



SAGINAW COUNTY
COMMUNITY MENTAL
HEALTH AUTHORITY

Recipient Rights Annual Report Five Year Comparison Fiscal Years (FY) 2009 – 2013

Prepared 5/21/14

Saginaw County Community
Mental Health Authority

Office of Recipient Rights
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INTRODUCTION


Every year the staff of the Saginaw County Community Mental Health Authority (SCCMHA) Office of Recipient Rights (ORR) work very hard in protecting the Rights of the individuals served by SCCMHA. One way to show how people's Rights are Protected is by reviewing data from current and past years. For the past 2 years we have provided a report to look at data from the past 5 years as this shows better trending of data than in the past when we only compared data for 3 years. The review of data across more years was a recommendation from the 2010 review of substantiated abuse and neglect cases.

As well as being taken to the ORR Committee, this report will be taken through the SCCMHA Quality Program by taking it to the Quality Improvement Committee and the Quality Team by July 31, 2014.

Recipient Rights is an integral part of the Community Mental Health (CMH) system and it allows those viewing the data to see how the rights of those served in the CMH system are protected. The SCCMHA ORR works hard to ensure investigations are completed in a timely fashion keeping the rights of all people involved in the process are protected, including staff. While sometimes it is difficult to convince staff ORR is looking out for everyone's rights, it is hoped that through the investigative process it is clear.

There are numerous categories used to track the types of Rights complaints that come in to the SCCMHA ORR. These categories range from Abuse and Neglect to Dignity and Respect, as well as numerous other categories. While this report will not break down each category and the number of complaints, we will focus on the overall data and some specific, important areas. The categories of abuse and neglect are very significant in the ORR world. The reason for this is that we serve a very vulnerable group of individuals who could be abused or neglected and may not be able to speak on their own behalf. These two categories will be reviewed in this report to show the trending of substantiated allegations over the past five years.

Recipient Rights Data

The information related to SCCMHA ORR investigations and interventions is maintained in the sentri  electronic record system. Information is automatically pulled from sentri to create reports for the Michigan Department of Community Health (MDCH). Each year every Community Mental Health Service Provider (CMHSP) ORR is required to send data to MDCH ORR with summary data related to ORR investigations, interventions, substantiated allegations, etc.

There is a variety of data other than the data related to investigations and interventions completed by the SCCMHA ORR, other information is sent to MDCH ORR in the Annual Report. The state requires CMHSPs to report the number of people served, the number of unduplicated complainants, the number of Full Time Equivalent (FTE) staff in their office, the amount of training completed by the ORR staff, goals the ORR worked on during the report year, and recommendations from the ORR Committee to the Board of the CMHSP.

The data included in this report was pulled from the following table:

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Out of Jurisdiction	6	4	8	10	12
No Right Involved	17	10	12	19	26
Interventions	22	18	5	1	5
Allegations Investigated	67	93	80	89	107
Total Allegations Involved	112	125	105	119	150
Substantiated Allegations	43	49	31	41	56
Complaints Received	94	117	97	110	139
Number of People Served	5,281	5,047	4,793	4,798	4,860
Unduplicated Number of Complainants	72	73	57	63	86
Number of Required Site Visits	119	154	148	130	132
Number of Site Visits Completed	105	154	148	130	132
Substantiated Abuse	10	14	14	18	19
Substantiated Neglect	7	10	6	11	16
Consumers Involved	45	58	27	37	46

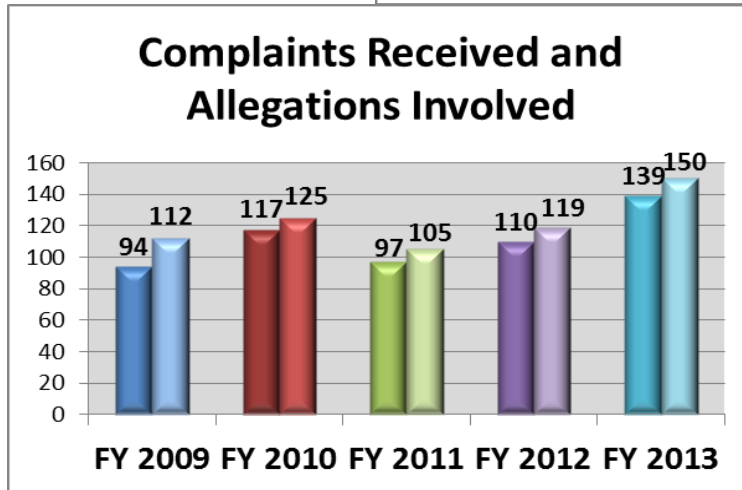
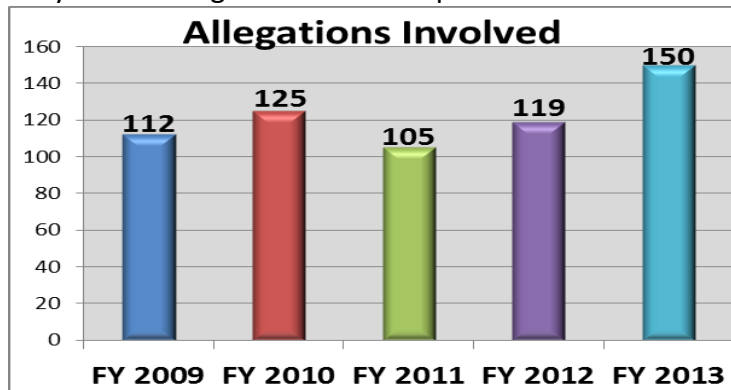
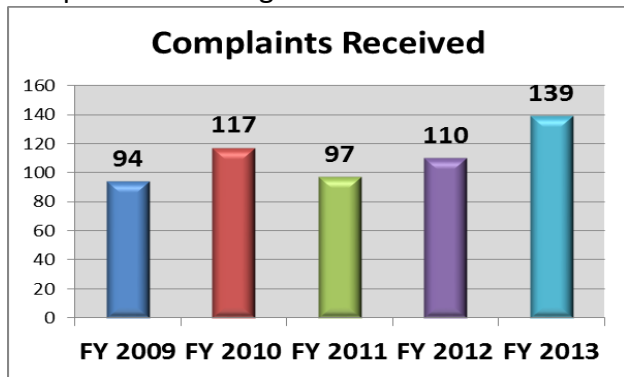
Complaints Received and Allegations Involved

In the past five years the number of complaints received by the SCCMHA ORR has increased from the lowest of 94 in FY 2009 to the highest of 139 in FY 2013. Based on the data over the last five years the average number of complaints over the past five years is 111. This is very close to the average in last year's report of an average of 109. In the current (FY 2014) year ORR received 32 complaints at the halfway point of the FY, this is less than half of the number of complaints received last year at the halfway point (68). If the current trend of complaints received continues at the current rate it is likely the total number of complaints received in the current year will likely be lower than any of the past 5 years. There is not an explanation for the drop in the number of complaints received this year, but it is clear that staff, families, and consumers served by SCCMHA are aware of the SCCMHA ORR if they wish to file a complaint based on the numbers of complaints received in FY 2013.

In the chart below, there are charts showing the number of complaints received versus the number of allegations received. For people unfamiliar with the ORR process, it may not be clear what the difference is between a complaint and an allegation. You will notice in the data to follow that every year's data indicates there are more allegations than complaints. There can be multiple allegations involved with one complaint. The following example will explain this further: A consumer complained that an AFC staff is rude to them and another staff person not allowing them to use the phone to call their family. The consumer, or someone on their behalf could file a complaint with the SCCMHA ORR. This would still be one complaint but there would be two allegations. The first allegation was that the consumer complained about a staff person being rude to them and the second allegation is that a staff person won't allow them to use the phone.

In the data shown below you will gain a clear picture of the relation between complaints received and allegations involved. Two of the charts separate complaints and allegations and the third chart shows the two

items in a side by side comparison. There is no formula to determine what the difference is between complaints and allegations other than there are always more allegations than complaints.



Allegations Investigated, Interventions, No Right Involved, and Out of Jurisdiction

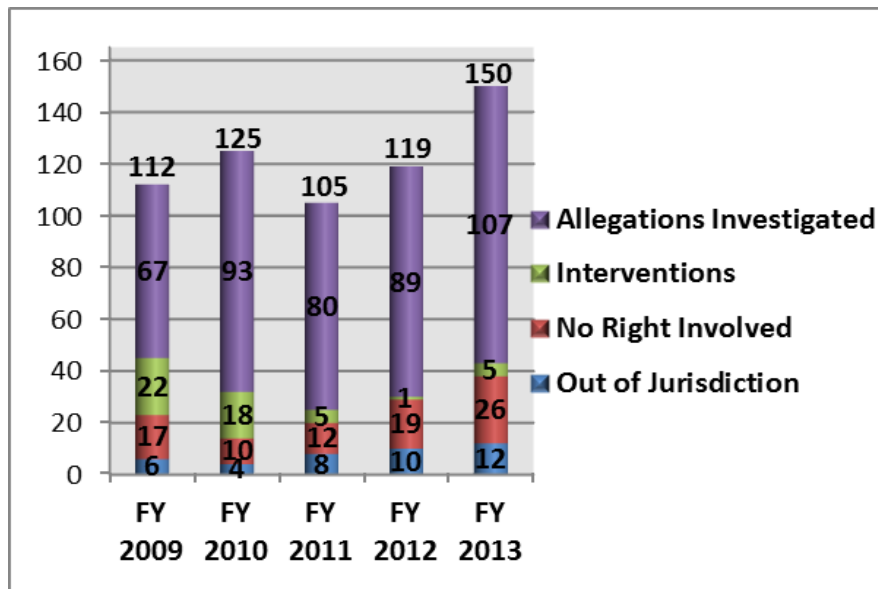
Over the past several years, one of the reports regularly brought to the ORR Committee related to how each complaint was categorized. When a complaint is reported to the SCCMHA ORR, it is categorized as an Investigation, an Intervention, a No Right Involved, or an Out of Jurisdiction. These are defined below:

- Investigation: A right as defined in the Michigan Mental Health Code is alleged to have been violated and the facts of the allegation are not clear without looking into the allegation on a deeper level.
- Intervention: An allegation of a right has been reported to the SCCMHA ORR in which the facts, remedy, and resolution are clear. It is important to note that a case of abuse, neglect, or retaliation may not be opened as an Intervention.
- No Right Involved: An alleged violation of a person’s rights that is not defined by the Michigan Mental Health Code. An example of this would be a resident of an AFC home alleges another resident of the home is bullying them. ORR cannot investigate one consumer bullying another as investigations are limited to things done by staff.
- Outside of Jurisdiction: An alleged violation of a person’s rights where the SCCMHA ORR would not have the authority to investigate. An example of this would be a consumer complaining they do not want to move into an AFC home after they get out of the hospital, but the consumer is on a Court Order that allows for their Treatment Team to determine if the consumer needs to live in a supervised setting. When a Court Order is in place, if it includes AFC placement, ORR does not have jurisdiction over the Court’s decision.

The chart below shows the data over the past five years related to all allegations coming into the SCCMHA ORR. The total number at the top of each bar indicates the total number of allegations received in each FY.

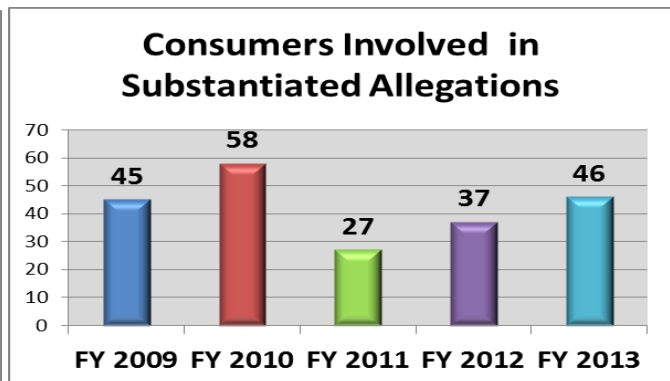
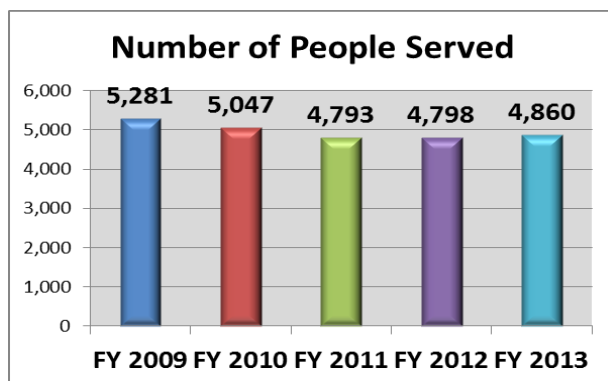
The number of Interventions had been going down every year since FY 2008, indicating the number of allegations received involve more serious concerns or at least the facts, remedy, and resolution were not clear. In FY 2013 there was a slight increase in the number of Interventions, but statistically insignificant.

The number of No Right Involved and Out of Jurisdiction had gone down over the first 2 years of this comparison, however since FY 2010 there has been an increase in these numbers. There may not be a specific reason for the increase. It is good news that the people we serve know who to contact for assistance. Even if the SCCMHA ORR cannot assist them in their complaint, we can refer them to someone else to assist them.



Number of Consumers involved in Substantiated Allegations

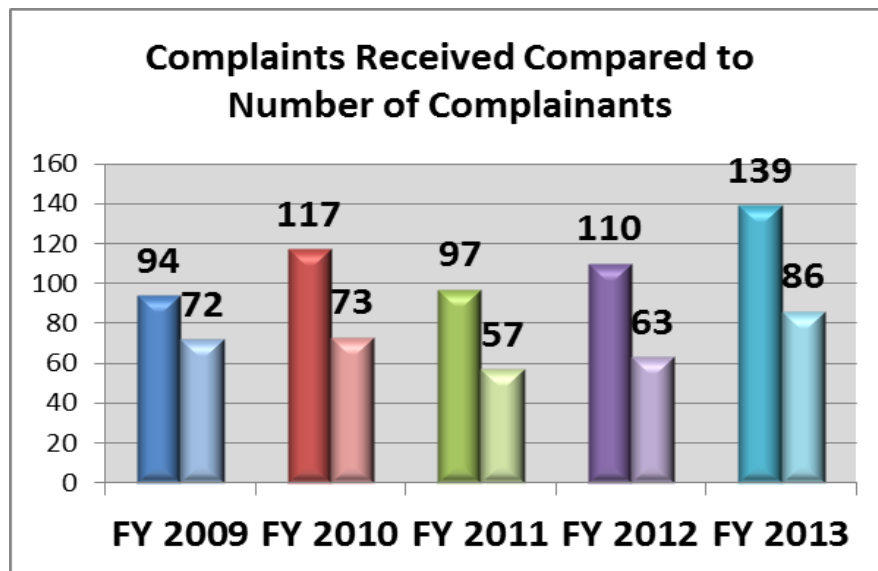
It is important to know the number of consumers affected by substantiated allegations. If the number of people served is compared to the number of consumers involved in the substantiated allegations, this is a very small number of people, in four out of five years it is less than 1%. While this is a small number of people affected and a low percentage, the SCCMHA ORR Is dedicated to make an even smaller number of people having substantiated complaints by working on prevention.



Where Complaints Come From

Complaints may come in to the SCCMHA ORR from anyone. MDCH ORR has given all CMHSP ORRs categories to collect data on who is filing complaints. The categories are separated into the following groups; Recipient, Staff, ORR, Guardian/Family, Anonymous, and Community/General Public. The chart below shows the number

of complaints compared to the number of unduplicated complainants. The number on the left indicates the number of complaints received and the number on the right indicates the number of complainants. One person may file three complaints, but they would only be shown as one complainant.



The break down of the FY 2013 complainants is listed below to give an idea of how the number of people complaining breaks down into the categories given by MDCH ORR. Notice the total number indicates the same number of complaints received in FY 2013. Based on the break down in the table below, it is easy to see the SCCMHA ORR is well known to staff, families, and consumers.

Recipient	47
Staff	49
ORR	24
Guardian/Family	13
Anonymous	3
Community/General Public	3
Total	139

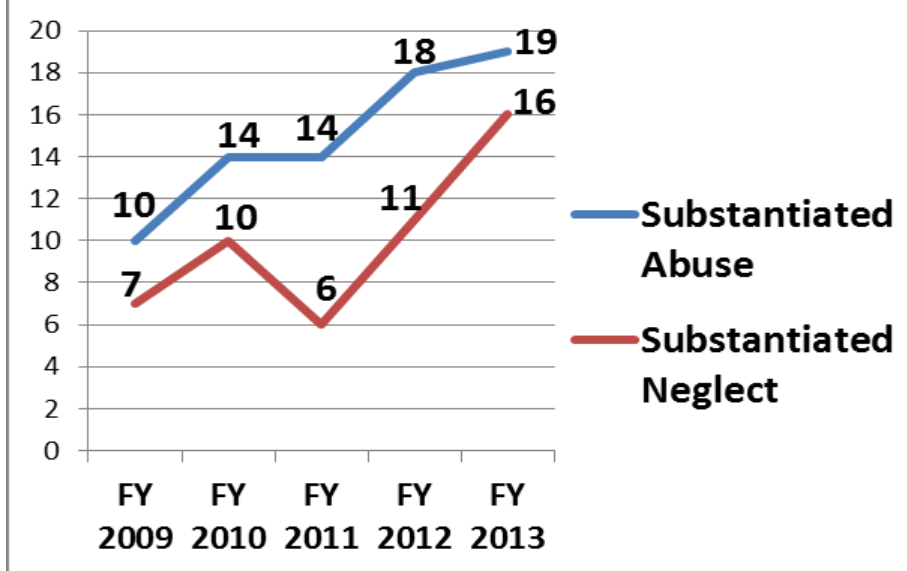
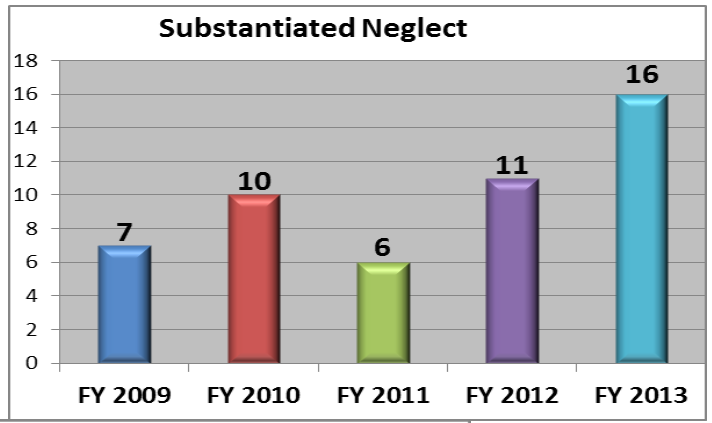
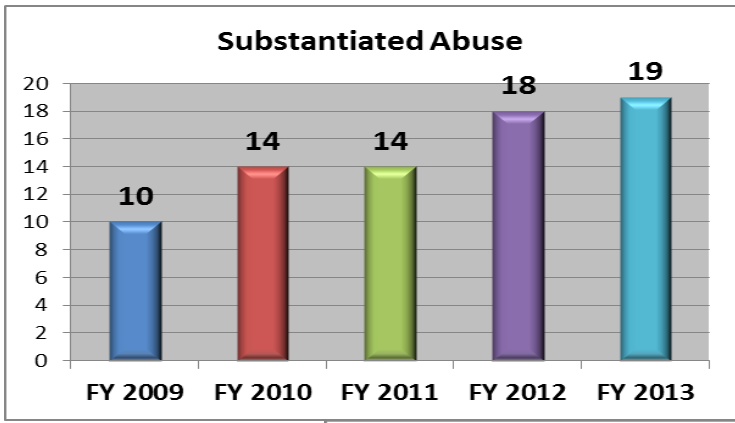
Abuse & Neglect

When reviewing abuse and neglect, it is important to know the types of allegations that are involved in these categories. The following are examples of abuse and neglect: medication errors, sleeping on the job, not following SCCMHA policy or procedure, financial exploitation, failure to report, failure to seek consumer medical attention, shoving, forceful grabbing, hitting, yelling, verbal threat or abuse, use of profanity, degrading or derogatory interactions with consumers, lack of staffing resulting in consumer vulnerability, sexual abuse, negligence resulting in consumer fall, and physical assault. Abuse and neglect are separated into three different types; both can be Class I, Class II, and Class III. The most serious of both abuse and neglect is Class I and the least serious is Class III.

As the ORR Committee knows, there were some concerns about the number of substantiated abuse and neglect increasing in three consecutive years (FY 2008-FY 2010). Based on this increased number of abuse and neglect a study of all of the substantiated abuse and neglect cases in FY 2010 was completed by Ginny Reed,

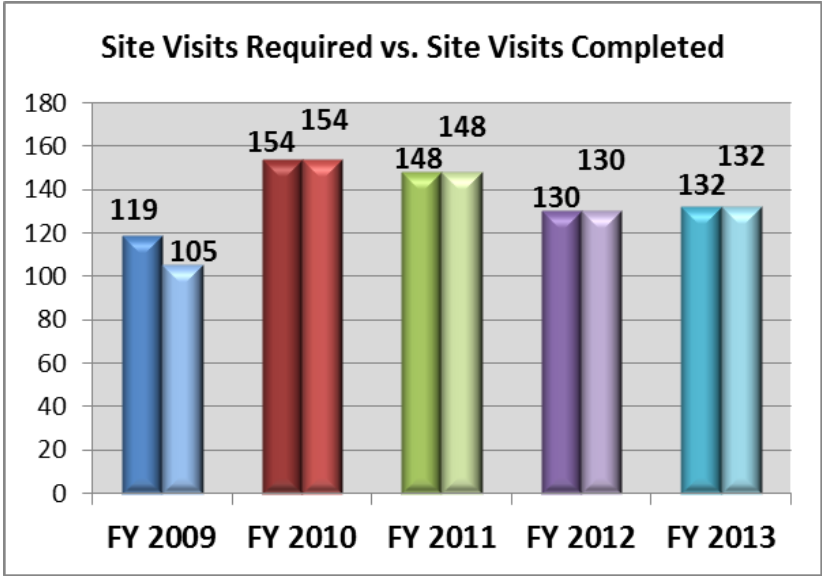
Director of Network Services and Public Policy and Tim Ninemire, Director of the Customer Service/Recipient Rights Office. The report is available upon request and was taken to the ORR Committee, the Quality Team, Quality Improvement Committee, and the Residential Watch Committee.

As a commitment to continue to review the level of substantiated abuse and neglect allegations, the charts below show the trending of the last five years of these categories. The number of substantiated abuse allegations increased with nineteen substantiated allegations and the number of substantiated neglect allegations increased to sixteen. While this upward trend in substantiated abuse and neglect is not a good trend, we do at least know that allegations of suspected abuse and neglect are making it to ORR for a full investigation. We also know that many of the staff involved in abuse and neglect are no longer working in our system and therefore are not a threat against the people we serve.



Site Visits

One of the findings in a previous MDCH ORR Audit was related to SCCMHA ORR not completing the required number of site visits. Fortunately as the chart shows below the SCCMHA ORR has completed 100% of all required Site Visits for the past four years. After the 2010 Audit there was increased review of the site visit process and some significant changes were made. The review and changes of the Site Visit process did increase the compliance with the requirement to visit 100 % of all sites. Since April of 2010 the number of sites requiring a visit was developed directly from the bi-annual Provider Directory. The number on the left indicates the number of site visits required and the number on the right indicates the number of site visits completed. This chart will be left in this report until we have 100% compliance with Site Visits for a full 5 year period.





The Office of Recipient Rights is dedicated to protect the rights of the people we serve!