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<b>Title</b>	<b>Northern Lakes CMH Policies</b>
<b>Part 105</b>	<b>Recipient Rights Protection System</b>
<b>Subpart A</b>	<b>Recipient Rights Protection System</b>
<b>Policy No.</b>	<b>105.104</b>
<b>Subject</b>	<b>Recipient Rights Advisory and Appeals Committee</b>

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## **Applicability**

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

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## **Policy**

The Northern Lakes CMH Board of Directors shall appoint and maintain a Recipient Rights Advisory and Appeals Committee to assist in meeting its responsibilities for protecting the rights of recipients and oversee the Recipient Rights Protection System as required by the Michigan Mental Health Code (P.A. 258 of 1974, MCL 330.1757).

### STANDARDS:

1. The Recipient Rights Advisory and Appeals Committee shall be comprised of no less than seven members. The membership of the committee shall be broadly based so as to best represent the varied perspectives of the community mental health services program's geographic area. At least 1/3 of the membership shall be primary consumers or family members, and of that 1/3, at least 1/2 shall be primary consumers. At least two members shall be a current member of the Northern Lakes Community Mental Health Board of Directors and shall be appointed as chairperson of the committee by the chairperson of the board. Appointments shall be reviewed annually. A simple majority of the members must be present to conduct a meeting of the Advisory Committee. The committee may be paid per diem and travel at rates established by the Board.
2. Meetings of the Recipient Rights Advisory Committee are subject to the Open Meetings Act (PA 267 of 1976, MCL 15.261 to 15.275). A list of meetings shall be posted at each office site directly operated by the agency. Minutes of committee meetings shall be presented to the community mental health board and be made available to individuals upon request.
3. The Recipient Rights Advisory Committee is designated as and shall serve as the Northern Lakes CMH Recipient Rights Appeals Committee. A member of the Recipient

Rights 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. Appeals Hearings, as well as all documentation resulting from hearings, are confidential and shall not be open to public disclosure or inspection, except as allowed by law.

4. The Recipients Rights Advisory and Appeals Committee shall do all of the following:
  - a. Meet at least semi-annually or as necessary to carry out its responsibilities.
  - b. Maintain a current list of categories represented on the committee and members' names to be made available to individuals upon request. The committee shall make recommendations for replacement or addition of members as necessary to maintain a viable function of the committee.
  - c. Protect the Office of Recipient Rights from pressures that could interfere with the impartial, even-handed, and thorough performance of its functions including, but not limited to the following:
  - d. Annually review the funding of the Office of Recipient Rights and make recommendations as to the adequacy of staff and other resources of the office.
  - e. Hear and respond to concerns from the Recipient Rights Officer regarding alleged retaliation or harassment of Workforce Members of the Office of Recipient Rights.
  - f. Advise the Chief Executive Officer as to any potential conflicts in the performance of duties by the rights office as related to other assigned responsibilities.
  - g. Recommend candidates for the Recipient Rights Officer to the Chief Executive Officer, and consult with the Chief Executive Officer regarding any proposed dismissal of the Recipient Rights Officer. Review and approve a job description for the Recipient Rights Officer.
  - h. Serve in an advisory capacity to the Chief Executive Officer and the Recipient Rights Officer. May provide support and advice to the Chief Executive Officer and Office of Recipient Rights as it relates to education and training of staff.
  - i. Receive, review, and recommend policies and procedures related to protection of recipient rights and advise the board concerning unmet policy needs.
  - j. Receive annual training in Recipient Rights and the rights protection system including complaint and appeal processes.
  - k. Review and provide comments on the reports submitted by the Chief Executive Officer to the community mental health services program under section 755.
  - l. When functioning as the Appeals Committee, conduct Appeals in accordance with Northern Lakes CMH Policy 105.105 Complaint, Investigation, and Appeal.

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**Procedures**

None.

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**Adoption Date:** May 23, 2006

**Review Dates:** June 8, 2009

**Revision Dates:** March 28, 2008