

## ATTACHMENT E-3

## PROTECTION OF RECIPIENT RIGHTS FOR PSYCHIATRIC INPATIENT SERVICES

1. Providers of Inpatient Psychiatric Services shall:
  - a. Establish a rights protection system as mandated by the Mental Health Code MCL 330.1755 to protect the rights of Beneficiaries of Covered Services. Provider will forward all reports and documentation of any Recipient Rights Investigation promptly to Member upon completion of required reporting.
  - b. Cooperate with any Member Recipient Rights procedure or activity, including but not limited to, permitting Member access at any time any program or service site, Member referred Beneficiary, Provider staff, and/or records under authority of this Agreement.
  - c. Acknowledge Member's right and authority to take immediate action it deems necessary and reasonable to protect any Beneficiary from confirmed or suspected violations of Recipient Rights which occur while the Beneficiary 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 beyond the control of Provider.
  - d. 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 the act.
  - e. Notify Adult Protective Services, Child Protective Services, law enforcement, and/or other public agencies as required by law regarding the apparent or suspected abuse, neglect, sexual abuse, or death of a Beneficiary. Provider must post a summary of these reporting requirements as provided by MDHHS or Member in an area accessible to employees for easy review.
  - f. Furnish Member with Provider's Recipient Rights Policies and Procedures for review, including any revisions of said Policies and Procedures as they are adopted.
2. Background/Regulatory Overview
  - a. The purpose of this Technical Requirement is to establish processes for meeting the educational mandates for Recipient Rights Officers/Advisors set forth in the following sections of the Michigan Mental Health Code and MDHHS/CMHSP Managed Mental Health Supports and Services Contract.
 

**330.1754 State office of recipient rights; establishment by department; selection of director; powers and authority of state office of recipient rights.**

(2) The department shall ensure all of the following: (f) Technical assistance and training in recipient rights protection are available to all community mental health services programs and other mental health service providers subject to this act.

**330.1755 Office of recipient rights; establishment by community mental health services program and hospital.**

(2) Each community mental health services program and each licensed hospital shall ensure all of the following: (e) Staff of the office of recipient rights receive training each year in recipient rights protection.

**MDHHS/CMHSP Managed Mental Health Supports and Services Contract:** The Community Mental Health Services Program (CMHSP) shall assure that, within the first three months (90 days) of employment, the Recipient Rights Office Director, and all Rights Office staff (excluding clerical staff) shall attend and successfully complete the Basic Skills Training programs offered by the Department's Office of Recipient Rights. In addition, within every three (3) year period subsequent to their completion of Basic Skills, the Recipient Rights Office Director and all Rights Office staff (excluding clerical staff) must comply with the requirements specified in Attachment C6.3.2.3A "Continuing Education Requirements for Recipient Rights Staff".

### 3. Definitions

#### a. Continuing Education Unit:

One Continuing Education Unit (CEU) is defined as one clock hour (60 minutes) of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. The primary purpose of the CEU is to provide a permanent record of the educational accomplishments of an individual who has completed one or more significant educational experiences.

#### b. Category I Credits: Operations

This category includes programs that support and enhance the fundamental scope of responsibilities and effective work of recipient rights staff. These may be directly related to prevention, complaint resolution, and monitoring and education that support the fundamental scope of a Rights Office's operations.

Examples include:

- i. Rights Office Operations Techniques
- ii. Enhancing Investigative Skills
- iii. Inpatient Rights
- iv. Out-of-catchment rights protection
- v. Writing effective rights-related contract language
- vi. Conducting effective site visits
- vii. How to protect rights in a dual rights protection system

#### c. Category II Credits: Legal Foundations

This category includes programs that enhance the understanding and application of the Mental Health Code, Administrative Rules, Disability and Human Rights Laws, HIPAA and the MHC, Federal Laws and regulations and any other laws addressing the legal rights of a mental health recipient.

d. Category III Credits: Leadership

This category includes programs that support and enhance the leadership abilities of rights staff.

Examples include:

- i. Community Mental Health Services Program (CMHSP) issues
- ii. How to establish a rights presence in an organization
- iii. Understanding rights data and how to use it to trigger systemic organizational changes.
- iv. What goes on in a Failure Mode Event Analysis (FMEA)/Adverse Event Review
- v. Working with key individuals in your organization—Customer Services, Contracts Unit, and how it can enhance rights

e. Category IV Credits: Augmented Training

f. This category includes training sessions that contains information that would help rights staff have a better understand the people they serve, their disabilities, their families, or training indirectly related to rights but affecting rights. These may include trainings in mental health conditions and disabilities, treatment and support modalities, recovery, and self-determination as long as these topics can be ascertained to have a component that relates to assisting the attendee in the protection of rights.

g. Examples include:

- i. Understanding MI/SUD Co-occurring disorders
- ii. How to communicate with people with disabilities
- iii. Ethics
- iv. Consumers from different cultures
- v. Diversity Issues

h. CMHSP: Community Mental Health Services Program

i. Continuing Education Committee: A committee appointed by the Director of the MDHHS-ORR Education, Training, and Compliance Unit. This committee shall consist of rights staff and management from MDHHS-ORR, CMHSP's, and LPH/U's and shall have at least one representative who is a Licensed Master's Social Worker (LMSW). This committee shall review applications and assign an appropriate category to each approved application. Committee members shall be appointed for a three (3) year term and may be re-appointed at the discretion of the Director of ORR.

4. Standards

a. All staff of the Department, a community mental health services program (CMHSP), or a licensed private Hospital (LPH), employed for the purpose of providing recipient rights services shall, within the first 90 days of employment, attend, and successfully complete, the Basic

Skills Training curriculum as determined by the Michigan Department of Health and Human Services Office of Recipient Rights. The Basic Skills curriculum shall consist of the following classes:

Basic Skills – Part 1

The first part of the mandatory training, this course is designed to provide participants with the knowledge of the laws required to carry out the mandates of the Mental Health Code and the activities necessary to operate an ORR office in compliance with applicable laws, rules, and standards.

Basic Skills – Part 2

The second part of the mandatory training, this course is designed to provide participants with the skills related to investigation, report writing and processing, which are needed to carry out the requirements of the Michigan Mental Health Code.

5. Continuing Education Requirements

- a. All staff employed or contracted to provide recipient rights services shall receive education and training oriented toward maintenance, improvement or enhancement of the skills required to effectively perform the functions as rights staff.
- b. A minimum of 36 contact hours of education or training shall be required over a three (3) year period subsequent to the completion of the Basic Skills requirements, and in every three (3) year period thereafter.
- c. The 36 contact hours obtained must be in rights-related activities and must fall within one or more of the categories identified in the definitions above. At least 3 credits must be earned each calendar year.
- d. A minimum of 12 contact hours must be obtained in programs classified as Category I or II.
- e. No more than 12 credits in a 3 year period may be earned through the use of online learning resources.
- f. CEU's may be received by attending programs or conferences developed by the Department, other rights-related organizations, organizations that have applied to the Office of Recipient Rights Education, Training and Compliance Unit for approval of their programs or through online training.
- g. Recipient Rights staff may request approval for other educational programs by utilizing the established approval process described within this document.
- h. Recipient Rights staff should retain documentation of meeting the CEU requirements for a period of four (4) years from the date of attendance. It is suggested that the following information be kept on file:
  - i. The title of the course or program and any identification number assigned to it by the MDHHS ORR Education, Training, and Compliance Unit.
  - ii. The number of CEU hours completed.
  - iii. The provider's name.

- iv. Verification of attendance by the provider.
  - v. The date and location of the course.
  - i. Reviews will be conducted by the MDHHS Office of Recipient Rights staff at each assessment of a recipient rights program to determine if all rights staff have met both the basic and continuing education requirements.
  - j. CMHSPs who contract with Licensed Private Hospitals/Units shall mandate compliance with the standards in this Technical Requirement by the Recipient Rights Office staff of those entities.
6. Procedures for Training Approval
- a. Training that is automatically approved for CEU credits:
    - i. MDHHS ORR training excluding Basic Skills
    - ii. All sessions at the MDHHS-ORR Annual Conference, including the Pre-Conference session.
    - iii. Training provided by, or sponsored by, MDHHS Office of Recipient Rights
  - b. Training that may be approved for CEU credits, if meeting the criteria above and with the submission of the necessary documents by the applicant:
    - i. ROAM sponsored training
    - ii. CMH/LPH/U sponsored training
    - iii. Training provided by other agencies, entities, professionals, accreditation bodies, risk management, corporation counsel/lawyer, etc.
    - iv. Training provided to the Rights Officer/Advisor for their profession's licensure.
    - v. Other training in the community at large, including on-line training, if requirements as detailed above are met.
  - c. CEU Documentation and Notification
    - i. Application

To apply for CEU credits for a training, complete the MDHHS ORR Continuing Education Course Summary (Exhibit A) form and send by email, mail or FAX, within 30 calendar days of the event to:

MDHHS ORR Education, Training, and Compliance Unit  
18471 Haggerty Road  
Northville, MI 48168  
Fax: (248) 348- 9963

Email: [MDHHS-ORR-Training@michigan.gov](mailto:MDHHS-ORR-Training@michigan.gov)
    - ii. Verification of attendance.

Attendance can be verified through provision of a Certificate of Attendance, copies of a training record, copy of an attendance/sign in sheet, a copy of the training agenda or outline with a self-attestation statement that the applicant did attend the training. Verification of attendance shall be kept on file with the applicant and be readily available for review by MDHHS-ORR, if requested.

iii. Notification

Applicants will receive notification of approval determination for CEU credits no later than 30 business days following receipt of the required documents. Approved courses, credit and category information will be posted on the ORR website.

iv. Application Review, Approval and Appeal

Applications from organizations outside the Department, or applications from individuals who have attended, or plan to attend, training programs shall be reviewed and approved or rejected by the Continuing Education Committee. If an application is rejected by the Continuing Education Committee it may be appealed to the director of the Office of Recipient Rights. The decision of the Director of ORR is the final MDHHS position on the application.

Exhibit A: APPLICATION FOR RECIPIENT RIGHTS CEU CREDIT

OFFICE OF RECIPIENT RIGHTS

APPLICATION FOR RECIPIENT RIGHTS CEU CREDIT

<b>APPLICANT</b> (ORGANIZATION OR INDIVIDUAL)				
<b>APPLICANT'S CONTACT INFORMATION</b>	EMAIL: PHONE: ADDRESS: CITY/ZIP:			
<b>COURSE DATE</b>				
<b>COURSE TITLE</b>				
<b>COURSE LOCATION</b>				
<b>COURSE PRESENTER</b>				
<b>COURSE OBJECTIVES</b>	<b>Description of Learning Objectives</b>			<b>Class Time</b>
	<b>1</b>			
	<b>2</b>			
	<b>3</b>			
	<b>4</b>			
	<b>5</b>			
<b>REQUESTED CATEGORY</b>	<b>Category I</b> <b>Operations</b>	<b>Category II</b> <b>Legal Foundations</b>	<b>Category III</b> <b>Leadership</b>	<b>Category IV</b> <b>Augmented</b>
<b>Describe how the content relates to Rights?</b>				