

Title of Manual: Mid-South Substance Abuse Commission Policy and Procedures		Page 1 of 7	
		History	
Policy Number: <b>A007</b>	Subject/Title: Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
Issued By: Executive Director	Approved By: Board of Directors Date: 2/23/2009	Scope: All Contracted Providers	<b>Effective:</b> 2/23/2009

## 1. POLICY

Rights shall be administered in accordance with Rules promulgated under PA 368 of 1978, as amended. Specifically, the Administrative Rules for Substance Abuse Service Programs in Michigan, Section 3 - Recipient Rights (Effective January 9, 1982), for clients and potential clients and shall be readily available through a Recipient Rights Advisor. Mid-South incorporates a client Rights process that will help ensure that client quality of care may be achieved in the most cost-effective manner. It will address client concerns in the most expeditious manner.

## 2. RESPONSIBILITY

Mid-South shall identify and communicate to providers and interested parties the name and contact information of the Recipient Rights Regional Consultant.

## 3. PROCEDURES

When a client believes a Right was violated under the Administrative Rules for Substance Abuse Service Programs in Michigan, Section 3 – Recipient Rights or wants to appeal the program level action, the following procedures for the provider to process a client rights complaint is as follows:

### 3.1. When a client believes a right has been violated:

3.1.1. The client contacts a staff member, counselor, or Program Rights Advisor.

3.1.2. The staff member attempts to resolve the complaint on an informal basis. If an informal solution cannot be reached or if the complaint alleges abuse, neglect, or an illegal act, the client is referred to the Program Rights Advisor to file a formal complaint.

3.1.3. The Program Rights Advisor attempts to resolve the complaint informally if the client approaches or is referred to him or her. If the complaint can be resolved informally, the Program Rights Advisor completes an informal complaint form for filing and forwards a copy to the referring staff, if appropriate. The Program Rights Advisor reviews all informal complaints with the Program Director on a regular basis.

### 3.2. When a client wants to file a formal complaint:

3.2.1. The staff member refers the client to the Program Rights Advisor. The Program Rights Advisor:

3.2.1.1. Gives the client a list of Recipient Rights by providing Administrative Rules for Substance Abuse Service Programs in Michigan, Section 3 – Recipient Rights.

3.2.1.2. Gives the client a Recipient Rights Complaint Form BHS-LC-901.

3.2.1.3. Assists the client to focus his or her thinking by deciding three issues:

3.2.1.3.1. What is the focus of the complaint? What happened, when, who was involved? Is the complaint against a policy/procedure, a staff member, or the environment?

3.2.1.3.2. What right was violated? Cite the specific rule number if possible.

3.2.1.3.3. What does the client want as a solution to this complaint? Who should do what by when?

3.2.1.4. The client completes the form and gives or sends it to the Program Rights Advisor.

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 2 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

- 3.2.1.5. The Program Rights Advisor follows instructions on the back of Form BHS-LC-901 by reviewing the form, filling in the response due date, giving a copy to the client, and distributing the other copies.
- 3.2.1.6. The Coordinating Agency Rights Consultant receives a copy of the complaint, reviews it, and notes the latest date by which the Recipient Rights Investigation Report Form BHS-LC-902 should be received.
- 3.3. When a Recipient Rights Complaint Form BHS-LC-901 has been completed and filed:
- 3.3.1. The client awaits a written response from the Program Rights Advisor on Form BHS-LC-902.
- 3.3.2. The staff member(s) assists the Program Rights Advisor to determine the facts of the situation described in the complaint.
- 3.3.3. The Program Rights Advisor initiates an investigation of the complaint. The purpose of the investigation is to gather information from all possible resources to reach one of four conclusions:
- 3.3.3.1. The findings support the allegations in the complaint.
- 3.3.3.2. The findings do not support the allegations in part.
- 3.3.3.3. The findings do not support the allegations.
- 3.3.3.4. The findings are inconclusive.
- 3.3.4. Within 25 working days of receipt of the complaint, the Recipient Rights Advisor must complete the Recipient Rights Investigation Report Form BHS-LC-902. If the investigation will require more time, the Recipient Rights Advisor completes the Preliminary Report section of Form BHS-LC-902, indicating the reason the investigation is not complete and the date it will be completed. The form is then distributed by registered mail to the client.
- 3.3.5. When the investigation is completed, the Recipient Rights Advisor summarizes the findings and completes his or her part of Form BHS-LC-902. He or she then discusses the findings with the Program Director and gives the Program Director Form BHS-LC-902, specifying whether or not remedial action appears to be necessary. The Program Director completes sections 4 and 5 of Form BHS-LC-902. If no remedial action is recommended by the Recipient Rights Advisor or determined necessary by the Director, Item #4 is left blank. The form is signed and dated (Item #5) and it is returned to the Recipient Rights Advisor.
- 3.3.6. If remedial action is necessary, the Program Director outlines the action to be taken, the time frames for each action, and the person(s) responsible for implementing each action. He or she signs and dates Form BHS-LC-902 and returns it to the Recipient Rights Advisor for completion and distribution.
- 3.3.7. At this point, the Program Rights Advisor and Program Director must assess their decisions in relation to the client's description of a "fair solution" to the complaint. If the decision is that no remedial action is necessary, yet the client is still dissatisfied, it may be appropriate to meet with the client to discuss disposition of the complaint.
- 3.3.8. The client may agree to negotiate or prefer not to. If negotiation occurs, the Program Director may choose to modify his or her proposed remedial action plan.
- 3.3.9. In either case, the Recipient Rights Advisor must take the completed (or revised) report Form BHS-LC-902, add the appeal due date, and either give it to the client, or mail it by registered mail within 30 working days of receipt of the complaint (or on the date specified on Form BHS-LC-902, if the investigation could not be completed within 25 working days of receipt of the complaint). He or she then distributes copies to the Coordinating Agency Rights Consultant and the Michigan Department of Community Health (MDCH) Rights Coordinator.

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 3 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

- 3.4. When the Recipient Rights Investigation Report Form BHS-LC-902 has been completed and distributed:
- 3.4.1. The client receives the completed report (in person or by registered mail), and is notified by the Recipient Rights Advisor (and on the form) that he or she has until the date specified on the form (15 working days from date received) either to accept the findings and/or remedial action plan or to file an appeal with the coordinating agency. (Note: the client must be notified if the investigation could not be completed within the 30 working day period and on what date he or she will receive a completed report).
  - 3.4.2. The Recipient Rights Advisor awaits the client's decision.
  - 3.4.3. The Program Director may plan initiation of any proposed remedial action after the appeal period so that he or she is sure that the action will not be initiated and then appealed by the client during that period. This is a matter of judgment based on the cost and consequences of the remedial action. Some remedial action may be taken without regard to the possibility of a client's appeal. This situation might occur if client abuse had occurred and a staff member was to be fired, or if some threat to a client's health was found and had to be remedied before Form BHS-LC- 902 could be completed, regardless of the client's acceptance or rejection of the action.
- 3.5. When a client does not file an appeal within 15 working days of the receipt of the Recipient Rights Investigation Report Form BHS-LC-902:
- 3.5.1. The client has demonstrated acceptance of the findings and/or remedial action plan submitted by the Recipient Rights Advisor or at least does not desire to appeal.
  - 3.5.2. The Recipient Rights Advisor considers the findings and/or remedial action plan accepted by the client.
  - 3.5.3. The Program Director assigns staff to implement the remedial action plan within specified time frames.
  - 3.5.4. The Recipient Rights Advisor monitors the implementation of the action plan to see that time frames promised to the client on Form BHS-LC-902 are met. When the action plan has been implemented, the case is closed. A closure summary is entered with the Recipient Rights Advisor's records on the complaint indicating that the remedial action was implemented as planned and the case is closed.
  - 3.5.5. The client observes the implementation of the remedial action plan. If he or she is not satisfied that the plan is being implemented as described on Form BHS-LC-902, the client may file a new complaint. The client may not file an appeal after the 15 working day period has ended.
  - 3.5.6. The Coordinating Agency Rights Consultant notes that no appeal has been filed and sets the dates for future contact with the Recipient Rights Advisor to monitor implementation of the remedial action plan. When the implementation is completed, the case closure notation is entered in the file and the case is closed.
  - 3.5.7. The MDCH Rights Coordinator notes that no appeal has been filed and plans a final review of the file on the date the remedial action plan should be completed. After that date, the case is closed.
- 3.6. When a client wishes to file an appeal within 15 working days of the receipt of the Investigation Form BHS-LC-902:
- 3.6.1. The client indicates his or her disagreement with the findings or remedial action plan both by requesting an appeal form from the Coordinating Agency Rights Consultant (or the Recipient Rights Advisor). He or she completes the Recipient Rights Coordinating Agency Appeal Form

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 4 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

BHS-LC-903 according to the instructions on the form and with the assistance from anyone he or she chooses. The form is then given or mailed to the Coordinating Agency Rights Consultant. The client awaits a written response within 30 working days.

- 3.6.2. The Coordinating Agency Rights Consultant (or the Recipient Rights Advisor) completes the control box information and gives or mails Form BHS-LC-903 to the client and offers to assist the client to complete it.
- 3.7. When a completed Recipient Rights Coordinating Agency Appeal Form BHS-LC-903 has been received by the Coordinating Agency Rights Consultant:
  - 3.7.1. The Coordinating Agency Rights Consultant reviews the form, signs it, and completes the information box according to the instructions for Form BHS-LC-903. He or she then gives or mails the copies according to the distribution instructions at the bottom of the complaint form within two days of receipt of the appeal.
  - 3.7.2. The client is notified by the Coordinating Agency Rights Consultant and by information on Form BHS-LC-903 that he or she will receive a written report in response to the appeal no later than a specified date, which is 30 working days from the date it was received by the Coordinating Agency Rights Consultant.
  - 3.7.3. The Recipient Rights Advisor receives a copy of the appeal form and reviews it with the Program Director. They await contact from the Coordinating Agency Rights Consultant. If requested by the consultant, they attend an informal conference with the client in an effort to resolve the issues of the appeal.
  - 3.7.4. The Coordinating Agency Rights Consultant then conducts an investigation of the complaint and appeal by:
    - 3.7.4.1. Reviewing the file material.
    - 3.7.4.2. Talking with the Recipient Rights Advisor and Program Director.
    - 3.7.4.3. Talking with the complainant and any other program staff or persons, as appropriate. He or she may hold an informal conference to discuss the issues.
  - 3.7.5. Within 25 working days of receipt of the appeal, the Coordinating Agency Rights Consultant decides that he or she will or will not have completed the investigation. If the investigation requires more time, the Coordinating Agency Rights Consultant completes the Preliminary Report Section of Recipient Rights Coordinating Agency Investigation Report Form BHS-LC-904 indicating the reason the investigation is not complete and on what date it will be completed. The form is then distributed by registered mail to the client.
  - 3.7.6. If the Coordinating Agency Rights Consultant's findings or remedial action plan are in disagreement with those of the program, the Coordinating Agency Rights Consultant should review them with the Recipient Rights Advisor and the Program Director prior to distributing the form.
  - 3.7.7. If the Program Director finds the proposed remedial action unacceptable, then he or she should request a conference with the MDCH Rights Coordinator and Coordinating Agency Rights Consultant to seek a satisfactory resolution to the problem before the investigation report of the appeal is provided to the client.
  - 3.7.8. In situations where the MDCH Rights Coordinator and the Coordinating Agency Rights Consultant agree to continue to require a remedial action that is considered unacceptable by the program, the Program Director may request a conference of all parties with the MDCH Administrator.

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 5 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

- 3.7.9. The Coordinating Agency Rights Consultant may request a conference with the MDCH Administrator in cases where the MDCH Rights Coordinator does not agree with the Coordinating Agency Rights Consultant's remedial action plan.
- 3.7.10. The MDCH Rights Coordinator offers consultation in cases where there is disagreement concerning the feasibility of the remedial action specified by the Coordinating Agency Rights Consultant. He or she seeks assistance from other MDCH staff concerning financial, legal, or rule compliance issues that impact on the program's ability to implement a remedial action.
- 3.7.11. When requested by a Program Director or Coordinating Agency Rights Consultant, the MDCH Rights Coordinator arranges for a conference with the MDCH Administrator to resolve the issues.
- 3.7.12. This stage of the client rights protection presents another opportunity for negotiation and problem solving. The goal is a fair and feasible solution. If a program agrees that a solution is fair, but does not consider it to be feasible, then the reason(s) it is not considered feasible should be evaluated.
- 3.7.13. When the Coordinating Agency Rights Consultant has evaluated all options, he or she completes Form BHS-LC-904 by entering the findings, remedial action plan, and appeal due date. The form is then given or mailed by registered mail to the client according to his or her instructions on the appeal form within 30 working days of receipt of the appeal or by the date promised in a Preliminary Report, if one was issued. Copies are also distributed to the Program and the MDCH Rights Coordinator per instruction.
- 3.7.14. The MDCH Rights Coordinator notes the date of the appeal and the dates by which reports should be received from the Coordinating Agency Rights Consultant. If requested, he or she provides technical assistance to the Coordinating Agency Rights Consultant.
- 3.8. When a Recipient Rights Coordinating Agency Investigation Report Form BHS-LC-904 has been completed and distributed:
- 3.8.1. The client is informed by the Coordinating Agency Rights Consultant in person or by mail, and by instructions on the back of the form, that another appeal is available if the client does not accept the findings or remedial action specified by the Coordinating Agency Rights Consultant. The client has 15 working days from the date he or she received Form BHS-LC-904 to file an appeal with the MDCH Rights Coordinator.
- 3.8.2. The Coordinating Agency Rights Consultant monitors implementation of the remedial action plan (if there is one) according to the time frames specified in the plan.
- 3.8.3. The MDCH Rights Coordinator reviews Form BHS-LC-904 and notes dates of remedial action. He or she plans follow-up contacts with the Coordinating Agency Rights Consultant as the remedial action is implemented.
- 3.8.4. The Recipient Rights Advisor and the Program Director receive Form BHS-LC-904 as documentation of the Coordinating Agency Rights Consultant's remedial action plan. They should be prepared to implement the plan as specified by the Coordinating Agency Rights Consultant.
- 3.9. When a client does not file an appeal within 15 working days of receipt of the Recipient Rights Coordinating Agency Investigation Report Form BHS-LC-904:
- 3.9.1. The client has demonstrated acceptance of the findings and/or remedial action plan specified by the Coordinating Agency Rights Consultant or at least does not desire to appeal.
- 3.9.2. The Recipient Rights Advisor considers the findings and/or remedial action plan accepted by the client.

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 6 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

- 3.9.3. The Program Director implements the remedial action plan within the specified time frames.
- 3.9.4. The Recipient Rights Advisor monitors implementation of the remedial action plan to ensure that time frames specified are met. When the action plan is implemented, the Recipient Rights Advisor summarizes the action taken and closes the file.
- 3.9.5. The Coordinating Agency Rights Consultant monitors implementation of the remedial action plan to insure that time frames specified are met. When the remedial action plan is implemented, the case is closed.
- 3.9.6. The MDCH Rights Coordinator checks with the Coordinating Agency Rights Consultant to confirm that remedial action has been completed and closes the case.
- 3.9.7. The client observes implementation of the remedial action plan. If the client is not satisfied that the remedial action is being implemented as desired on Recipient Rights Coordinating Agency Investigation Report Form BHS-LC-904, as promised after the 15 working day period, he or she may file a new complaint.
- 3.10. When a client wishes to file an appeal within 15 working days of receipt of the Coordinating Agency Investigation Report Form BHS-LC-904:
- 3.10.1. The client indicates his or her disagreement with the findings and/or remedial action specified on Form BHS-LC-904 by obtaining from the Coordinating Agency Rights Consultant or MDCH Rights Coordinator, a Recipient Rights State Level Appeal Form BHS-LC-905, completing it, and delivering or mailing it to the MDCH Rights Coordinator. The client awaits a written response within 30 working days.
- 3.10.2. The MDCH Rights Coordinator or the Coordinating Agency Rights Consultant completes the control box information, gives the client a Form BHS-LC-905, and offers to assist the client to complete it.
- 3.11. When a completed Recipient Rights State Level Appeal Form BHS-LC-905 has been received by the MDCH Rights Coordinator:
- 3.11.1. The MDCH Rights Coordinator reviews the form, signs it, and completes the information box according to instructions for Form BHS-LC-905. He or she then distributes the copies of the form within 2 working days of receipt.
- 3.11.2. The client is notified by the MDCH Rights Coordinator and by information on Form BHS-LC-905 that he or she will receive a written report in response to the appeal no later than a specified date, which is 30 working days from the date it was received by the MDCH Rights Coordinator.
- 3.11.3. The Program Rights Advisor and the Program Director, upon receipt of the form, are notified of the appeal and await contact from the MDCH Rights Coordinator.
- 3.11.4. The Coordinating Agency Rights Consultant receives notice of the appeal and awaits contact from the MDCH Rights Coordinator.
- 3.11.5. The MDCH Rights Coordinator then initiates his or her investigation. The MDCH Rights Coordinator may hold an informal conference of involved parties during this period.
- 3.11.6. A written report of the investigation procedures, finding, and administrative or licensing action recommended to the MDCH Administrator or by the MDCH Rights Coordinator is completed within 25 working days of receipt of the appeal. If the investigation cannot be completed within the 25 working day period, a preliminary Recipient Rights State Level Investigation Report Form BHS-LC-905 is issued specifying the reasons for the delay and the date the report will be completed.

<b>Title of Manual:</b> Mid-South Substance Abuse Commission Policy and Procedures		<b>Page 7 of 7</b>	
		<b>History</b>	
<b>Policy Number:</b> <b>A007</b>	<b>Subject/Title:</b> Recipient Rights		<b>Replaces:</b> 7/2006
			<b>Last Reviewed:</b> 2/2009
<b>Issued By:</b> Executive Director	<b>Approved By:</b> Board of Directors <b>Date:</b> 2/23/2009	<b>Scope:</b> All Contracted Providers	<b>Effective:</b> 2/23/2009

- 3.11.7. Copies of the completed report are distributed to the client, Coordinating Agency Rights Consultant, and Recipient Rights Advisor within 30 working days of receipt of the original complaint or by the date specified on the preliminary report.
- 3.12. When a completed Recipient Rights State Level Investigation Report Form BHS-LC-906 is completed and distributed:
- 3.12.1. The client has 15 working days to file a request for a hearing under the Administrative Procedures Act (Act 306 of Public Acts of 1969, as amended) by writing such a request in a letter to the MDCH Administrator. If no appeal is filed, the client demonstrates acceptance of the state level findings and remedial action plan.
- 3.12.2. The Recipient Rights Advisor and Program Director review the findings and action plan. They may decide to await a client appeal or immediately implement the action plan. If no appeal is received, the action plan is initiated and when completed, the case is closed.
- 3.12.3. The Coordinating Agency Rights Consultant notes the date on which the 15 working days appeal period ends. If no appeal is received, he or she monitors implementation of the remedial action plan through case closure.
- 3.12.4. The MDCH Rights Coordinator informs the client of the right to further appeal. He or she awaits the decision of the client to appeal or not. If no appeal is received, he or she monitors the remedial action plan in cooperation with the Coordinating Agency Rights Consultant through case closure.
- 3.13. When a client files an appeal of a Recipient Rights State Level Investigation Report Form BHS-LC-906:
- 3.13.1. The client demonstrates his or her disagreement with the findings and/or remedial action in the investigation report by writing a letter to the MDCH Administrator requesting a hearing under the provisions of the Administrative Procedures Act.
- 3.13.2. The MDCH Administrator assigns staff to hold an informal hearing. If the matter is not resolved at the informal hearing, a formal hearing before an administrative law judge is ordered.
- 3.13.3. The Recipient Rights Advisor, Program Director, Coordinating Agency Rights Consultant, and MDCH Rights Coordinator may be called to testify.
- 3.13.4. The decision of the administrative law judge may be challenged by the client in court.

**References:**

- Administrative Rules for Substance Abuse Programs in Michigan
- Form BHS-LC- 901: Recipient Rights Complaint Form
- Form BHS-LC- 902: Recipient Rights Investigation Report
- Form BHS-LC- 903: Recipient Rights Coordinating Agency Appeal
- Form BHS-LC- 904: Recipient Rights Coordinating Agency Investigation Report
- Form BHS-LC- 905: Recipient Rights State Level Appeal
- Form BHS-LC- 906: Recipient Rights State Level Investigation Report