


COMMUNITY MENTAL HEALTH OF OTTAWA COUNTY

**RECIPIENT RIGHTS**

CHAPTER: 1	SECTION: 5	SUBJECT: <b>RECIPIENT RIGHTS</b>
TITLE: <b>RECIPIENT RIGHTS ADVISORY COMMITTEE</b>		
EFFECTIVE DATE: <b>12/31/86</b>	REVISED DATE: <b>8/31/99, 3/15/02, 9/25/02, 6/20/05, 10/5/10, 2/18/11, 7/23/12, 3/25/13, 3/17/14, 3/23/15, 3/28/16, 3/20/17, 6/25/18, 6/24/19, 3/23/20, 3/22/21, 3/28/22</b>	
ISSUED AND APPROVED BY:  <b>EXECUTIVE DIRECTOR</b>		

**I. PURPOSE:**

To establish a Recipient Rights Advisory Committee and define the committee’s responsibilities.

**II. APPLICATION:**

All Community Mental Health of Ottawa County (CMHOC) staff and contract agency staff as specified by contract, and the CMHOC Recipient Rights Advisory Committee.

**III. DEFINITIONS:**

- Family Member – as defined in MHC 330.1100a, Sec. 100b(3) means a parent, stepparent, spouse, sibling, child, or grandparent of a primary consumer, or an individual upon whom a primary consumer is dependent for at least 50 percent of his or her financial support.
- Primary Consumer – as defined in MHC 330.1100c means an individual who has received or is receiving services from the department or a community mental health service program from the private sector equivalent to those offered by the department or a CMH service program.

**IV. POLICY:**

It is the policy of CMHOC to establish a Recipient Rights Advisory Committee consistent with Section 757 of the Michigan Mental Health Code.

**V. PROCEDURE:**

The Recipient Rights Advisory Committee shall serve to advise the Board, County Director and the Rights Officer(s) in areas relating to recipient rights, consistent with the Michigan Mental Health Code. More specifically the Recipient Rights Advisory Committee shall:

1. Consist of a minimum of six (6) members. The membership of the committee shall be broadly based so as to best represent the varied perspectives of the community mental health service program’s geographic area. Membership shall be drawn from CMH Board Members and staff, contract agency staff, government officials, attorneys and mental health consumers. At least 1/3 of the membership

- will be primary consumers or family members, and of that 1/3, at least ½ shall be primary consumers.
2. The term of office for a Recipient Rights Advisory Committee member shall coincide with the time frames of the appointment to the CMHOC Board of Directors.
  3. The CMHOC Board of Directors maintains its authority to dismiss a member for reasons determined by the Recipient Rights Advisory Committee.
  4. The Recipient Rights Advisory Committee will elect a chairperson and a vice-chair.
  5. A current list of committee members, names and the interests they represent shall be maintained and available upon request.
  6. Meet at a minimum quarterly, or as often as is necessary to carry out the responsibilities required by the MDHHS Administrative Rules (7037.1). However, the committee will not meet less than semiannually.
  7. Recipient Rights Advisory Committee meetings are subject to the Open Meetings Act (Act No. 267 of the Publics Acts of 1976, begin sections 15.261 to 15.275 of the Michigan Compiled Laws). The committee will maintain minutes. The minutes will be made available to individuals upon their request.
  8. The Recipient Rights Advisory Committee will protect the Office of Recipient Rights from pressures which could interfere with impartial, even-handed and thorough performance of its duties.
  9. Recommend candidates for director of the Office of Recipient Rights to the Executive Director, when a vacancy occurs. The Committee will consult with the Executive Director regarding any proposed dismissal of the Director of the Office of Recipient Rights.
  10. Serve in an advisory capacity to the Executive Director and the Director of the Office of Recipient Rights and helps educate the general community about recipient rights protection.
  11. Review and provide comment on the operation and funding of the Office of Recipient Rights on an annual basis to assure compliance with rights protection requirements throughout the Board's service delivery system.
  12. Review and provide comments on the Semi Annual and Annual Report prior to it being submitted to the Department of Health and Human Services – Office of Recipient Rights. Noting trends, areas needing performance improvement, and recommending action to be taken.
  13. Review new and revised policies and procedures that pertain to rights protection and make recommendations as needed.

14. Members of the Recipient Rights Advisory Committee will serve as the appeals committee for a recipient's/complainant's/partent's/guardian's appeal under Section 784 of the Michigan Mental Health Code.
  - a. Recipient Rights Summary Reports will direct all written appeals to the CMHOC Recipient Rights Appeals Committee.
  
15. The Recipient Rights Advisory Committee will conduct business consistent with Section 757 of the Michigan Mental Health Code and DCH Administrative Rules which are outlined in Recipient Rights Policy 1.7 – Recipient Rights Complaints.

**VI. ATTACHMENT:**

None Applicable

**VII. REFERENCE:**

Michigan Mental Health Code, Section 757  
CARF Behavioral Health Standards Manual  
MDHHS-ORR Attachment B