

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1755 Office of recipient rights; establishment by community mental health services program and hospital.

Sec. 755.

(1) Each community mental health services program and each licensed hospital shall establish an office of recipient rights subordinate only to the executive director or hospital director.

(2) Each community mental health services program and each licensed hospital shall ensure all of the following:

(a) Education and training in recipient rights policies and procedures are provided to its recipient rights advisory committee and its recipient rights appeals committee.

(b) The process for funding the office of recipient rights includes a review of the funding by the recipient rights advisory committee.

(c) The office of recipient rights will be protected from pressures that could interfere with the impartial, even-handed, and thorough performance of its duties.

(d) The office of recipient rights will have unimpeded access to all of the following:

(i) All programs and services operated by or under contract with the community mental health services program or licensed hospital.

(ii) All staff employed by or under contract with the community mental health services program or licensed hospital.

(iii) All evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.

(e) Staff of the office of recipient rights receive training each year in recipient rights protection.

(f) Each contract between the community mental health services program or licensed hospital and a provider requires both of the following:

(i) That the provider and his or her employees receive recipient rights training.

(ii) That recipients will be protected from rights violations while they are receiving services under the contract.

(3) Each community mental health services program and each licensed hospital shall endeavor to ensure all of the following:

(a) Complainants, staff of the office of recipient rights, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities and that appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.

(b) Appropriate remedial action is taken to resolve violations of rights and notify the complainants of substantiated violations in a manner that does not violate employee rights.

(4) The executive director or hospital director shall select a director of the office of recipient rights who has the education, training, and experience to fulfill the responsibilities of the office. The executive director shall not select, replace, or dismiss the director of the office of recipient rights without first consulting the recipient rights advisory committee. The director of the office of recipient rights shall have no direct clinical service responsibility.

(5) Each office of recipient rights established under this section shall do all of the following:

(a) Provide or coordinate the protection of recipient rights for all directly operated or contracted services.

(b) Ensure that recipients, parents of minor recipients, and guardians or other legal representatives have access to summaries of the rights guaranteed by this chapter and chapter 7a and are notified of those rights in an understandable manner, both at the time services are initiated and periodically during the time services are provided to the recipient.

(c) Ensure that the telephone number and address of the office of recipient rights and the names of rights officers are conspicuously posted in all service sites.

(d) Maintain a record system for all reports of apparent or suspected rights violations received within the community mental health services program system or the licensed hospital system, including a mechanism for logging in all complaints and a mechanism for secure storage of all investigative documents and evidence.

(e) Ensure that each service site is visited with the frequency necessary for protection of rights but in no case less than annually.

(f) Ensure that all individuals employed by the community mental health services program, contract agency, or licensed hospital receive training related to recipient rights protection before or within 30 days after being employed.

(g) Review the recipient rights policies and the rights system of each provider of mental health services under contract with the community mental health services program or licensed hospital to ensure that the rights protection system of each provider is in compliance with this act and is of a uniformly high standard.

(h) Serve as consultant to the executive director or hospital director and to staff of the community mental health services program or licensed hospital in matters related to recipient rights.

(i) Ensure that all reports of apparent or suspected violations of rights within the community mental health services program system or licensed hospital system are investigated in accordance with section 778 and that those reports that do not warrant investigation are recorded in accordance with subdivision (d).

(j) Semiannually provide summary complaint data consistent with the annual report required in subsection (6), together with a summary of remedial action taken on substantiated complaints by category, to the department and to the recipient rights advisory committee of the community mental health services program or licensed hospital.

(6) The executive director or hospital director shall submit to the board of the community mental health services program or the governing board of the licensed hospital and the department an annual report prepared by the office of recipient rights on the current status of recipient rights in the community mental health services program system or licensed hospital system and a review of the operations of the office of recipient rights. The report shall be submitted not later than December 30 of each year for the preceding fiscal year or period specified in contract. The annual report shall include, at a minimum, all of the following:

(a) Summary data by category regarding the rights of recipients receiving services from the community mental health services program or licensed hospital including complaints received, the number of reports filed, and the number of reports investigated by provider.

(b) The number of substantiated rights violations by category and provider.

(c) The remedial actions taken on substantiated rights violations by category and provider.

(d) Training received by staff of the office of recipient rights.

(e) Training provided by the office of recipient rights to contract providers.

(f) Desired outcomes established for the office of recipient rights and progress toward these outcomes.

(g) Recommendations to the community mental health services program board or licensed hospital governing board.

History: Add. 1995, Act 290, Eff. Mar. 28, 1996