

**WEST MICHIGAN COMMUNITY MENTAL HEALTH
ADMINISTRATIVE MANUAL**

		Chapter: 5	Section: 1	Subject: 2
CHAPTER: Recipient Rights				
SECTION: Office of Recipient Rights				
SUBJECT: Recipient Rights Appeal Process for Complaints				
Administrative Approval:		Date of Governing Board Action:		Page 1 of 4
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- I. **PURPOSE:** To establish a recipient rights complaint appeal process.

- II. **APPLICATION:** All CMH programs and services operated by the West Michigan Community Mental Health Governing Body.

- III. **REQUIRED BY:** Act 258, Public Acts of 1974, as amended, being MCL 330.1752, 1774, 1782 -1788 and accrediting bodies.

- IV. **DEFINITIONS:** For definitions refer to Chapter 5: Recipient Rights; Section 1: Office of Recipient Rights; Subject 1: General Policy.

- V. **POLICY:** It is the policy of the West Michigan Community Mental Health to appoint the Recipient Rights Advisory Committee to serve as the Recipient Rights Appeals Committee, and to provide a mechanism for the complainant, recipient (if different than complainant), guardian or parent of a minor, dissatisfied with the outcome of a rights investigation to appeal a decision made by the office of recipient rights.

- VI. **PROCEDURES:**
 1. The rights office shall advise the complainant/appellants that there are advocacy organizations available to assist in preparing the written appeal and offered to make the referral. In the absence of assistance from an advocacy organization, the rights office shall assist the appellant in meeting the procedural requirements of a written appeal.

 2. The rights officer shall also inform the complainant of the option of mediation to settle the dispute.

 3. Any member of the appeals committee who has a personal or professional relationship with an individual involved in an appeal shall abstain from participating in that appeal as a member of the committee.

 4. The complainant, recipient (if different than complainant), guardian or parent of a minor, may file a written appeal to the West Michigan Community Mental Health appeals committee no later than 45 days of receiving the summary report. The recipient rights office may assist with the procedural requirements of the written appeal or advise the complainant of other advocacy organizations available. In addition, the complainant shall be informed of the option of mediation as a method of settling the dispute. The written appeal must meet one of the following:

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- 4.1 The findings are not consistent with the facts, laws, rules, policies or guidelines.
- 4.2 The action taken or plan of action proposed does not provide adequate remedy.
- 4.3 The investigation was not started or completed in a timely manner.
5. The appeals committee shall review and determine if the written appeal meets the criteria for consideration within five business days of receipt.
 - 5.1 If denied: Written notice shall be given to the appellant within the five business-day period.
 - 5.2 If accepted: Written notice and a copy of the appeal shall be given to the appellant, respondent and West Michigan Community Mental Health within the five business-day period.
6. The appeals committee shall meet in closed session and review the facts as stated in all investigative documents within 30 days of receiving an accepted, written appeal to determine one of the following:
 - 6.1 Uphold the findings of the rights office and the action taken or plan of action proposed by respondent.
 - 6.2 Request that the rights office reopen/reinvestigate.
 - 6.3 Uphold the findings of the rights office, but recommend that the respondent take different or additional action to remedy the violation.
 - 6.4 Recommend that the West Michigan Community Mental Health Governing Body request an external investigation by the MDHHS office of recipient rights.
 - 6.5 If the appeals committee confirms the investigation was not initiated or completed in a timely manner it shall recommend the CMHSP director take appropriate supervisory action with the investigating rights officer/advisor.
7. The appeals committee shall provide copies of the written decision to the respondent, appellant, recipient (if different from appellant), recipient's guardian if one has been appointed, the West Michigan Community Mental Health, and the rights office within 10

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working days of reaching its decision. Copies of the appeals committee decision shall include a justification for the decision.

8. The written decision shall include notice that if the appellant is not satisfied with the appeals committee decision, a written appeal may be filed with the Michigan Department of Health & Human Services within 45 days of receiving written notice of the decision. The appeal must be based on the record established in the previous appeal and alleging that the West Michigan Community Mental Health rights office findings are not consistent with the facts, laws, rules, policies or guidelines.

VII. **SUPPORTING DOCUMENTS:** Not Applicable.