


<b>Policy and Procedure Manual</b> <b>Saginaw County Community Mental Health Authority</b>		
<b>Subject:</b> Recipient Rights – Complaint and Appeal Process	<b>Chapter:</b> 02 - Customer Service and Recipient Rights	<b>Subject No:</b> 02.02.01
<b>Effective Date:</b> September 8, 1987	<b>Date of Review/Revision:</b> 2/19/03, 4/21/06, 7/25/07, 1/25/08, 6/29/09, 6/22/12, 6/13/14, 11/27/16, 6/1/18, 1/17/19, 2/11/20, 3/9/21, 5/10/22	<b>Approved By:</b> Sandra M. Lindsey, CEO  <b>Responsible Director:</b> Tim Ninemire, Director of Customer Services & Recipient Rights
	<b>Supersedes:</b> 06.02.00.00, 02.02.02, 02.02.13 and 02.02.15	
 SAGINAW COUNTY COMMUNITY MENTAL HEALTH AUTHORITY		<b>Authored By:</b> Tim Ninemire  <b>Additional Reviewers:</b> None

**Purpose:**

The purpose of this policy is to ensure the rights of consumers of Public Mental Health Services are protected according to P.A. 258, 1974, and the Michigan Mental Health Code, Chapters 7 and 7A.

**Policy:**

It is the policy of Saginaw County Community Mental Health Authority (SCCMHA) to protect the rights of consumers of mental health services, in addition to the rights, benefits, and privileges guaranteed by other provisions of the law, the Constitution of 1963, and the Constitution of the United States. The SCCMHA Recipient Rights Office shall provide a system for determining whether in fact violations have occurred, and shall ensure that firm and fair disciplinary and appropriate remedial action is taken in the event of a violation. SCCMHA intends to protect the rights of all people served and to have a process in place for complainants (listed on a Recipient Rights Complaints), consumers, the parent of a minor consumer, or the consumer’s guardian; if any, to appeal decisions made by the SCCMHA Office of Recipient Rights (ORR), they disagree with.

**Application:**

This Policy applies to the Recipient Rights Office of Saginaw County Community Mental Health Authority (SCCMHA) to protect the Rights of consumers receiving public mental health services from SCCMHA and it’s Network Providers. The Substance Use Disorder Coordinating Agency is responsible for developing policies specific to the Public Health Code related to Recipient Rights.

**Standards:**

- A1) The Your Rights booklet, a summary of rights, will be placed in all Orientation Folders given to SCCMHA consumers during the intake process.
- A2) Recipient Rights information will be explained to all SCCMHA consumers in an understandable manner during the intake process. If alternative methods, such as an interpreter for a different language is needed, documentation of the alternative methods as well as the interpreter's name used will be documented in the clinical record.
- A3) The SCCMHA Recipient Rights Office assures that consumers, parents of minors, guardians, and others have ready access to Recipient Rights Complaint Forms.
- A4) Each Recipient Rights Complaint is recorded upon receipt in the SCCMHA Recipient Rights Complaint Module of sentri II (database designed for the tracking of complaints).
- A5) Rights complaints filed by consumers or anyone on their behalf will be provided to SCCMHA ORR in a timely manner.
- A6) Acknowledgment of the complaint (recording) is sent along with a copy of the complaint to complainant within 5 business days.
- A7) The SCCMHA ORR notifies the complainant within 5 business days after the receipt of the complaint if it was determined that no investigation of the complaint was warranted.
- A8) The SCCMHA ORR offers assistance to any consumer or other individual with the complaint process as necessary.
- A9) The SCCMHA ORR advises consumers or other individuals that there are advocacy organizations available to assist in preparation of a written rights complaint and offers to make the referral.
- A10) In the absence of assistance from an advocacy organization, the SCCMHA ORR will assist in preparing a written complaint which contained a statement of the allegation, the right allegedly violated, and the outcome desired by the complainant.
- A11) If a rights complaint had been filed regarding the conduct of the Chief Executive Officer, the rights investigation will be conducted by the ORR of another CMHSP or by the MDHHS ORR as determined by the SCCMHA Board of Directors.
- A12) Investigations will be immediately initiated in cases involving alleged abuse, neglect, serious injury, or death of a consumer when a rights violation was apparent or suspected.

- A13) The SCCMHA ORR initiates investigations of apparent or suspected rights violations in a timely and efficient manner.
- A14) The SCCMHA ORR issues a written status report every 30 calendar days during the course of the investigation to the complainant, respondent and the responsible mental health agency (RMHA) and that the Status Report will contain the following:
- a) Statement of the allegations
  - b) Citations
  - c) Statement of the issues
  - d) Investigative progress to date and
  - e) Expected date of completion
- A15) The SCCMHA ORR will complete investigations no later than 90 calendar days following the receipt of all complaints, unless awaiting action by external agencies (MDHHS, law enforcement, etc.).
- A16) The SCCMHA ORR will conduct investigations in a manner that does not violate the rights of any employee.
- A17) Investigation activities for each rights complaint will be accurately recorded by the SCCMHA ORR in sentri II.
- A18) The SCCMHA ORR uses a preponderance of the evidence as its standard of proof in determining whether a right was violated.
- A19) Upon completion of the investigation, the SCCMHA ORR will submit a written investigative report to the respondent and to the Chief Executive Officer of SCCMHA. (Issuance of the written investigative report may be delayed pending completion of investigations that involve external agencies).
- A20) The written investigative report will include all of the following:
- a) Statement of the allegations
  - b) Citations to relevant provisions of the law, rules, policies and guidelines
  - c) Statement of the issues involved
  - d) Investigative findings
  - e) Conclusions
  - f) Recommendations, if any
- A21) On substantiated rights violations, the RMHA and/or respondent will take appropriate remedial action that meet all of the following requirements:
- a) Corrects or provides remedy for the rights violation
  - b) Is implemented in a timely manner
  - c) Attempts to prevent a recurrence of the rights violation
- A22) The remedial action taken on substantiated violations is documented and made part of the record maintained by the SCCMHA ORR.

- A23) The RMHA (Chief Executive Officer) will submit a written summary report to the complainant and the consumer, if different than the complainant, parent or guardian, within 10 business days after the Chief Executive Officer receives a copy of the investigative report (RIF) from the SCCMHA ORR.
- A24) The written summary report will contain all of the following:
- a) Statement of the allegations
  - b) Citations to relevant provisions of the law rules, policies and guidelines
  - c) Statement of the issues involved
  - d) Summary of investigative findings of the SCCMHA ORR
  - e) Conclusions of the SCCMHA ORR
  - f) Recommendations made by the SCCMHA ORR, if any
  - g) Action taken, or plan of action proposed, by the respondent
  - h) A statement describing the complainants right to appeal, time frame, the grounds for making the appeal, and the process for filing an appeal.
- A25) SCCMHA and each service provider ensured that appropriate disciplinary action is taken against those who have engaged in abuse or neglect or retaliation and harassment.
- A26) Information in the summary report will provide within the constraints of the confidentiality/privileged communications sections (1748, 1750) of the Mental Health Code.
- A27) The SCCMHA ORR will ensure that information in the summary report will not violate the rights of any employee (ex. Bullard-Plawecki Employee Right to Know Act, (Act 397 of the Public Acts of 1978).
- A28) When either SCCMHA or a service provider personnel fail to report suspected violations of rights, appropriate administrative action will be taken.
- A29) If the summary report contains a plan of action the director must send a letter indicating when the action was completed.
- A30) If the letter indicating the plan of action describes an action that differs from the plan, the letter must indicate that an appeal may be made within 45 days of an “action”.
- A31) The SCCMHA Board of Directors will appoint an Appeals Committee consisting of 7 individuals, or designate the Recipient Rights Advisory Committee (RRAC) as the appeals committee. A committee designated separately from the RRAC will have at least 3 members from the RRAC, at least two members of the CMHSP Board and at least two primary consumers. Members can represent more than one of these categories. None of the members shall be employed by SCCMHA or MDHHS.

- A32) The appeals committee may request consultation and technical assistance from MDHHS ORR.
- A33) A member of the appeals committee who has a personal or professional relationship with an individual involved in the appeal will abstain from participating in that appeal as a member of the committee.
- A34) The complainant, consumer (if different than the complainant), guardian or parent of a minor, in the summary report from the Chief Executive Officer, will be informed of the following: An appeal may be filed no later than 45 days after receipt of the summary report.
- A35) The grounds for the appeal are:
- a) The investigative findings of the rights office are not consistent with the facts, law, rules, policies or guidelines.
  - b) The action taken or plan of action proposed by the respondent does not provide an adequate remedy.
  - c) An investigation was not initiated or completed on a timely basis.
- A36) The SCCMHA ORR will advise the complainant that there are advocacy organizations available to assist in preparing the written appeal and will offer to make the referral.
- A37) In the absence of assistance from an advocacy organization, the SCCMHA ORR will assist the complainant in meeting the procedural requirements of a written appeal.
- A38) Within 5 business days after receipt of a written appeal, 2 members of the Appeals committee will review the appeal to determine whether the appeal meets the required criteria listed in A35.
- A39) The results of the review will be provided, in writing, to the appellant, within 5 business days.
- A40) If the appeal was accepted, a copy of the appeal will be provided to the respondent and SCCMHA within 5 business days.
- A41a) Within 30 days after the written appeal was received, the Appeals Committee will meet and review the facts as stated in all complaint investigation documents.
- A41b) The Appeals Committee will do one of the following in deciding upon an appeal:
- a) Uphold the findings of the rights office and the action taken or plan of action proposed by the respondent
  - b) Return the investigation to the rights office with a request that it be reopened or reinvestigated

- c) Uphold the investigative findings of the rights office but recommend that the respondent take additional or different action to remedy the violation
  - d) Recommend that the SCCMHA Board of Directors request an external investigation by MDHHS ORR.
- A42) The Appeals Committee will document its decision and justification for the decision in writing.
- A43) Within 10 days after reaching its decision, the Appeals Committee will provide copies of the decision to the respondent, appellant, consumer (if different than the appellant), consumer's guardian if one has been appointed, SCCMHA, and the SCCMHA ORR.
- A44) Copies of the Appeals Committee decision will include a statement of the appellant's right to appeal to MDHHS (Level 2), the time frame for appeal (45 days from the receipt of the decision) and the grounds (reason) for the appeal (investigative findings of the rights office are inconsistent with the law facts, rules, policies or guidelines).
- A45) If an investigation is returned to the Licensed Private Hospitals (LPH) by an appeals committee for reinvestigation, the office will complete the reinvestigation within 45 days following the standards established in 330.1778.
- A46) If an investigation is returned to the LPH by an appeals committee for reinvestigation, upon receipt of the RIF, the director will take the appropriate remedial action and will submit a written summary report to the complainant, consumer, if different than the complainant, parent or guardian, and the appeals committee within 10 business days.
- A47) If a request for additional or different action is sent to the Director, a response will be sent within 30 days as to the action taken or justification as to why it was not taken. The response will be sent to the complainant, consumer, if different than the complainant, parent or guardian, and the appeals committee.
- A48) If the committee notifies the LPH or CMH Board chair of a recommendation to seek an external investigation from MDHHS ORR, the board will send a letter of request to the director of MDHHS ORR within 5 business days of receipt of the request from the appeals committee. The director of the CMH or LPH making the request will be responsible for the issuance of the summary report, which will identify the grounds and advocacy information as in A32-A34 of this document and MDHHS ORR Appeal Committee as the committee for any Appeal.
- A49) It is the standard of this agency that all services are available to all individuals regardless of any disability, race, color, ethnicity, national origin, religion, gender identity status, veteran status, age, sex, sexual orientation, or any other characteristic

protected by law. This agency will provide services in accessible locations. Any individual who alleges a violation of section 504 and grievances related to the Americans with Disability Act may file a complaint with the SCCMHA Rights Office.

- A50) The Recipient Rights Officer and Advisor will have unimpeded access to all SCCMHA programs as well as all SCCMHA Network Provider locations, all staff employed by or under contract, and all evidence necessary to conduct a thorough investigation or to fulfill its monitoring function.
- A51) The SCCMHA ORR will maintain a neutral stance on all complaints until which time the investigative findings reveal the facts about the complaint.
- A52) The SCCMHA Board shall empower the Recipient Rights Office with authority to intervene as necessary to protect consumer rights within the SCCMHA system.
- A53) The Supervisor and Director of the Customer Service/Recipient Rights Office (Recipient Rights Officer) will refrain from completing investigations in order to keep a clear distinction between the Recipient Rights and the Customer Service responsibilities, as required by state and federal regulations. The exception to this standard will be in the case when the Recipient Rights Advisor is not available to initiate the investigation. In cases when the Recipient Rights Advisor is not available, the Supervisor or Director of the Customer Service/Recipient Rights Office (Recipient Rights Officer) will initiate the investigation and turn the complaint over to the Advisor as soon as possible.
- A54) The Chief Executive Officer shall ensure adequate Recipient Rights coverage. In the absence of both the Recipient Rights Officer and the Rights Advisor, the Chief Executive Officer shall appoint a designee with non-clinical responsibilities to receive and initiate investigation of alleged consumer rights violations.
- A55) To maintain the confidentiality of the Recipient Rights process, the offices of the Recipient Rights Officer and the Recipient Rights Advisors will be kept locked when not occupied and only SCCMHA ORR staff will have electronic access and keys assigned to them to enter these offices.
- A56) A consumer rights complaint may be written or verbal or based on a determination that an incident report represents an alleged violation of the Michigan Mental Health Code.
- A57) All rights complainants, rights staff, and other advocates shall not be harassed or retaliated against due to the investigation or determination of a rights complaint. Any actions construed to be harassment or retaliation shall be reported immediately to the Chief Executive Officer, and appropriate disciplinary action shall be taken.

**Definitions:**

**Code Protected Right:** A right as defined by the Michigan Mental Health Code.

**sentri II Recipient Rights Complaint Module:** The database designed for the tracking of complaints.

**Preponderance of Evidence:** Black's Law Dictionary (Sixth Edition) defines a preponderance of the evidence as: "Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it...Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but the opportunity for knowledge, information possessed, and manner of testifying determines the weight of testimony."

**Recipient Rights Complaint:** An allegation that a Code Protected Right has been violated.

**References:**

- Michigan Administrative Rules 7035
- Michigan Administrative Rules AR 7011;
- American Disabilities Act
- Bullard Plewicki Act
- Job Descriptions of the Recipient Rights Officer and the Recipient Rights Advisor
- MDHHS/CMH Contract Attachment C6.3.2.4
- Michigan Mental Health Code 330.1152;
- Michigan Mental Health Code 330.1706
- Michigan Mental Health Code 330.1722;
- Michigan Mental Health Code 330.1755;
- Michigan Mental Health Code 330.1774;
- Michigan Mental Health Code 330.1776;
- Michigan Mental Health Code 330.1778;
- Michigan Mental Health Code 330.1780;
- Michigan Mental Health Code 330.1782;
- Michigan Mental Health Code 330.1784;
- Michigan Mental Health Code 330.1786;
- SCCMHA Policy 02.01.13 Limited English Proficiency

**Exhibits:**

None

**Procedure:**

<b>ACTIONS</b>	<b>RESPONSIBLE</b>
<b>General Recipient Rights</b>	
1) Rights of consumers receiving mental health services will be protected.	1) Recipient Rights Officer



<p>2) Consumers, parents of minors, and guardians or other legal representatives will have access to Recipient Rights Booklets titled “Your Rights”, which summarizes Chapter 7 &amp; 7A of the Mental Health Code. The receipt shall be documented in the case record. The consumer rights system shall be verbally explained. If the consumer or guardian is unable to read or understand the material or is considered to have Limited English Proficiency, every effort shall be made to assist in that explanation, and will be noted in the case record.</p>	<p>2) Supports Coordinator, Case Manager, or Primary Therapist.</p>
<p>3) The name, address, and phone number of the Rights Officer or Advisor shall be conspicuously posted at all SCCMHA service sites including the SCCMHA contracted Provider Network.</p>	<p>3) Recipient Rights Office</p>
<p>4) All incident reports will be reviewed to determine if they involve possible rights violations.</p>	<p>4) Recipient Rights Advisor</p>
<p>5) When an allegation is outside of the agency jurisdiction, the complainant or consumer will be informed of how to contact the appropriate agency.</p>	<p>5) Recipient Rights Officer or Advisor</p>
<p>6) Records of investigating alleged violations are maintained independent of client case records, and subject to all applicable confidentiality safeguards. All investigative documents and evidence shall be secured.</p>	<p>6) Recipient Rights Officer or Advisor</p>
<p>7) All SCCMHA sites and the Provider Network service sites where the SCCMHA has responsibility to provide direct services will be visited on an annual basis.</p>	<p>7) Recipient Rights Officer</p>
<p>8) All individuals employed by SCCMHA or the Provider Network of SCCMHA shall receive training related to consumers rights protection before or within 30 days after being employed and annually thereafter.</p>	<p>8) Recipient Rights Office staff or Auditors from Network Services and Public Policy</p>
<p>9) Recipient Rights policies of SCCMHA will be followed by all SCCMHA programs as well as the SCCMHA contracted Provider Network.</p>	<p>9) Recipient Rights Officer</p>

<p>10) The Recipient Rights Officer or Advisor shall attend the Behavior Treatment Committee meetings, Continuous Quality Improvement meetings, Management Team meetings, Board meetings, and individual case meetings when rights related matters are discussed.</p>	<p>10) Recipient Rights Officer or designee</p>
<p>11) Both staff and consumers are aware of their due process rights, specifically:  a) The nature of the complaint / investigation.  b) The opportunity to provide evidence on their behalf.</p>	<p>11) Recipient Rights Officer or Advisor</p>
<p>12) The Office of Recipient Rights shall act as a consultant to the Chief Executive Officer and staff to assure compliance in rights manners.</p>	<p>12) Recipient Rights Officer</p>
<p>13) A Recipient Rights Advisory Committee that meets regularly to review aggregate data and information from Recipient Rights investigations will be established in accordance with Michigan Mental Health Code Section 330.1757.</p>	<p>13) SCCMHA Board</p>
<p>14) The Recipient Rights Office will complete regular reports (at least quarterly) to present to the Recipient Rights Advisory Committee. These reports will be an aggregate review of the investigations completed by the Recipient Rights Office.</p>	<p>14) Recipient Rights Officer</p>
<p>15) An annual budget that assures adequate provision of consumer rights services to SCCMHA consumers will be reviewed and approved annually by Recipient Rights Advisory Committee.</p>	<p>15) Chief Executive Officer</p>
<p>16) Submit to the board of the SCCMHA &amp; Michigan Department of Health and Human Services an annual and semi-annual report prepared by the Recipient Rights Office on the current status of recipient rights and a review of the operations of the Recipient Rights Office.</p>	<p>16) Chief Executive Officer</p>
<p><b>Complaint Process</b></p>	

17) Complaints received or initiated by the SCCMHA ORR will be logged into the sentri II Recipient Rights Complaint Module upon receipt.	17) Recipient Rights Advisor
18) When a complaint is received from the Customer Service Office, the complaints will be recorded in the sentri II database, and indicate in the database the complaint is a referral from Customer Service staff.	18) Recipient Rights Advisor
19) Assist in the filing of a rights complaint when requested and/or file a rights complaint when they are aware of a violation of a consumer's rights.	19) Recipient Rights Officer
20) Assist in filling out Recipient Rights complaint forms and turning them over to the Recipient Rights Office for investigation.	20) Customer Service staff
21) Complaints will be investigated in a fair and timely manner (timely as defined by the Michigan Mental Health Code requires that investigations be completed within 90 days of receipt of a complaint) by the Recipient Rights Officer or Advisor. There may be an exception to this time frame for the reason of waiting for an external investigative process such as through MDHHS, law enforcement, or other appropriate external agency.	21) Recipient Rights Advisor
22) The office shall issue a written status report every 30-calendar days during the course of the investigation.	22) Recipient Rights Advisor
23) Complaints brought to the Recipient Rights Office that are not investigated due to being out of the jurisdiction of the Recipient Rights Office or determined not to be a Code Protected Right will be documented in accordance to Chapter 7A.	23) Recipient Rights Advisor
24) An independent determination will be completed as to whether each allegation is substantiated or not substantiated and recommend to the Chief Executive Officer appropriate remedial action when an allegation is substantiated. The preponderance of evidence standard shall be used in making this determination.	24) Recipient Rights Officer

<p>25) A report of Investigative Findings will be completed and sent to the appropriate parties with a decision to substantiate or not substantiate the alleged violation.</p>	<p>25) Recipient Rights Advisor</p>
<p>26) Upon the receipt of the Investigative Findings Report, a summary report will be sent to the complainant within 10 days.</p>	<p>26) Chief Executive Officer</p>
<p>27) Appropriate remedial action will be taken when a complaint is substantiated. The action will be implemented in a timely manner and recorded in the sentri II database.</p> <ul style="list-style-type: none"> <li>a) If the Summary report contains a plan of action to be completed in the future, the CMHSP executive director shall assure that the complainant, consumer if different that the complainant, his/her legal guardian, if any, and the office are provided written notice of the completion of the plan.</li> <li>b) The notice shall include specific information as to the action that was taken and the date that it occurred, if it is different than that proposed.</li> <li>c) The complainant, consumer if different that the complainant and his/her legal guardian, shall have 45 days from the mailing date of the notice to appeal.</li> <li>d) The Appeal may be sent to the Appeals Committee on the grounds of inadequate action taken to remedy a rights violations.</li> </ul>	<p>27) Recipient Rights Advisor</p>
<p>28) Written consent will be obtained from the consumer or guardian when the complainant is not the consumer or guardian, prior to disclosure of confidential information.</p>	<p>28) Recipient Rights Officer or Advisor</p>
<p>29) When an Investigative Summary includes information involving disciplinary action to a SCCMHA employee or an employee of a SCCMHA contracted Provider Network, Human Resources, or the contracted agency will be notified so that they may notify the employee the information is being sent to a third party in accordance to the Bullard Plewicky Act.</p>	<p>29) Recipient Rights Officer or Advisor</p>

---

**Appeal Process**

- |  |  |
|--|--|
| 30) In the summary report from the Chief Executive Officer, the complainant listed on Recipient Rights Complaint, consumer, the parent of a minor consumer, or the consumer's guardian; if any shall be informed of their right to appeal based on Standard A34) and A35) listed in the Standards section above. | 30) Chief Executive Officer                    |
| 31) Within 5 business days after receipt of a written appeal, 2 members of the Recipient Rights Appeals Committee shall review the appeal to determine whether it meets the criteria for an appeal.  | 31) Recipient Rights Appeals Committee         |
| 32) The appellant will be notified in writing within 7 business days of the decision of the Recipient Rights Appeals Committee, as to whether or not the appeal will be reviewed.  | 32) Recipient Rights Appeals Committee         |
| 33) Within 30 days after receipt of an accepted written appeal, the appeals committee shall meet and review the facts as stated in all complaint investigation documents; and shall make a decision based on Standard A40)(a)-(d) in the Standards Section above.  | 33) Recipient Rights Appeals Committee         |
| 34) Any member of the Recipient Rights Appeal Committee who has a personal or professional relationship with an individual involved in an appeal, shall abstain from participating in that appeal as a member of the committee.  | 34) Recipient Rights Appeals Committee Members |
| 35) The Recipient Rights Appeals Committee shall document its decision in writing, within 10 working days after reaching its decision.   | 35) Recipient Rights Appeals Committee         |
| 36) The committee shall provide copies of the decision to the respondent, SCCMHA, and the appellant or the consumer, parent of a minor consumer, or the guardian of a consumer; if any, if different from the appellant, and the Rights Office.  | 36) Recipient Rights Appeals Committee         |
| 37) Included in this written decision shall be described, the appellant's right to a second level appeal to Michigan Department of Health and  | 37) Recipient Rights Appeals Committee         |

<p>Human Services (MDHHS) – State Office of Administrative Hearings and Rules based on Standard A44 in the Standards Section above.</p>	
<p>38) If the Recipient Rights Appeals Committee directs the Office of Recipient Rights to reopen or reinvestigate the complaint, the Office shall submit another investigative report in compliance with MHC section: 778 (5), within 45 days of receiving the written decision of the Recipient Rights Appeals Committee. The 45 day time frame may be extended to, no longer than 90 days by the Recipient Rights Appeals Committee upon showing good cause by the Office.</p>	<p>38) Recipient Rights Officer</p>
<p>39) Within ten days of receipt of the investigative report, the Chief Executive Director must issue another summary report in compliance with MHC section: 1782. The summary report shall be submitted to the appellant, complainant, consumer, recipient’s legal guardian; if any, parent of a minor consumer, the Recipient Rights Office, and the Appeals Committee.</p> <ul style="list-style-type: none"> <li>a) In the event that the investigative findings of the Office remain the same as those originally appealed, the appellant, complainant, consumer, consumer’s legal guardian, or parent of a minor consumer may file a second level appeal to MDHHS</li> <li>b) The summary report shall contain information regarding the right to further appeal, the time frame for appeal, and the ground for appeal.</li> <li>c) The summary report shall also advise of advocacy organizations available to assist in filing a written appeal, or offer the assistance of the Office in the absence of assistance from an advocacy organization.</li> <li>d) In the event that the Appeals Committee upholds the findings of the Office and directs the respondent to take additional action, that direction shall be based upon the fact that appropriate remedial action was not</li> </ul>	<p>39) Chief Executive Officer</p>

---

taken in compliance with Michigan  
Mental Health Code section 330.1780.

40) Within 30 days of receipt of the determination by the Appeals Committee the respondent shall provide written notice that action has been taken, or justification as to why it has not. This written notice shall be sent to the appellant, consumer, consumer's guardian, parent of a minor consumer, SCCMHA, and the Office of Recipient Rights.

40) Respondent

41) If the Appeals Committee and/or appellant, consumer, consumer's guardian, or parent of a minor consumer determines that the action taken by the respondent is still inadequate, the appellant, consumer, consumer's guardian, or parent of a minor consumer shall be informed of his or her right to file a complaint against the SCCMHA Executive Director for violation of Michigan Mental Health Code section 330.1755 (3), (b).

41) Appellant