

ATTACHMENT E-1
RECIPIENT RIGHTS FOR MENTAL HEALTH AND INPATIENT SERVICES

1. For Providers of Mental Health Services, Provider shall:
 - A. Strictly comply with all Recipient Rights provisions of the Mental Health Code and MDHHS Administrative Rules. CMHSP Office of Recipient Rights (ORR) will provide technical assistance and consultation as necessary.
 - B. Provide a summary of rights as guaranteed by the Mental Health Code and Administrative Rules to applicants and recipients at the time services are first requested, and at any other time upon request. The summary booklet will be provided by the CMHSP ORR. The Provider will maintain an adequate supply and will place them in a conspicuous location for easy review by recipients and visitors.
 - C. Comply with all recipient rights policies and procedures as established by the CMHSP. Policies and procedures are available from the CMHSP Office of Recipient Rights and are incorporated by reference into this contract.
 - D. Comply with the mechanisms established by CMHSP for protecting recipient rights and accept the final jurisdiction of the CMHSP ORR.
 - E. Take appropriate disciplinary and/or remedial action to resolve the substantiated recipient rights violation. Remedial action will correct or provide remedy for the rights violation, be implemented in a timely manner, and will attempt to prevent a recurrence. All remedial action taken will be documented in the record of the employee. For rights violations involving abuse or neglect the provider will ensure that appropriate disciplinary action is taken against those who have engaged in abuse or neglect/retaliation or harassment, including official reprimand, demotion, suspension, reassignment, or dismissal. The provider is required to provide a written plan of correction outlining the specific disciplinary and/or remedial action taken and the date the disciplinary and/or remedial action took place/was implemented by the provider.
 - F. Grant the CMHSP ORR unimpeded access to all staff, recipients, documents, sites, and other evidence necessary in order to fulfill the monitoring function of the office or to conduct a thorough investigation.
 - G. Cooperate with the CMHSP ORR during investigations and site reviews. The Provider will take any action necessary to ensure employee compliance.
 - H. Provide or ensure that appropriate action is taken to protect complainants, ORR representatives, recipients, or any employee acting on behalf of a recipient if there is evidence that harassment or retaliation has occurred in response to their participation in any recipient rights activities.
 - I. Monitor the safety and welfare of recipients while they are under its service supervision pursuant to this Contract. If the health or safety of any recipient for which services are being delivered is in jeopardy, Provider shall cooperate in the immediate transfer of the recipient(s) to another services provider.
 - J. Provide immediate comfort and protection to any recipient who has suffered an alleged rights violation or has suffered physical injury. Ensure that emergency medical personnel are notified immediately if necessary due to the severity of injury.

- K. Immediately report all incidents involving the death, serious injury, abuse, neglect or retaliation/harassment of a recipient to the CMHSP ORR, and document it in writing on an incident report form before the end of the day. All other suspected or actual recipient rights violations will be reported in a timely basis as required by CMHSP policy.
 - L. Notify Adult Protective Services, Child Protective Services, law enforcement or other public agencies as required by law regarding the apparent or suspected abuse, neglect, sexual abuse, or death of a recipient. Provider will post a summary of these reporting requirements as provided by the CMHSP ORR in an area accessible to employees for easy review.
 - M. Maintain the confidentiality of information regarding recipients in compliance with the Mental Health Code, other applicable State and Federal laws, and the CMHSP policy and procedures.
 - N. Ensure all employees receive recipient rights training within thirty (30) days of hire and annually thereafter. Training will be provided directly by the CMHSP ORR on a schedule determined by the CMHSP. Training from another CMHSP ORR will be accepted within the Region. The Provider will maintain clear and easily accessible records of all recipient rights training received by employees and allow those training records to be reviewed by the CMHSP ORR.
 - O. Comply with CMHSP grievance and appeal mechanisms, which allow recipients/applicants to pursue resolution of complaints related to services and supports managed and/or delivered by CMHSP. Specifics of these mechanisms (second opinions, grievances, Medicaid Dispute Resolution, Medicaid fair hearings) are set forth in the Lakeshore Region Guide to Services, copies of which are available on the CMHSP website.
 - P. Comply with LRE's (Lakeshore Regional Entity's) Grievance System for Medicaid and Uninsured Beneficiaries. In the performance of this Agreement, the Inpatient Facility Provider agrees to comply with LRE's Grievance and Appeal Technical Requirement, LRE Grievance System for Medicaid Beneficiaries, January 2016.
 - Q. Remain in compliance with the Bullard-Plawecki Employee Right to Know Act, 1978 PA 397, by assuring that employees are given written notice under the conditions and as detailed in that Act.
2. For Providers of Inpatient Hospitalization services, Provider shall:
- A. Provider agrees to establish a rights protection system as mandated by the Mental Health Code (MCL 330.1755) to protect the rights of Covered Persons of mental health services. Provider will forward all reports and documentation of any Recipient Rights investigation for any CMHSP recipient to the respective CMHSP.
 - B. Strictly comply with all Recipient Rights provisions of the Mental Health Code and MDHHS Administrative Rules. CMHSP Office of Recipient Rights (ORR) will provide technical assistance and consultation as necessary.
 - C. Provide a summary of rights as guaranteed by the Mental Health Code and Administrative Rules to applicants and recipients at the time services are first requested, and at any other time upon request. The Provider will maintain an adequate supply and will place them in a conspicuous location for easy review by recipients and visitors.

- D. Provide or ensure that appropriate action is taken to protect complainants, ORR representatives, recipients, or any employee acting on behalf of a recipient if there is evidence that harassment or retaliation has occurred in response to their participation in any recipient rights activities.
- E. Monitor the safety and welfare of recipients while they are under its service supervision pursuant to this Contract. If the health or safety of any recipient for which services are being delivered is in jeopardy, Provider shall cooperate in the immediate transfer of the recipient(s) to another services provider.
- F. Provide immediate comfort and protection to any recipient who has suffered an alleged rights violation or has suffered physical injury. Ensure that emergency medical personnel are notified immediately if necessary due to the severity of injury.
- G. Cooperation will include permitting staff of CMHSP access at any time to the sites, CMHSP referred Covered Persons, pertinent staff, and Covered Person records.
- H. As related to Inpatient Facilities, and all other contracted providers, CMHSP may take immediate action it deems necessary and reasonable to protect a Recipient from confirmed or suspected violations of the Recipient's Rights which occur while the Recipient is enrolled in Provider's program. Substantiated violations may result in suspension, denial, revocation, termination, or nonrenewal of this Agreement unless the action occurs as a result of a situation of limited duration arising from mechanical or power failure, acts of nature or similar events.
- I. Remain in compliance with the Bullard-Plawecki Employee Right to Know Act, 1978 PA 397, by assuring that employees are given written notice under the conditions and as detailed in that Act.
- J. Notify Adult Protective Services, Child Protective Services, law enforcement or other public agencies as required by law regarding the apparent or suspected abuse, neglect, sexual abuse, or death of a recipient. Provider will post a summary of these reporting requirements as provided by MDHHS ORR in an area accessible to employees for easy review.
- K. Inpatient Provider will furnish CMHSP with a set of Provider's Recipient Rights Policies and Procedures for review and will forward any future revisions or additions.
 - a. Provider will furnish CMHSP with a set of Provider's Recipient Rights Policies and Procedures for review and will forward any future revisions or additions.
 - b. Provider will use its own Recipient Rights Policies and Procedures which have been verified by CMHSP and/or MDHHS – ORR to be in compliance with the Mental Health Code and MDHHS-Office of Recipient Rights requirements (Attachment B provided by MDHHS -ORR).
- L. Cooperate with the CMHSP ORR during annual site reviews. The Provider will take any action necessary to ensure compliance.
- M. Provider may be asked to furnish verification of staff completion of Recipient Rights training within thirty (30) days of hire.
- N. Provider will ensure all Provider Recipient Rights staff comply with Attachment 6.3.2.3A of the MDHHS/CMHSP contract (Continuing Education Requirements: Attachment E-3).
- O. Maintain the confidentiality of information regarding recipients in compliance with the Mental Health Code, other applicable State and Federal laws.

3. CMHSP reserves the right to terminate this Contract for failure to comply with recipient rights policies and/or disciplinary action if client abuse and/or neglect is substantiated, and to remove any recipient, referred or placed pursuant to this Contract, who CMHSP deems is in immediate danger while under the Provider's care.

CITATIONS

Michigan Mental Health Code, Chapter 7
MDHHS-ORR Attachment B