

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

Date Issued **7/23**

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WRITTEN BY Telly Delor		REVISED BY Telly Delor		AUTHORIZED BY Tracey Pingitore

I. APPLICATION:

- ☐ SCCCMH Board
- ☐ SCCCMH Providers and Subcontractors
- ☒ Direct-Operated Programs
- ☐ Community Agency Contractors
- ☐ Residential Programs
- ☐ Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health Authority (SCCCMHA) shall ensure that complaints are processed in accordance with the State of Michigan Department of Licensing and Regulatory Affairs (LARA) Administrative Rules for Substance Use Disorder Services Programs.

III. DEFINITIONS:

- A. Business Day: Means a regular day of program operation, typically Monday through Friday, unless there is a program closure due to an official holiday, inclement weather, etc.
- B. Complaint: Means a written complaint utilizing a LARA form, which results in an official written response from the Program Rights Advisor.
- C. Program Director: Means the employee designated by the SCCCMHA Chief Executive Officer to manage the treatment services provided by the Substance Use Disorder Services Program.
- D. Program Rights Advisor: Means the SCCCMHA Recipient Rights Director who is responsible for recording and processing formal recipient rights complaints independent from interference, harassment, or retaliation from others. The Program Rights Advisor shall not provide direct services to recipients.
- E. Recipient: Means an individual who receives services from a licensed substance use disorder services program.
- F. Regional Rights Consultant: Means the staff member designated by Region 10 PIHP who is responsible for coordinating substance use disorder recipient rights activities, and who is responsible for recording and processing appeals from a substance use disorder services program.

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- G. Staff: Means an individual who is not a recipient and who works, with or without remuneration, for or in support of a licensed substance use disorder services program.
- H. Substance Use Disorder Services Program or Program: Means a public entity offering or purporting to offer specific substance use disorder prevention, treatment, and rehabilitative services.

IV. STANDARDS:

- A. Recipients and employees shall be provided with information about the recipient rights complaint process.
- B. The recipient rights complaint process is available to recipients, guardians, legal representatives, and employees.
- C. Recipients, guardians, legal representatives, and employees may file complaints with their substance use disorder services program and/or LARA. When filing a complaint, recipients, guardians, legal representatives, and employees do not have to cite a specific violation of law or rule.
- D. Complaint Procedure
1. A recipient, guardian, legal representative, or employee files a complaint with the Program Rights Advisor utilizing a LARA-approved form.
 2. The Program Rights Advisor will assist recipients, guardians, legal representatives, and employees in the completion of a complaint, when requested, and will strive to obtain consent from the recipient, guardian, or legal representative, which is required prior to disclosure of the complaint investigation report outcome to a non-recipient, guardian, or legal representative.
 3. The Program Rights Advisor shall ensure the recipient, guardian, legal representative, and employee are informed of the complaint investigation timeline.
 - a. The Program Rights Advisor shall ensure the investigation is initiated within 10 business days from receipt of the complaint.
 - b. The Program Rights Advisor shall ensure the investigation is completed within 25 business days from receipt of the complaint.
 - (1) If the Program Rights Advisor is unable to meet the required deadlines, they must submit a written report to LARA stating their reasons for tardiness and the actions taken to expedite completion of the process.
 - c. The Program Rights Advisor shall ensure the investigative report is submitted to the complainant and the Regional Rights Consultant within five (5) business days after completion of the investigation.
 - (1) This report shall serve as notice of the Program Rights Advisor's final recommendation for resolution of the complaint.
 4. The investigative report shall identify one of four potential conclusions:
 - a. The investigative findings support the allegation(s) in the complaint.

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- b. The investigative findings do not support the allegation(s) in the complaint.
 - c. The investigative findings support part of the allegation(s) in the complaint.
 - d. The investigative findings are inconclusive.
5. The investigative report shall include recommendations for remedial action as well as time limits for implementation of said action.
 - a. The Regional Rights Consultant shall monitor the implementation of remedial action recommended by the Program Rights Advisor and shall notify the Program Rights Advisor of situations where time limits appear unreasonably short or long, or where unforeseen issues cause a delay in implementation.
6. If a complainant is dissatisfied with the investigative report (findings, conclusions, recommended remedial action, or implementation of remedial action), the complainant may file a written appeal with the Regional Rights Consultant within 15 business days of receipt of the investigative report. The appeal shall be submitted on a LARA-approved form.
 - a. The Regional Rights Consultant shall provide copies of the written appeal to the complainant, substance use disorder services program, and LARA within five (5) business days of receipt of the appeal.
7. The Regional Rights Consultant shall review the written appeal within 10 business days of receipt of the appeal.
 - a. The Regional Rights Consultant may extend this timeline if given the written authority to do so by the complainant.
 - b. The Regional Rights Consultant may hold an informal conference with the complainant and Program Director to determine the basis of the complaint and the position of the program.
8. If the Regional Rights Consultant determines the findings, conclusions, and recommended remedial action or implementation of recommended remedial action resolves the complaint, this determination, including the rationale for the determination, shall be submitted in a written report to the complainant, program, and LARA within 15 business days of receipt of the appeal. This report shall serve as notice of the Regional Rights Consultant's final recommendation for resolution of the complaint.
9. If the Regional Rights Consultant determines the findings, conclusions, and recommended remedial action or implementation of recommended remedial action does not resolve the complaint, or if the Regional Rights Consultant feels the issues cannot be satisfactorily resolved at an informal conference, then the Regional Rights Consultant shall initiate an investigation of the complaint within 15 business day of receipt of the appeal.
 - a. A written report and recommended remedial action to be implemented by the Program Director shall be completed by the Regional Rights Consultant within 25 business days of receipt of the appeal.
 - b. The Regional Rights Consultant shall provide copies of the written report to the complainant and program within five (5) business days of completion of the report.
 - c. This report shall serve as notice of the Regional Rights Consultant's final recommendation for resolution of the complaint.

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10. Any recommended remedial action shall include time limits for implementation of said action.
 - a. The Regional Rights Consultant shall evaluate the effectiveness of the remedial action in resolving the issue that caused the complaint.
11. If the complainant is dissatisfied with the Regional Rights Consultant's written report, the complainant may file a written appeal with LARA within 15 business days of receipt of the written report. The appeal shall be submitted on a LARA-approved form.
 - a. LARA shall provide copies of the written appeal to the program and Regional Rights consultant within five (5) business days of receipt of the appeal.
12. LARA shall review the written appeal within 10 business days of receipt of the appeal.
 - a. LARA may hold an informal conference with the parties involved to explore the issues of the complaint.
13. If LARA agrees with the Regional Rights Consultant's written report, the complainant shall be notified within 15 business days of receipt of the appeal. This notification shall include the rationale for LARA's decision.
14. If the complainant is dissatisfied with LARA's decision, the complainant shall be informed of their right to request a hearing under the Administrative Procedures act of 1969, being MCL 24.201 to MCL 24.328. A request for a hearing must be submitted by the complainant within 15 business days of receipt of their notification from LARA.
15. If LARA decides to reinvestigate the complaint, the complainant shall be notified of this decision within 10 business days of receipt of the appeal.
 - a. LARA shall provide copies of their notification to the Program Rights Advisor and the Regional Rights Consultant.
16. A written report of LARA's investigative procedures, findings, and the administrative or licensing action recommended to the LARA director shall be completed within 25 business days of receipt of the appeal.
 - a. LARA shall provide copies of their investigation to the Program Rights Advisor and the Regional Rights Consultant.
 - b. LARA shall provide copies of their investigative report and recommended action to the complainant within 30 business days of receipt of the appeal.

V. PROCEDURES:

Employee

1. Notifies recipients of their right to file a complaint.
2. Ensures recipients are provided with LARA complaint forms.
3. Forwards completed complaint forms to the Program Rights Advisor.

Program Director

4. Ensures staff members cooperate with the complaint process.

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5. Notifies recipients of their right to file a complaint.
6. Ensures recipients are provided with LARA complaint forms.
7. Forwards completed complaint forms to the Program Rights Advisor.
8. Consults with the Program Rights Advisor and the Regional Rights Consultant on all complaints.

Program Rights Advisor

9. Ensures recipients, guardians, legal representatives, and employees receive information about recipient rights and the recipient rights complaint process.
10. Assists recipients, guardians, legal representatives, and employees in the completion of the complaint process.
11. Completes complaint process per the timelines established in the standards section of this administrative procedure.
12. Consults with the Program Director, Regional Rights Consultant, and LARA during the complaint process.
13. Coordinates interviews, meetings, and informal conferences as needed.

VI. REFERENCES:

- A. Michigan Mental Health Code, Public Act 258 of 1974, as amended
- B. Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Substance Use Disorder Services Programs
- C. Code of Federal Regulations, Title 42, Sub-part A, Part 2

VII. EXHIBITS:

None available.

VIII. REVISION HISTORY:

Dates issued 07/19, 07/20, 07/21, 07/22.