

EXHIBIT B-1
RECIPIENT RIGHTS FOR MENTAL HEALTH AND INPATIENT SERVICES

1. For Providers of Mental Health Services, Provider shall:
 - A. Strictly comply with all Recipient Rights provisions of the Mental Health Code and MDHHS Administrative Rules. CMHSP Office of Recipient Rights ("ORR") will provide technical assistance and consultation as necessary.
 - B. Provide a summary of rights as guaranteed by the Mental Health Code and Administrative Rules to applicants and recipients at the time services are first requested, and at any other time upon request. The summary booklet will be provided by the CMHSP ORR. Provider will maintain an adequate supply and will place them in a conspicuous location for easy review by recipients and visitors.
 - C. Comply with all recipient rights policies and procedures as established by the CMHSP. Policies and procedures are available from the CMHSP Office of Recipient Rights and are incorporated by reference into this contract.
 - D. Comply with the mechanisms established by CMHSP for protecting recipient rights and accept the final decision of the CMHSP ORR.
 - E. Take appropriate disciplinary and/or remedial action to resolve the substantiated recipient rights violation. Remedial action will correct or provide remedy for the rights violation, be implemented in a timely manner, and will attempt to prevent a recurrence. All remedial action taken will be documented in the record of the employee. For rights violations involving abuse or neglect Provider will ensure that appropriate disciplinary action is taken against those who have engaged in abuse or neglect/retaliation or harassment, including official reprimand, demotion, suspension, reassignment, or dismissal. Provider is required to provide a written plan of correction, within MDHHS-ORR established time frames, outlining the specific disciplinary and/or remedial action taken and the date the disciplinary and/or remedial action took place/was implemented by Provider.
 - F. Grant the CMHSP ORR unimpeded access to all staff, recipients, documents, sites, and other necessary evidence in order to fulfill the monitoring function of the ORR or to conduct a thorough investigation
 - G. Cooperate with the CMHSP ORR during investigations and site reviews. Provider will take any action necessary to ensure employee compliance.
 - H. Provide or ensure that appropriate action is taken to protect complainants, ORR representatives, recipients, or any employee acting on behalf of a recipient if there is evidence that harassment or retaliation has occurred in response to their participation in any recipient rights activities.
 - I. Monitor the safety and welfare of recipients while they are under its service supervision pursuant to this Agreement. If the health or safety of any recipient for which services are being

delivered is in jeopardy, Provider shall cooperate in the immediate transfer of the recipient(s) to another services provider.

- J. Provide immediate comfort and protection to any recipient who has suffered an alleged rights violation or has suffered physical injury. Ensure that emergency medical personnel are notified immediately if necessary due to the severity of injury.
- K. Immediately report all incidents involving the death, serious injury, abuse, neglect or retaliation/harassment of a recipient to the CMHSP ORR, and document it in writing on an incident report form before the end of the day. All other suspected or actual recipient rights violations will be reported in a timely basis as required by CMHSP policy.
- L. Notify Adult Protective Services, Child Protective Services, law enforcement or other public agencies as required by law regarding the apparent or suspected abuse, neglect, sexual abuse, or death of a recipient. Provider will post a summary of these reporting requirements as provided by the CMHSP ORR in an area accessible to employees for easy review.
- M. Maintain the confidentiality of information regarding recipients in compliance with the Mental Health Code, other applicable State and Federal laws, and the CMHSP policy and procedures.
- N. Ensure all employees receive recipient rights training within thirty (30) days of hire and annually thereafter. Training will be provided directly by the CMHSP ORR on a schedule determined by the CMHSP. Training from another CMHSP ORR will be accepted within the Region. Provider will maintain clear and easily accessible records of all recipient rights training received by employees and allow those training records to be reviewed by the CMHSP ORR.
- O. Comply with CMHSP grievance and appeal mechanisms, which allow recipients/applicants to pursue resolution of complaints related to services and supports managed and/or delivered by CMHSP. Specifics of these mechanisms (e.g., second opinions, grievances, Medicaid Dispute Resolution, Medicaid fair hearings) are set forth in the Lakeshore Region Guide to Services, copies of which are available on the CMHSP website.
- P. 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 that Act.

2. For Providers of Inpatient Hospitalization services, Provider shall:

- A. Provider agrees to establish a rights protection system as mandated by the Mental Health Code (MCL 330.1755) to protect the rights of Covered Persons of mental health services. Provider will forward all reports and documentation of any Recipient Rights investigation for any CMHSP recipient to the respective CMHSP.
- B. Strictly comply with all Recipient Rights provisions of the Mental Health Code and MDHHS Administrative Rules. CMHSP Office of Recipient Rights (ORR) will provide technical assistance and consultation as necessary.

- C. Provide a summary of rights as guaranteed by the Mental Health Code and associated Administrative Rules to applicants and recipients at the time services are first requested, and at any other time upon request. Provider will maintain an adequate supply and will place them in a conspicuous location for easy review by recipients and visitors.
- D. Provide or ensure that appropriate action is taken to protect complainants, ORR representatives, recipients, or any employee acting on behalf of a recipient if there is evidence that harassment or retaliation has occurred in response to their participation in any recipient rights activities.
- E. Comply with LRE's (Lakeshore Regional Entity's) Grievance System for Medicaid and Uninsured Beneficiaries. In the performance of this Agreement, the Inpatient Facility Provider agrees to comply with LRE's Grievance and Appeal Technical Requirement, LRE Grievance System for Medicaid Beneficiaries, January 2016.
- F. Monitor the safety and welfare of recipients while they are under its service supervision pursuant to this Contract. If the health or safety of any recipient for which services are being delivered is in jeopardy, Provider shall cooperate in the immediate transfer of the recipient(s) to another services provider.
- G. Provide immediate comfort and protection to any recipient who has suffered an alleged rights violation or has suffered physical injury. Ensure that emergency medical personnel are notified immediately if necessary due to the severity of injury.
- H. Cooperation will include permitting staff of CMHSP access at any time to the sites, CMHSP referred Covered Persons, pertinent staff, and Covered Person records.
- I. As related to Inpatient Facilities, and all other contracted providers, CMHSP may take immediate action it deems it necessary and reasonable to protect a Recipient from confirmed or suspected violations of the recipient's rights which occur while the Recipient 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.
- J. 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 that Act.
- K. Notify Adult Protective Services, Child Protective Services, law enforcement or other public agencies as required by law regarding the apparent or suspected abuse, neglect, sexual abuse, or death of a recipient. Provider will post a summary of these reporting requirements as provided by MDHHS ORR in an area accessible to employees for easy review.
- L. Inpatient Provider will furnish CMHSP with a set of Provider's Recipient Rights Policies and Procedures for review and will forward any future revisions or additions.
 - a. Provider will furnish CMHSP with a set of Provider's Recipient Rights Policies and

Procedures for review and will forward any future revisions or additions.

- b. Provider will use its own Recipient Rights Policies and Procedures which have been verified by CMHSP and/or MDHHS ORR to be in compliance with the Mental Health Code and MDHHS-Office of Recipient Rights requirements (Attachment B provided by MDHHS -ORR).
 - M. Cooperate with the CMHSP ORR during annual site reviews. The Provider will take any action necessary to ensure compliance.
 - N. Provider may be asked to furnish verification of staff completion of Recipient Rights training within thirty (30) days of hire.
 - O. Provider will ensure all Provider Recipient Rights staff comply with Attachment C6.3.2.3 of the MDHHS/CMHSP contract (Recipient Rights Training Technical Requirement, revised 10/1/2025).
 - P. Maintain the confidentiality of information regarding recipients in compliance with the Mental Health Code, other applicable State and Federal laws.
3. CMHSP reserves the right to terminate this Contract for failure to comply with recipient rights policies and/or disciplinary action if client abuse and/or neglect is substantiated, and to remove any recipient, referred or placed pursuant to this Contract, who CMHSP deems is in immediate danger while under the Provider's care.

CITATIONS

Michigan Mental Health Code, Chapter 7
MDHHS-ORR C6.3.2.3

ATTACHMENT

MDHHS Recipient Rights Training Technical Requirement

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES RECIPIENT RIGHTS TRAINING TECHNICAL REQUIREMENT

Recipient Rights Staff Training Requirements

PURPOSE

This technical requirement establishes processes for meeting the educational mandates for Recipient Rights Officers/Advisors set forth in Michigan Mental Health Code (herein referred to as the Code) and MDHHS/CMHSP Managed Mental Health Supports and Services Contract.

APPLICATION

Michigan Department of Health and Human Services Office of Recipient Rights (MDHHS ORR)
Community Mental Health Services Programs (CMHSPs)
Licensed Psychiatric Hospitals (LPHs)

I. POLICY

All staff employed or contracted to provide recipient rights services must successfully complete Basic Skills training as developed and presented by MDHHS ORR within 90 days of hire.

All staff employed or contracted to provide recipient rights services must receive education and training oriented toward maintenance, improvement or enhancement of the skills required to effectively perform the functions as rights staff annually as described in this technical requirement.

II. STANDARDS

A. Basic Skills Training

1. Basic Skills training consists of two parts:

a. Basic Skills Part I

This part provides participants with introductory knowledge of the laws and rules required to carry out the mandates of the Code and the activities necessary to operate an ORR office in compliance with applicable laws, rules, and standards.

b. Basic Skills Part II

This part provides participants with the skills related to investigation, report writing and processing as required by the Code.

2. Successful completion of both Basic Skills Part I and Basic Skills Part II is

required for consideration in meeting this technical requirement. Individuals who do not successfully complete training will not be issued a certificate by MDHHS, so an employer of recipient rights staff should have written plan to ensure the effective delivery of rights protection in the event their employee is not certified.

3. Staff previously employed to provide rights protection at a different agency may contact MDHHS ORR to determine if a written waiver may apply.

B. Annual Training in Recipient Rights

1. All staff employed to provide recipient rights services must complete a minimum of 8 hours of training annually.
2. Training topics must be relevant to directly providing rights protection, in topics that assist in the effective operation of the rights office, or in areas that enhance the rights staff's knowledge of the delivery of behavioral health services.
3. All training courses or topics not directly presented or sponsored by MDHHS require prior approval from the MDHHS ORR Director of Education, Training, and Compliance utilizing the process described in section II.C. below.
4. Training completion can be verified through provision of a certificate of attendance, a copy of a training record, or a copy of an attendance/sign-in sheet.
5. Recipient rights staff should retain training verification documentation for a period of 4 years from the date of attendance. It is suggested that the following information be kept on file:
 - a. The title of the course or program and any identification number assigned to it by MDHHS ORR.
 - b. The number of hours completed.
 - c. The provider's name.
 - d. Verification of attendance by the provider.
 - e. The date and location of the course.
6. Training data must be reported annually to MDHHS ORR as detailed in Attachment C6.5.1.1 of this contract.
7. Compliance with this technical requirement will be assessed by MDHHS ORR during triennial recipient rights system assessments.

C. Training Approval Process

1. Requests for training approval must be submitted to the MDHHS ORR Director of Education, Training, and Compliance as expediently as possible but no later than 30

days before the end of each fiscal year to be included in training for that year.

2. Only training courses that meet the stated topic areas listed in II.B.2. above will be considered for approval. Training topics targeted to clinical service providers or training required by an agency or employer for its normal operations will not be considered as meeting recipient rights training.
3. Individuals requesting approval must submit:
 - a. The training topic.
 - b. A preprinted agenda or flyer if applicable.
 - c. The individual or agency presenting the training.
 - d. The date, time, and length of the training.
 - e. Training objectives.
 - f. A statement describing how the training meets standards as described above.
4. Requests must be submitted by clicking the [Application for Recipient Rights Training Approval](#) link. The link may also be found on the MDHHS ORR website.
5. The Director of Education, Training, and Compliance will review the request as expediently as possible to determine if the training meets the training requirements stated above. Written approval or notice of disapproval will be provided to the applicant.
6. Requests for reconsideration in the event a training is not approved must be submitted to the MDHHSORR Director. The decision of the MDHHS ORR Director is final.

III. STATUTORY AUTHORITY

MCL 330.1755(2)(e)

Recipient Rights Training Standards Requirements for CMH and Provider Staff

PURPOSE

To establish consistent content for the training of new staff in the CMHSPs and their provider agencies. Establishment of these criteria is required to provide a standardized knowledge base to all staff that ensures the rights of recipients are applied in a consistent manner across the state. This consistency should also enable various CMH agencies to accept the training of similar agencies and eliminate the need for redundant retraining.

APPLICATION

Michigan Department of Health and Human Services Office of Recipient Rights (MDHHS ORR)
Community Mental Health Services Programs (CMHSPs)
Licensed Psychiatric Hospitals (LPHs)

I. POLICY

The department shall review the recipient rights system of each community mental health services program in accordance with standards established under section 232a, to ensure a uniformly high standard of recipient rights protection throughout the state. For purposes of certification review, the department shall have access to all information pertaining to the rights protections system of the community mental health services program.

II. STANDARDS:

- A. Each office of recipient rights established by a CMHSP or hospital shall ensure that all individuals employed by the community mental health services program, contract agency, or hospital receive training related to recipient rights protection before or within 30 days after being employed.
- B. Training for newly hired agency and provider staff shall encompass the entirety of the core learning areas (Exhibit A).
- C. If provided or required, annual rights training may focus on any of the core learning areas.
- D. Agencies may require documentation of competency in these areas through testing.

III. AUTHORITY:

MCL 330.1753
MCL 330.1754(5)(j) MCL 330.1754(5)(f)

Exhibit A: Core Learning Areas

Rights identified in the Mental Health Code
Abuse/Neglect
Choice of Mental Health Professional
Civil Rights
Communications & Visits, including mail and telephone
Confidentiality, including access to the record and correction
Consent/Informed Consent
Dignity/Respect
Entertainment Information & News
Family Planning
Family Rights
Fingerprinting, Photographs, Audio recording, or Use of 1-way Glass, including video surveillance
Freedom of Movement
Notice of Clinical Status
Performance of Labor
Person Centered Planning
Personal Property, including search
Physical and Mental Examination
Psychotropic Medications
Restraint and Seclusion
Safe, Sanitary, Humane Environment
Services Suited to Condition, including least restrictive setting
Treatment by Spiritual Means
Recipient Right System
Employee Rights
ORR Investigative Process
Overview of the Rights System
Reporting Requirements