

SUD Regional Office of Recipient Rights



AGENDA

- Understanding Rights
- Differences: MH vs SUD
- Contractual Requirements
- State Expectations
- Process
- Considerations
- Key Takeaways



A close-up photograph of a pair of brass scales of justice and a wooden gavel. The scales are in the foreground, with two empty pans hanging from a central wooden pillar. The gavel is positioned vertically in the center. The background is a blurred wooden surface. A black rectangular box is overlaid on the right side of the image, containing the text 'UNDERSTANDING RIGHTS' in white, bold, uppercase letters.

UNDERSTANDING RIGHTS

UNDERSTANDING MH/SUD DIFFERENCES

- Mental Health and SUD Rights are Specific to Services
 - Admin Rules from different sources
- Governing Bodies Different
- Processes Vastly Different
- Different Training
- Different State Expectations



OVERVIEW: MENTAL HEALTH VS. SUD RIGHTS

Regulatory agency: MDHHS Office of Recipient Rights

- Mental Health Code
- Public Health Code
- MH Administrative Rules
- **CMH Oversight Responsibility**

Regulatory Agency: LARA/BCHS

- Chapter 2A Mental Health Code
- Article 6, Public Health Code
- State Licensing Administrative Rules
- **PIHP Oversight Responsibility**

Region 3: LRE

- Decentralized: SUD access managed by CMHSPs
- CMH contracts with SUD providers directly



PROCESS AUTHORITY IN CONTRACT



Mental Health:

Contract Attachment E-1 states:

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.

Substance Use Disorder:

Contract Attachment E-2 states:

1. Providers of Substance Use Disorder Services (SUD) shall:

(a). Strictly comply with all Recipient Rights provisions of the Administrative Rules for Substance Abuse Service Programs in Michigan (Public Act 368, 1978 as amended), incorporated into this agreement by reference.

OVERSIGHT RESPONSIBILITY IN CONTRACT

Contract attachment E1 States for providers of Mental Health Services:

1(A)...CMHSP Office of Recipient Rights (ORR) will provide technical assistance and consultation as necessary.



Contract Attachment E-2 States providers of Substance Use Disorder Services shall:

1(b)...Comply with the procedures... including the appointment of a program Recipient Rights Advisor who shall be trained by the Regional Rights Consultant.

1(c)... c. Maintain a Recipient Rights Complaint log that is available for review by the Regional Rights Consultant.

1(e)... the "It's Good to Know About Your Rights" poster indicating the Program Rights Advisor's name and telephone number, and the Regional Rights Consultant's name and telephone number;

STATE EXPECTATION FOR PIHP

- Must have Regional SUD ORR [State Contact List, R325.1397](#)
- Must have Regional SUD Rights Consultant [R325.1397 \(1\)\(a\)\(iii\)](#)
- Responsible for training provider Rights Advisors [Contract- E-2](#)
- Must handle 2nd level of Rights Complaint [R325.1399 \(6\)\(7\)](#)
- May handle 1st level if necessary [R325.1399 \(3\)](#)
- Must receive copies of all rights complaints/investigations [R325.1399 \(4\)](#)
- Must monitor any remedial action [R325.1399 \(5\)](#)



SUD RIGHTS PROCESS


LARA/BCHS PROCESS FOR SUD RIGHTS: 1ST LEVEL

1. Complainant completes BCHS-SUD-200 form
2. Program Rights Advisor investigates
3. Within 30 days, completes investigation and informs complainant of results
 - * Complainant given copy of BCHS-SUD-205 detailing findings of investigation.
 - * Copy of 200 and 205 sent to LRE

	To Be Completed by Complainant			
	Program Name _____			
	License Number (if known) _____			
Date form was given to Program Rights Advisor _____				
Substance Use Disorder Programs RECIPIENT RIGHTS COMPLAINT FORM				
1. DESCRIBE YOUR COMPLAINT: Give names of witnesses or other details that will help your rights advisor understand your complaint. Attach additional paper if necessary. _____ _____ _____				
2. Where did it happen?: _____ _____				
3. When did it happen? (Date and Time) _____				
4. What right(s) do you think were violated? _____ _____				
5. What would you consider to be a fair solution to this problem? (what action, by whom and by when?) _____ _____				
6. How do you want to get your copy of the investigation report for this complaint? (Check one)				
<input type="checkbox"/> PICK UP in rights' advisor's office within 30 working days. When report is ready, please call me at: _____ (Telephone Number w/area code)				
<input type="checkbox"/> MAIL to me at the following address by registered mail:				
Street Address _____		City _____	State _____	Zip Code _____
7. Complainant's Signature (also sign authorization to release information on Page 2). Signature: _____ Date: _____				
8. Form Provided: Complainant provided this BCHS-SUD-200 to Program Rights Advisor Date: _____				
BCHS-SUD-200		Page 1 of 2		(Rev 09/03/2020)

LARA/BCHS PROCESS FOR SUD RIGHTS: 2ND LEVEL

1. If complainant is not satisfied, may appeal within 15 days to the LRE on form BCHS-SUD-210.
2. LRE Rights Consultant receives BCHS-SUD-210, agrees or investigates further
3. Returns decision within 30 days on form BCHS-SUD-215
4. Copies to Provider and Complainant


	To Be Completed by Complainant (Recipient):			
	Program Name			
	License Number (if known)			
	Date Original Complaint was Filed			
Date received programs investigation report (BCHS-SUD-205):				
Substance Use Disorder Programs COMPLAINANTS APPEAL TO THE REGIONAL ENTITY RIGHTS CONSULTANT				
1. Describe the reason for filing an appeal: (Attach additional paper if necessary)				

2. Please identify how you would like to receive a copy of the Regional Entity Right Consultants investigation finding? (Check one)				
<input type="checkbox"/> PICK UP in regional rights advisor office within 30 working days. When report is ready, please call me at: _____ (Telephone Number w/area code)				
<input type="checkbox"/> MAIL to me at the following address by registered mail:				

Street Address		City	State	Zip Code
Complainant's Signature: _____ Date: _____				
Printed Name: _____				
Complainant provided this BCHS-SUD-210 to Regional Entity Rights Consultant				Date Provided: _____
Copies Provided: The Regional Entity Rights Consultant must send a copy of this BCHS-SUD-210 to the Program Rights Advisor and to the Department				
				Date Provided: _____
BCHS-SUD-210 Page 1 of 3 (Rev 09/03/2020)				

LARA/BCHS PROCESS FOR SUD RIGHTS: 3RD LEVEL

1. If not satisfied, may appeal within 15 days to the Department on form BCHS- SUD-220
2. Department has 15 days to respond
3. Department responds on BCHS- SUD-225 form
4. If not satisfied, may appeal to the Department Director

	To Be Completed by the Department	
	Program Name	
	License Number	
	Date original complaint filed (BCHS-SUD-200)	
Date Appeal filed with Regional Entity Consultant (BCHS-SUD-210)		
Date Appeal Received (BCHS-SUD-220)		

**Substance Use Disorder Programs
DEPARTMENTS INVESTIGATION REPORT**

1. **Findings:** The allegations in this appeal have been investigated (insert form numbers). The findings are as follows:

<input type="checkbox"/> Support the allegations	<input type="checkbox"/> Do not support the allegations
<input type="checkbox"/> Support the allegations in part	<input type="checkbox"/> Are inconclusive

2. **Narrative summary of investigation and findings are enclosed** (department investigation attached)

3. **Correction Action:** Remedial (Corrective) action is not required Remedial (Corrective) action required
If required, remedial action to be taken by the program and time limits to be implemented: _____

Submitted by: _____ The Department Signature _____ Date _____

Department of Licensing and Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

BCHS-SUD-225 Page 1 of 1 (Rev 09/03/2020)

SOURCE CITATIONS FOR PROCESS

- Process: <https://www.michigan.gov/lara/bureau-list/bchs/Substance-Use-Disorder-Licensure/panel-main/file-a-complaint/file-a-recipient-rights-complaint>
- LARA/BCHS Substance Use Disorder Service Program Administrative Rules Part 5: R 325.1399 (1-12)



CONSIDERATIONS

OBSERVATIONS

- No current contact list for SUD Rights advisors
- Posters not updated
- Providers not aware of correct process
- Providers not trained on SUD process
- CMH Rights Advisor confusion
- Lack of oversight
- No documentation



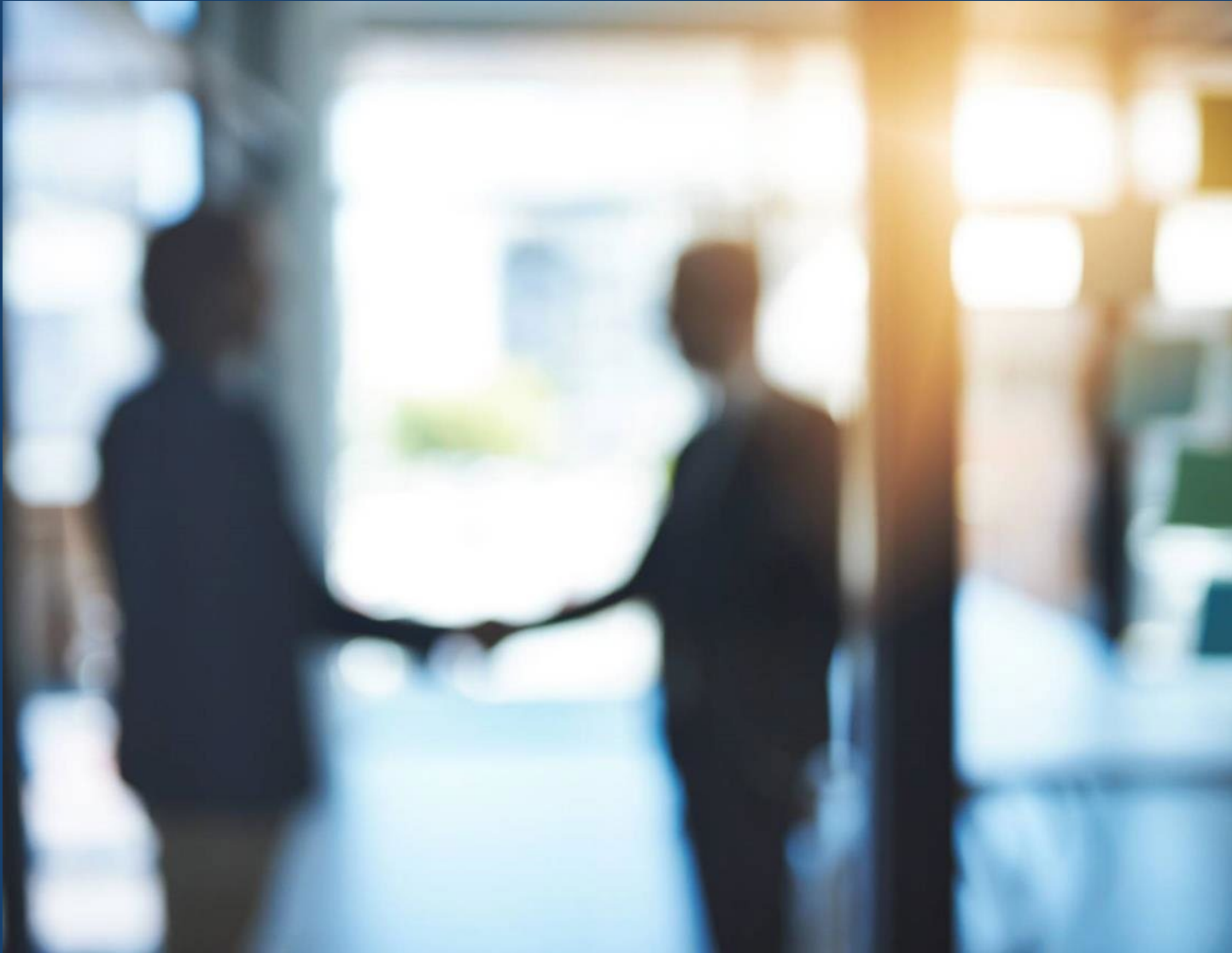
WHY THE LRE?

- Training
- Logistics
- Standardization
- Oversight
- Documentation



SITE REVIEWS

- RR Review in 2024
- Pulled from Admin Rules
- Policy, Procedure, Practice
- First Review Informal
- Subsequent Reviews Require CAP



THANK YOU

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