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| **MONTCALM CARE NETWORK** **611 North State Street, Stanton, MI 48888** |   |
| SUBJECT: Recipient Rights ComplaintProcess  | Section: 8901 |
| Effective Date: February 23, 2005 | Revised Date: May 24, 2022 |

This policy and related procedures are applicable to MCN staff and contracted providers.

1. A recipient, or another individual on behalf of a recipient, may file a recipient rights complaint. A recipient rights complaint may be written or verbal or be based on a determination by the rights officethat an incident report represents an alleged violation of Chapter 7 or 7A of the Mental Health Code.
2. The rights office will ensure that all recipients, guardians, parents, or other concerned parties have ready access to rights complaints forms.
3. Rights complaints filed by recipients or anyone on their behalf, will be sent or given to the rights office in a timely manner.
4. A rights complaint will contain all of the following information:
	1. A statement of the allegations that gave rise to the dispute.
	2. A statement of the right or rights that may have been violated.
	3. The outcome that the complainant is seeking as a resolution to the complaint.
5. Each rights complaint will be recorded upon receipt by the rights office and acknowledgment of the recording will be sent along with a copy of the complaint to the complainant within five (5) business days.
6. Within five (5) business days after the office receives a complaint, the rights office will notify the complainant if it determines that no investigation of the rights complaint is warranted. An explanation for the decision to not investigate and a copy of the complaint will be included.
7. If a complaint is determined to be outside the jurisdiction of the rights office an acknowledgement of the receipt will be provided within 5 business days. It will include a point of reference in the correct jurisdiction, if possible, and a copy of the complaint.
8. The office will assist the recipient or other individual with the complaint process as necessary.
9. The rights office will advise the recipient or other individual that there are advocacy organizations available to assist in preparation of a written rights complaint and will offer to refer the recipient or other individual to those organizations. In the absence of assistance from an advocacy organization the office will assist in preparing a written rights complaint.
10. If a rights complaint has been filed regarding the conduct of the Director of the Montcalm Care Network, the rights investigation will be conducted by the office of another CMH program or by the State Office of Recipient Rights, as decided by the Montcalm Care Network Board.
11. The rights office will initiate investigation of apparent or suspected rights violations in a timely and efficient manner.
12. If the facts of the alleged violation are clear and the remedy, if applicable, is clear, easily obtainable and does not involve disciplinary action required by statute, the Recipient Rights Officer will:
	1. Facilitate resolution of the complaint.
	2. Document the resolution in writing including any remedial action.
	3. Distribute the written intervention to the complainant.
	4. Close the investigation.
13. Results of the intervention will be issued to the complainant not later than thirty (30) days after the initial complaint is received.
14. If notified that the complainant is unsatisfied with the results of the intervention, the Recipient Rights Officer will immediately reopen the case as an investigation.
15. Investigations will be initiated immediately in cases involving alleged abuse, neglect, serious injury, or death of a recipient when a rights violation was apparent or suspected.
16. Subject to delays involving pending action by external agencies (CPS, law enforcement, etc.), the rights office will complete the investigation not later than ninety (90) calendar days after it receives the rights complaint.
17. Investigation activities for each rights complaint will be accurately recorded by the rights office.
18. The rights office will comply with applicable policies to assure that investigations will be conducted in a manner that does not violate employee rights.
19. The rights office will determine whether a right was violated by using the preponderance of the evidence as its standard of proof. A preponderance of evidence means it is more likely that a right was violated than it was not, based upon the greater weight of the evidence not as to the quantity (i.e., the number of witnesses), but as to the quality (i.e., believability of the witnesses).
20. The rights office will issue a written status report every thirty (30) calendar days during the course of the investigation. The report will be submitted to the complainant, the respondent, and the Director of the Montcalm Care Network. A status report will include all of the following:
	1. Statement of the allegation.
	2. Statement of the issues involved.
	3. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
	4. Investigation progress to date.
	5. Expected date for completion of the investigation.
21. Upon completion of the investigation, the rightsoffice will submit a written investigative report to the respondent and to the Director of Montcalm Care Network. (Issuance of the written investigative report may be delayed pending completion of investigations that involve external agencies).

The written investigative report will include all of the following:

* 1. Statement of the allegation.
	2. Statement of the issues involved.
	3. Citations to relevant provisions of the Mental Health Code, rules, policies or guidelines.
	4. Investigative findings.
	5. Conclusions.
	6. Recommendations, if any.
1. If it has been determined through investigation that a right has been violated, the respondent will take appropriate remedial action that meets all of the following requirements:
	1. Corrects or provides a remedy for the rights violation.
	2. Is implemented in a timely manner.
	3. Attempts to prevent a recurrence of the rights violation.
2. The disciplinary or remedial action will be documented and made part of the record maintained by the rights office.
3. In substantiated cases of abuse or neglect, the Director of the Montcalm Care Network will take, or cause to be taken, appropriate disciplinary action against those who engaged in the abuse or neglect. There will be zero tolerance for substantiated retaliation and harassment.
4. The Director of the Montcalm Care Network will submit a written summary report to the complainant, recipient, guardian or parent of a minor, within ten (10) business days after the Director receives a copy of the investigative report. The summary report will include all of the following:
	1. Statement of the allegations.
	2. Statement of issues involved.
	3. Citations to relevant provisions of the Mental Health Code, rules, policies, and guidelines.
	4. Summary of investigative findings.
	5. Conclusions of the rights office.
	6. Recommendations made by the rights office.
	7. Action taken, or plan of action proposed by the respondent.
	8. Notice that an appeal of the investigative findings may be appealed no later than forty-five (45) days after receipt of the Summary Report, and that the grounds for appeal are:
	9. The investigative findings of the office are not consistent with the facts or with law, rules, policies, or guidelines.
	10. The action taken or plan of action proposed by the respondent does not provide adequate remedy.
	11. An investigation was not initiated or completed on a timely basis.
5. Information in the summary report will be provided within the constraints of the confidentiality/privileged communications sections (330.1748, 330.1750) of the Mental Health Code.
6. Information in the summary report will not violate the rights of any employee (i.e., in accordance with the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et. seq).
7. Failure to report any suspected right violation will result in administrative action.
8. Any employee or contracted providerwho knowingly files a false recipient rights complaint will be subject to administrative action.
9. All Montcalm Care Network employees, contracted providers, and volunteers will receive Recipient Rights Training before or within thirty (30) days after being employed.