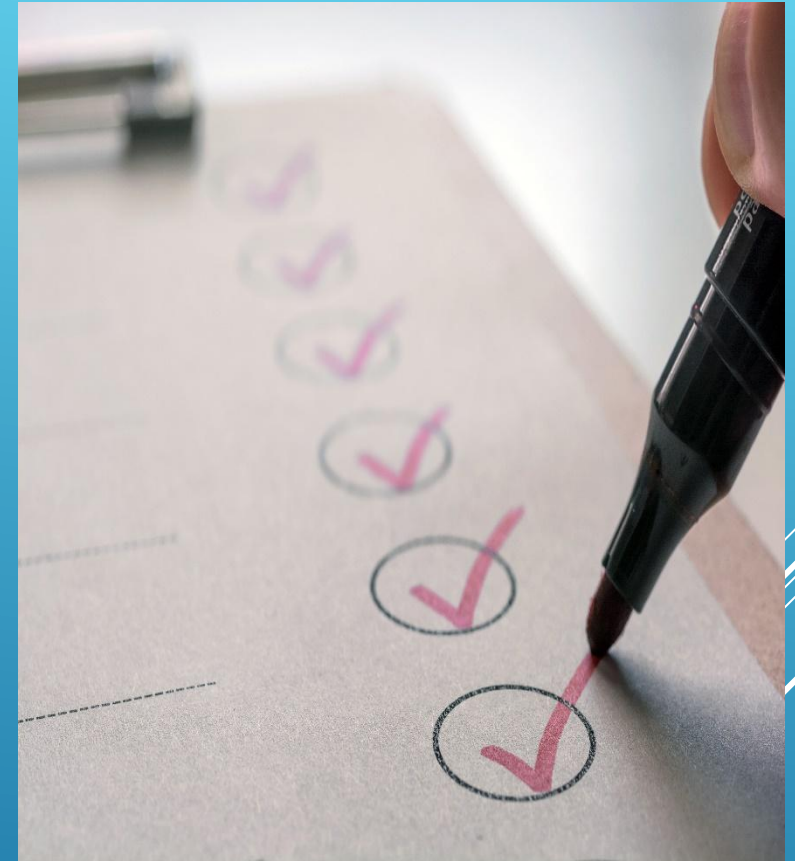
CC: Respondent

RMHA

► Appeals Committee Sample Acknowledgement Letter

What You Review:

- **Completeness:** Were all witnesses interviewed?
- **Clarity and logic:** Does the report explain why certain evidence was believed?
- **Evidence weighting:** Why was one witness considered more credible than another?
- **Preponderance standard:** Is it *more likely than not*, that the violation occurred?
- **Consistency with policy:** If citing “Dignity and Respect,” does the evidence match that right?



Appeals Committee Meeting Format:

Closed Session Procedures

- The Committee Chair may move the meeting into a closed session when needed.
- The Chair determines who remains present during the closed session.
 - The CEO and/or Rights Officer (RRO) may be asked to leave, or
 - They may remain at the discretion of the Chair.

Meeting Roles

- A designated secretary records official minutes of the meeting.
- Minutes should reflect decisions and key discussion points (not verbatim transcripts).

Appellant Participation

- The appellant may attend during the public input portion of the meeting.
- This allows them to provide clarification or additional perspective before deliberation.

Confidentiality Requirements

- All discussions, records, and findings are strictly confidential.
- Committee members must not disclose case details outside of the meeting.
- Confidentiality applies to:
 - Investigation materials
 - Committee deliberations
 - Final decisions and supporting rationale



Committee Decision Options:

✓ 1. Findings (Was the investigation correct?)

↑ Uphold Findings

Investigation was complete

Evidence supports the conclusion

Correct policy/right was used

↻ Return for Reinvestigation

Missing key facts or evidence

Witnesses not interviewed

Conflicts not explained

Wrong policy/right used

Committee Decision Options continued:

✓ 2. Action (Was the response appropriate?)

↑ Uphold Findings & Action

Discipline fits the violation

Action was timely

↻ Request Different/Additional Remedial Action

Not strong enough for the violation

Delayed response

Does not prevent future issues

Committee Decision Options continued:

3. Timeliness (Was it done on time?)

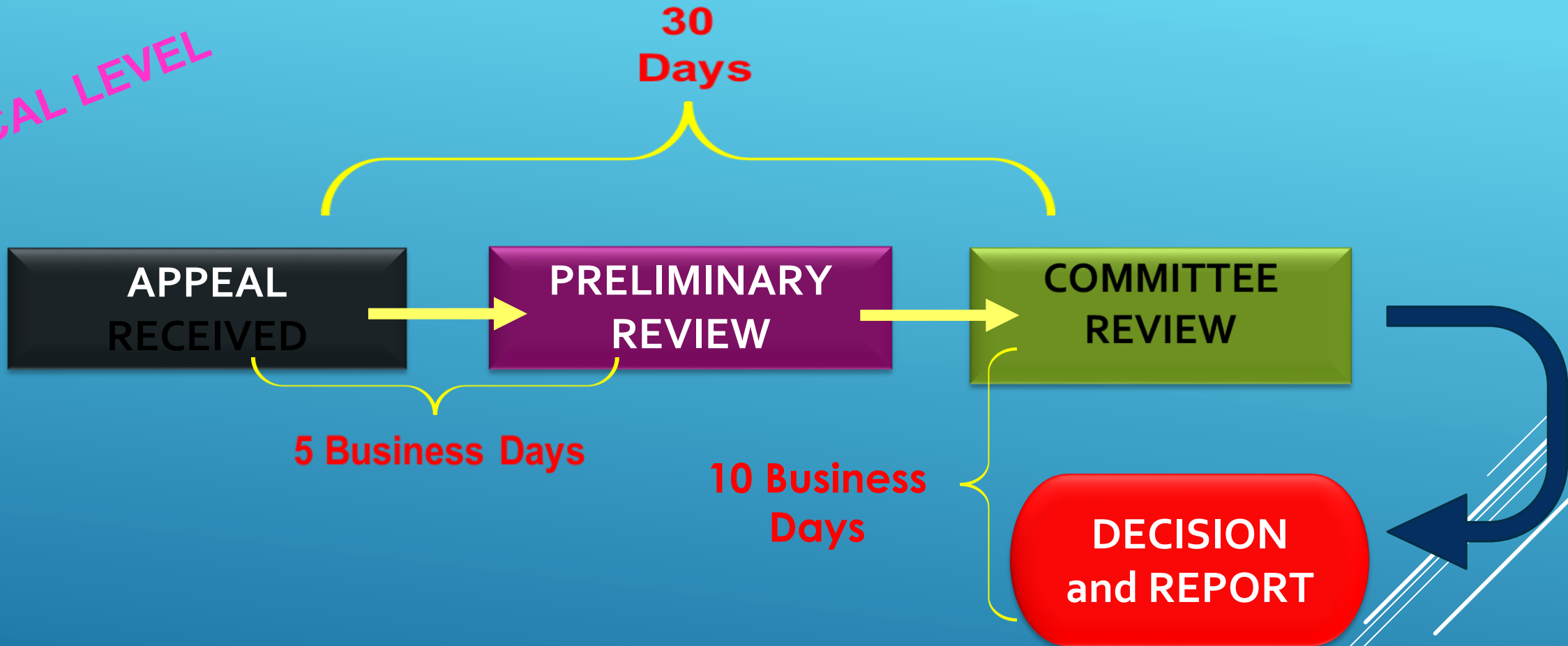
Uphold

Delay was explained and documented

Refer to Director

No explanation for delay

LOCAL LEVEL



RECIPIENT RIGHTS APPEAL PROCESS

- ▶ **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?

Decision Letters

Must include:

- ▶ **Decision** *Example:* “The committee upholds the findings.”
- ▶ **Reason** *Example:* “Evidence supports the conclusion.”
- ▶ **Next steps** *Example:* “The case is closed.”
- ▶ **Level 2 Appeal rights (if applicable)** *Example:* “You may appeal to MDHHS within 45 days.”



Level 2 Appeals (State Level)

When allowed *Example:* After Level 1 upholds findings.

▶ **What MDHHS can do:**

- ▶ Affirm the committee *Example:* They agree with your decision.
- ▶ Uphold findings after reinvestigation *Example:* ORR re-investigated and still found no violation.
- ▶ Return for more investigation *Example:* MDHHS finds major gaps.



MDHHS APPEAL

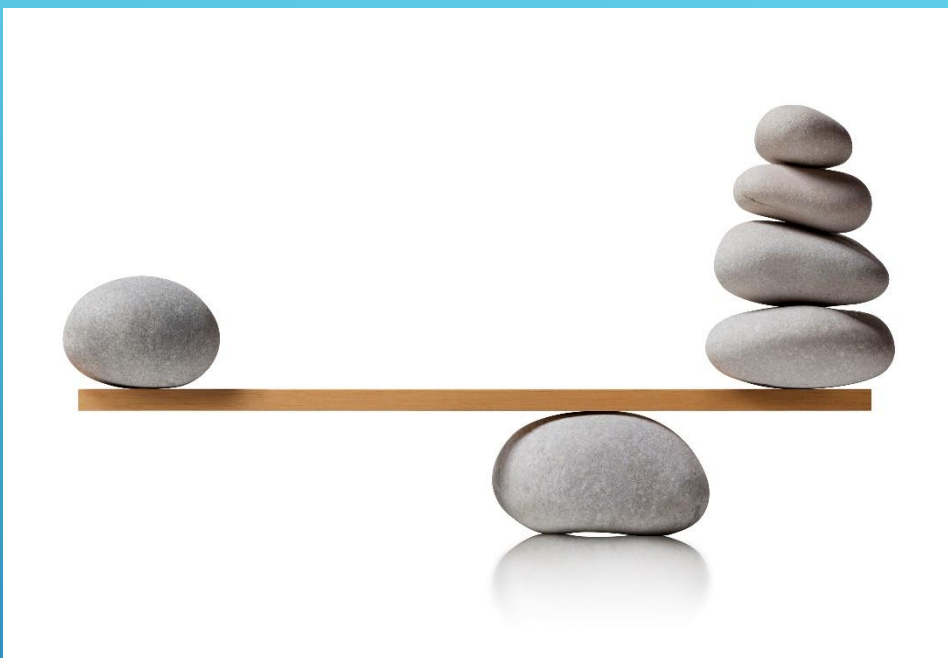
- ▶ **An appeal to MDHHS may be made only upon the ground that the investigative findings of the office were inconsistent with the facts, laws, rules, policies, or guidelines and only after a decision on an appeal has been made by the Appeals Committee.**
- ▶ **Within 45 days after receiving written 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 APPEAL CONT.

- ▶ **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 APPEAL CONT.

- ▶ **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.**
- ▶ **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.**



Key Takeaways

- You ensure **fairness**, not guilt
- You do **not** redo investigations
- You check for **accuracy, completeness, timeliness, and proper action**
- Your decisions must follow the **Mental Health Code**

Your Responsibilities

- ▶ **Review materials before the meeting**
Example: Read the RIF and Summary Report.
- ▶ **Participate in discussion** *Example:* Share concerns or questions.
- ▶ **Apply law and policy** *Example:* Use the correct rights category.
- ▶ **Make a clear decision** *Example:* “Return for reinvestigation due to missing evidence.”
- ▶ **Ensure timelines are met** *Example:* Decision letter sent within 10 business days.
- ▶ **Close the case properly** *Example:* File follow-up documents.