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| **MONTCALM CARE NETWORK PROCEDURE** **611 North State Street, Stanton, MI 48888**  |
| SUBJECT: Recipient Rights AppealsProcess | Section: 8901B |
| Effective Date: February 23, 2005 | Revised Date: June 10, 2024 |

1. The Montcalm Care Network Board has designated the Recipient Rights Advisory Committee to serve as the Appeals Committee [See procedure #3100B]. None of these members shall be employed by Montcalm Care Network or MDHHS.
2. A member of the Appeals Committee who has a personal or professional relationship with an individual involved in an appeal will abstain from participation in the appeal as a member of the committee.
3. Not later than forty-five (45) days after receipt of the summary report, the complainant may file a written appeal with the Appeals Committee.
4. The grounds for appeal are:
	1. The investigative findings of the office are not consistent with the facts or with law, rules, policies or guidelines;
	2. The action taken or plan of action proposed by the respondent does not provide adequate remedy;
	3. An investigation was not initiated or completed on a timely basis.
5. The rights office will advise the complainant that there are advocacy organizations available to assist the complainant in preparing the written appeal and will offer to refer the complainant to those organizations. In the absence of assistance from an advocacy organization, the office will assist the complainant in meeting the procedural requirements of a written appeal.
6. Within five (5) business days after receipt of the written appeal, at least three () (2) members of the Appeals Committee will review the appeal to determine whether it meets the criteria for appeal. The appeals Committee may request consultation and technical assistance from MDHHS – ORR.
7. If the appeal is denied because the criteria was not met, the appellant will be notified in writing within five (5) business days. A notice of rejection shall describe the reason(s) for not accepting the appeal.
8. If the appeal is accepted, the appellant will be notified in writing within five (5) business days. A copy of the appeal will be provided to the Rights Office, respondent and Director of the Montcalm Care Network.
9. Within thirty (30) days after receipt of a written appeal, the Appeals Committee will meet and review the facts as stated in all complaint investigation documents and will do one of the following:
	1. Uphold the investigative findings of the rights office and the action taken or plan of action proposed by the respondent.
	2. Return the investigation to the rights office and request that it be reinvestigated within 45 days. Once opened for reinvestigation, 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.
	3. Uphold the investigative findings of the rights office but recommend that the respondent take additional or different action to remedy the violation. 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.
	4. Recommend that the Montcalm Care Network Board request an external investigation by the MDHHS Office of Recipient Rights. The Board will send a letter of request to the Director of MDHHS-ORR within 5 business days of the receipt of the request from the appeals committee. The Director of the Board making the request will be responsible for the issuance of the summary report, which will identify the grounds and advocacy information as stated in 8901B and MDHHS-ORR Appeal Committee as the committee for any appeal.
10. The Appeals Committee will document its decision and justification for the decision in writing.
11. If the committee confirms that the investigation was not initiated or completed in a timely manner, recommend that the Director of the Montcalm Care Network take appropriate supervisory action with the investigating Rights Officer/Advisor.
12. Within ten (10) business days after reaching its decision, the committee will provide copies of the decision to the respondent, appellant, recipient if different than the appellant, (parent of a minor recipient) the recipient's guardian if a guardian has been appointed, the Director of the Montcalm Care Network, and the rights office.
13. Copies of the Appeals Committee decision will also include a statement of the appellant’s right to appeal the committee’s decision to MDHHS not later than forty-five (45) days after receiving written notice of the decision and that the ground for appeal is the investigative findings of the rights office are not consistent with the facts or with law, rules, policies, or guidelines.