

If you disagree with the findings of the Appeals Committee

The appellant may file a written appeal with the Department of Community Health in Lansing within forty-five (45) days after receiving the written notice regarding the decision of the Appeals Committee.

Within thirty (30) days the Department of Community Health will review the appeal and respond in writing. The review of the appeal shall be based on the same standards as described earlier.

Mediation

At any time during the complaint process the parties may agree to mediate the dispute. The mediator shall be an individual who has received training in mediation and who is not involved in any manner with the dispute, or with the provision of services to the recipient/CMH consumer.

If the parties agree to mediation and reach agreement, the mediator shall prepare a summary report which shall be signed by both sides, indicating their agreement to the outcome.

If the parties fail to reach an agreement, the mediator shall document the situation and provide both parties with a copy of the report within ten (10) days after the end of the mediation process.

If the parties engage in mediation, all appeal and response time-frames will be suspended during the period of time the mediation process is taking place. The suspension of time periods begins on the day the parties agree to mediate, and expires five (5) days after the day the mediator provides the written documentation to the parties and to the office that mediation was not successful.

WHERE TO TURN

To report recipient rights violations, consumer concerns or issues, please contact:

Rebecca Browne
Recipient Right Officer
Direct Line: (989) 723-0725
Emergencies: (989) 277-8945

or

Anne Forbush
Recipient Rights Advisor
Direct Line: (989) 723-0789

**Shiawassee County
Community Mental Health**



989.723.6791 TDD/TTY
800.622.4514 TDD/TTY
www.shianet.org/~scmh

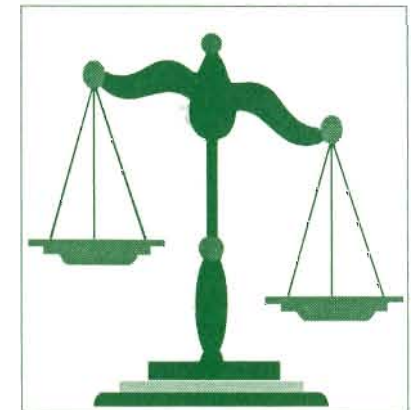


SHIAWASSEE COUNTY COMMUNITY

Mental Health

Recipients Rights

**APPEALS
AND
MEDIATION**



Filing a Concern

Any consumer of Community Mental Health Services, or another person on behalf of the consumer, may file a rights concern with our Recipient Rights Office.

Concerns may be relayed to the Recipient Rights Office by telephone, in person, or in writing. An individual may request assistance in filing a consumer concern from any employee of Community Mental Health, or from someone in our Recipient Rights Office.

The individual reporting the allegation, should provide the following information:

- ◆ The allegation.
- ◆ How the right(s) may have been violated.
- ◆ An explanation of the outcome the reporting party is seeking.

What to expect after you have filed a concern

The Recipient Rights Office shall provide the complainant with a written acknowledgment and a copy of the concern within five (5) days of its receipt of the concern. If the Recipient Rights Office determines that no investigation is warranted, the complainant will be notified of such at this time.

The Recipient Rights Office shall initiate an investigation of apparent or suspected violations in a timely manner and shall complete the investigation within ninety (90) days of receipt of the concern. Cases involving alleged abuse, neglect, serious injury, or the death of a consumer shall be initiated immediately.

The Recipient Rights Office shall issue a written status report to the complainant and agency every thirty (30) calendar days during the investigation.

After the Investigation

Upon completion of the investigation, the Recipient Rights Office shall forward a copy of the investigative report to the Executive Director.

The Executive Director shall submit a written summary to the complainant, the involved consumer, and/or legal representative within ten (10) business days of receipt of the investigative report.

If you disagree with the findings of the investigation

If the complainant disagrees with the outcome of the investigation, a written request for an appeal may be filed within forty-five (45) business days, based on one (1) of the following standards:

- ◆ Investigative findings are not consistent with the facts, or with law, rules, policies, or guidelines.
- ◆ The action taken, or plan of action proposed by the respondent, does not provide an adequate remedy.
- ◆ The investigation was not initiated or completed on a timely basis.

Assistance in filing an appeal

Advocacy groups may be available to assist the complainant in preparing a written appeal.

If an advocacy group cannot be contacted, the Recipient Rights Office shall assist the complainant in meeting the procedural requirements of a written appeal.

The Recipient Rights Office shall also provide the complainant with information regarding the option of mediation.

After an appeal is filed

Within five (5) business days, the Recipient Rights Appeals Committee will review the appeal to determine if it meets the criteria for appeal.

If the appeal is denied because it does not meet the criteria, the complainant will be notified in writing.

If the appeal is accepted, the complainant will be given written notice and the agency given a copy of the appeal.

The Recipient Rights Appeals Committee shall meet within thirty (30) days to review the facts as stated in the investigation documents.

Following the review, the committee will choose to do one of the following:

- ◆ Uphold the investigative findings and the action taken or the plan of action proposed.
- ◆ Return the investigation to the Rights office and request that the case be reopened or reinvestigated.
- ◆ Uphold the investigative findings, but recommend that additional or different action be taken to remedy the violation.
- ◆ Recommend that the Community Mental Health Board request an external investigation by the State Office Recipient Rights.

The Recipient Rights Appeals Committee shall document its decision in writing and provide copies of the decision, within ten (10) working days, to the appellant, consumer, and/or legal representative.