
	Recipient Rights Appeal Process for Complaints			
	Chapter:	Recipient Rights	Policy #	5-1-2
	Section:	Office of Recipient Rights	Revision #	2

- 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. 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.
 3. 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. The written appeal must meet one of the following:
 - 3.1 The findings are not consistent with the facts, laws, rules, policies, or guidelines.
 - 3.2 The action taken or plan of action proposed does not provide adequate remedy.
 - 3.3 The investigation was not started or completed in a timely manner.
 4. The appeals committee, consisting of at least 2 members, shall review and determine if the written appeal meets the criteria for consideration within five business days of receipt.
 - 4.1 If denied: Written notice shall be given to the appellant within the five business-day period.

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- 4.2 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.

5. 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:
 - 5.1 Uphold the findings of the rights office and the action taken or plan of action proposed by respondent.


 - 5.2 Request that the rights office reopen/reinvestigate.
 - 5.2.1 The reinvestigation will be completed within 45 days following the standards established in 330.1778.
 - 5.2.2 Upon receipt of the RIF, the director will take appropriate remedial action and will submit a written summary report to the complainant, recipient, if different than the complainant, parent or guardian, and the appeals committee within 10 business days.
 - 5.2.3 If a request for additional or different action is sent to the Director, a response will be sent within 30 days as to the action taken or justification as to why it was not taken. The response will be sent to the complainant, recipient, if different than the complainant, parent or guardian, and the appeals committee.

 - 5.3 Uphold the findings of the rights office but recommend that the respondent take different or additional action to remedy the violation.

 - 5.4 Recommend that the West Michigan Community Mental Health Governing Body request an external investigation by the MDHHS office of recipient rights.
 - 5.4.1 If the committee notifies the CMH Board chair of a recommendation to seek an external investigation from MDHHS-ORR, the board will send a letter of request to the director of MDHHS-ORR within 5-business days of receipt of the request from the appeals committee. The director of the CMH making the request will be responsible for the issuance of the summary report, which will identify the grounds and advocacy information as in A32-A34 of this document and MDHHS-ORR Appeal Committee as the committee for any Appeal.

 - 5.5 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.

6. 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.

7. 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.
8. The appeals committee may request consultation and technical assistance from MDHHS-ORR.

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

VIII. **POLICY/PROCEDURE REVIEW:**

REV#	APPROVED BY	Policy/Procedure	DATE
NC	Unknown	Procedure	09/2006
NC	Unknown	Procedure	06/2016
NC	Unknown		08/2017
NC	Unknown		09/2018
NC	Unknown		11/2019
1	COC	Procedure	11/2020
2	COC	Procedure	04/2021
Board Approval Date: 03/19/1996			

IX. **CHIEF EXECUTIVE OFFICER ENDORSEMENT:**

I have reviewed and approved of policy # 5-1-2 Revision # 2.

CEO: Lisa A. Williams

Approval Signature: _____