

**SHIAWASSEE COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**  
**POLICY AND PROCEDURE MANUAL**

Section: Recipient Rights  
Policy Number: 63  
Subject: **Substance Use Disorder - Investigation  
Process**

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### **Policy**

It is the policy of Shiawassee County Community Mental Health Authority (SCCMHA) to provide a process for investigating violations of the rights of persons served in substance use disorders.

### **Purpose**

To establish policy, procedures, and standards for Shiawassee County Community Mental Health Authority that ensures that a formal process exists to protect and investigate allegations of substance use disorders recipient rights violations.

To ensure compliance with the Michigan Department of Health and Human Services Administrative Rules and the Code of Federal Regulations.

### **Application**

This policy applies to all employees, independent contractors, and contract provider agencies of Shiawassee County Community Mental Health Authority.

### **Standards (AR 325-1403, Rule 303 1-15)**

1. A complaint of a recipient rights violation shall be made on a form provided by the office whether made by a recipient or another person on behalf of a recipient or group of recipients, and shall be distributed to the recipient, the program, the coordinating agency, and the office. All recipient rights communications shall comply with state and federal confidentiality rules and regulations.
2. When circumstances prevent completion of the procedures outlined in subrules (3) and (5) of this rule, the rights advisor or rights consultant, whoever is responsible in the specific subrule, shall submit a written report to the office rights coordinator stating the reasons for tardiness and the actions being taken to expedite completion of the procedures.
3. An initial complaint of a recipient rights violation shall be investigated by the program rights advisor. The investigation shall be initiated within 10 working

days of receipt of the complaint by the program rights advisor.

4. A written report, including the procedures followed in the conduct of the investigation, findings, conclusions, and recommended remedial actions, if any, to be implemented by the program, shall be completed within 25 working days of receipt of the initial complaint. Copies of the report shall be submitted within 5 working days of completion to the complainant, coordinating agency recipient rights consultant, and to the office rights coordinator. This report shall serve as notice of the rights advisor's final recommendation for resolution of the complaint.
5. Recommended remedial action shall include time limits for implementation. The coordinating agency recipient rights consultant shall monitor the implementation of remedial actions recommended by the program rights advisor and shall notify the office rights coordinator of situations where time limits appear unreasonably short or long or where unforeseen problems cause a delay in implementation of recommended remedial actions.
6. If a complainant is not satisfied with the program's findings, conclusions, recommended remedial action, or implementation of recommended remedial action, the complainant may appeal within 15 working days of receipt of the written report to the coordinating agency rights consultant on forms provided by the office and distributed to programs by the coordinating agency. Copies of such appeals shall be distributed to the complainant and to the program and office rights coordinator within 5 working days of receipt of the appeal by the coordinating agency rights consultant.
7. An appeal received by the coordinating agency shall be reviewed by the coordinating agency rights consultant within 10 working days of receipt, unless the time limitation is waived in writing by the complainant. The coordinating agency rights consultant may hold an informal conference involving the complainant and the program director to determine the basis of the complaint and the position of the program.
8. If the coordinating agency recipient rights consultant finds that the findings, conclusions, and recommended remedial action or implementation of recommended remedial action by the program resolves the problem that caused the complaint, such finding, including the rationale for such finding, shall be submitted in a written report and shall be mailed to the complainant, the program, and the office rights coordinator within 15 working days of receipt of the appeal. This report shall serve as notice of the rights consultant's final recommendation for resolution of the complaint.
9. If the coordinating agency recipient rights consultant determines that the findings, conclusions, and recommended remedial action or implementation of recommended remedial action by the program do not appear to resolve the

problem that caused the complaint, or if the coordinating agency rights consultant feels the issues cannot be satisfactorily resolved at an informal conference, then the coordinating agency rights consultant shall initiate an investigation of the case within 15 working days of receipt of the appeal.

10. A written report, including the procedures followed in the conduct of the investigation, findings, conclusions, and recommended remedial action to be implemented by the program director shall be completed by the coordinating agency rights consultant within 25 working days of receipt of the appeal at the coordinating agency. Copies of the report shall be submitted within 5 working days of completion to the complainant, the program, and to the office rights coordinator. Such report shall serve as notice of the coordinating agency rights consultant's final recommendation for resolution of the complaint.
11. Any recommended remedial action shall include time limits for implementation and shall be evaluated by the coordinating agency recipient rights consultant for its effectiveness in resolving the problem that caused the complaint.
12. The complainant may appeal within 15 working days of receipt of the written report to the office rights coordinator on a form provided by the office and distributed by the coordinating agency. The office rights coordinator shall distribute copies of the appeal to the program and coordinating agency within 5 working days of receipt. The office rights coordinator shall review the appeal within 10 working days of the receipt of the appeal. The office rights coordinator may hold an informal conference of concerned parties to further explore the issues.
13. If the office rights coordinator concurs with the coordinating agency, the complainant shall be so notified within 15 working days of receipt of the appeal by the office. Such notification shall include the rationale for the decision. The complainant shall also be informed that he or she may subsequently request, from the office administrator, a hearing pursuant to Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, if not satisfied with the decision of the office rights coordinator. Such request may be made in a letter to the administrator from the complainant within 15 working days of receipt of the notification from the office rights coordinator.
14. If the office rights coordinator decides to reinvestigate the case, the complainant shall be so notified within 10 working days of receipt of the appeal. Copies of such notification shall be sent to the program rights advisor and to the coordinating agency rights consultant.
15. A written report of the investigation procedures, findings, and administrative or licensing action recommended to the office administrator and resulting from the office rights coordinator's investigation shall be completed within 25 working days of receipt of the appeal and shall be submitted to the administrator.

Copies shall be distributed to the coordinating agency rights consultant and to the program rights advisor. Findings and recommended action shall be submitted to the complainant within 30 working days of receipt of the appeal. Such findings may be appealed in a letter to the administrator from the complainant within 15 working days of receipt of the findings.

## **Procedure**

### **A. Informal Complaint Procedure**

1. Providers will develop an informal complaint form to include:
  - Name of Complaint
  - Date of Complaint
  - Description of Complaint
  - Administration Review
  - Decision/Action Plan
  - Program Director's Signature
2. A recipient may file an informal complaint and the provider will attempt to resolve the complaint. If the complaint can be resolved informally, the Program Rights Advisor completes an informal complaint form for filing.
3. The informal complaint procedure may not be used if the recipient alleges abuse, neglect, an illegal act or if the recipient wishes to file a formal complaint.
4. The Program Rights Advisor will review all informal complaints with the Chief Executive Officer on a regular basis.
5. The Program Rights Advisor will maintain a file of all informal complaints and any action taken. This file will be made available to the Coordinating Agency's Regional Rights Consultant in order to complete a program audit or a quality assurance audit.

### **B. Formal Complaint Procedure**

1. Filing a Formal Complaint (AR325.14303, Rule 303 (1))
  - a. A formal complaint shall be initiated at the request of a recipient or another person on behalf of a recipient or group of recipients within 10 working days or if the allegation involves abuse, neglect or an illegal act the investigation will be initiated upon receipt.
  - b. The recipient may also initiate a formal complaint if a resolution cannot be reached informally.

2. Program Rights Advisor shall:

- a. Give the recipient a complaint form #901
- b. Give the recipient another copy of their rights.
- c. Assist the recipient with the completion of the complaint form, if necessary.
- d. Assure that the Release Authorization is signed and witnessed on the back of the form.
- e. Complete the box in the upper right corner
  - Program Name
  - License Number
  - Complaint Number
- f. Indicate the date received and sign and print signatures.
- g. Explain the investigation process to the recipient. Indicate that the recipient will receive the Investigative Report within 30 working days and indicate the calculated date.
- h. The Program Rights Advisor shall make the necessary copies of the complaint form and give the recipient his/her completed copy immediately and mail the other copies to the Coordinating Agency's Regional Rights Consultant within 10 working days of receipt of the complaint and shall comply with state and federal confidentiality rules and regulations.
- i. The Program Rights advisor shall conduct an investigation of the complaint and reach one of four conclusions:
  - The findings support the allegations in the complaint
  - The findings support the allegation in part
  - The findings do not support the allegations
  - The findings are inconclusive.

The investigation should be completed within 25 days of receipt of the complaint. However, if the Program Rights Advisor requires more time, the Program Rights Advisor shall complete the Preliminary Report section of form #902 - indicating the reason the investigation is not complete and on what date it will be completed. This form is then distributed to the recipient by registered letter.

When the investigation is completed, the Program Rights Advisor shall summarize the findings and complete form #902. The Program Rights Advisor shall discuss the findings with the Program Director and give the Program

Director form #902, specifying whether or not remedial action appears to be necessary.

- j. The Chief Executive Officer/Program Director shall complete section 4, remediation, if necessary and sign and date form #902. The form is then returned to the Program Rights Advisor.

If remedial action is necessary, the Chief Executive Officer/Program Director outlines the action to be taken, time frames for each action, and the person(s) responsible for implementing each action.

- k. The Program Rights Advisor will then take the complaint form #902, add the appeal due date and either give it to the recipient, or mail it within 30 days by registered mail of receipt of the complaint (or on the date specified on the preliminary form #902 if the investigation could not be completed within 25 working days of receipt of the complaint).
  - l. The Program Rights Advisor then shall distribute copies to the Coordinating Agency's Regional Rights Consultant.
  - m. Once the recipient has received form #902, the recipient has until the date specified on the form and/or remedial action plan or to file an appeal with the coordinating agency.
  - n. 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 won't be initiated and then appealed by the recipient during that period.
3. If a recipient does not file an appeal within 15 working days of the receipt of the investigation:
    - a. The recipient has demonstrated acceptance of the findings and/or remedial action plan submitted by the Rights Advisor or at least does not desire to appeal.
    - b. The Program Rights Advisor considers the findings and/or remedial action plan accepted by the recipient.
    - c. The Program Director assigns staff to implement the remedial action plan within the specified time frame.
    - d. The Program Rights Advisor monitors the implementation of the action plan to ensure that the time frame promised to the recipient is met.
      - When the action plan has been implemented the case is closed.
      - A closing summary is entered with the patient rights advisor's records

on the complaint indicating that the remedial action was implemented as planned and the case is closed.

- e. If the recipient is not satisfied with the implementation of the action plan as described, a new complaint may be filed. An appeal may not be filed after the 15 working day period has ended.
  - f. The Coordinating Agency Regional Rights Consultant shall note that no appeal has been filed and sets dates for future contact with the Program 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.
4. If the recipient wishes to file an appeal within 15 working days of receipt of the investigation report:
- a. The recipient indicates his or her disagreement with the findings or remedial action plan or both by requesting an appeal form from the Coordinating Agency Rights Consultant or the Program Rights Advisor.
  - b. The recipient completes the Recipient Rights Regional Appeal form #903 according to instructions on the form.
  - c. The form is then given or mailed to the Coordinating Agency Rights Consultant.
  - d. When a completed recipient rights regional appeal form #903 has been received by the coordinating agency rights consultant, the Coordinating Agency Rights Consultant reviews the form, signs it and completes the information box according to instructions for form #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.
  - e. The recipient is notified by the right's consultant and by information on form #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 rights consultant.
  - f. The Program 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 recipient in an effort to resolve the issues of the appeal.
  - g. The Coordinating Agency Rights Consultant then conducts an investigation of the complaint and appeal by:
    - Reviewing the file material;

- Talking with the Program Rights Advisor and Director;
  - 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.
- h. Within 25 working days of the receipt of the appeal, the rights consultant decides that he or she will or will not have completed the investigation. If the investigation will require more time, the rights consultant completes the Preliminary Report Section of form #904, indicates the reason the investigation is not complete and on what date it will be completed. The form is then distributed by registered letter to the recipient.
- i. If the rights consultant's findings or remedial action plan are in disagreement with those of the program, the rights consultant should review them with the Program Rights Advisor and Program Director prior to distributing the form.
- j. If the Program Director finds the proposed remedial action not feasible, then he or she should request a conference with the Coordinating Agency Rights Consultant to seek a satisfactory resolution to the problem before the investigation report of the appeal is provided to the recipient.
- k. In situations where the Coordinating Agency Rights Consultant agree to continue to require a remedial action that is considered not feasible by the program, the Program Director may request a conference of all parties.
- l. The Coordinating Agency Rights Consultant may request a conference with the Administrator in cases where the Rights Coordinator does not agree with the rights consultant's remedial action plan.
- m. When the Coordinating Agency Rights Consultant has evaluated all options, he or she completes the Regional Investigation Report form #904, by entering the findings, remedial action plan, and appeal due date. The form is then given or mailed by registered letter to the recipient 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 Rights Coordinator per instructions.

The 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.

- n. When a recipient rights regional investigation report form #904 has been completed and distributed:



- (1) The recipient 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 recipient does not accept the findings or remedial action specified by the rights consultant. The recipient has 15 working days from the date he or she received the Regional Investigation Report form to file an appeal with the Rights Coordinator.
  - (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) The Program Rights Advisor and the Program Director receive form #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 rights consultant.
5. When a recipient does not file an appeal within 15 working days of receipt of the regional investigation report form #904.
- a. The recipient 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.
  - b. The Program Rights Advisor considers the findings and/or remedial action plan accepted by the recipient.
  - c. The Program Director implements the remedial action plan within the specified time frames.
  - d. The Program Rights Advisor monitors implementation of the remedial action plan to insure that time frames specified are met. When the action plan is implemented, the rights advisor summarizes the action taken and closes the file.
  - e. The Coordinating Agency Rights Consultant monitors the implementation of the remedial action to insure that specified time frames are met. When the remedial action plan is implemented, the case is closed.
  - f. The recipient observes implementation of the remedial action plan, If the recipient is not satisfied that the remedial action is being implemented as desired on the form #904, as promised after the 15 working day period, he or she may file a new complaint.
6. When a recipient wishes to file an appeal within 15 working days of receipt of the regional investigation report form #905.



