

POLICY AND PROCEDURE

REACH for Tomorrow

RRRights - 101

TITLE: Recipients Rights

EFFECTIVE DATE: 2/16/24

AUTHORIZED BY: Board of Trustees

This policy shall apply to REACH for Tomorrow and all services operated by or under contract with it.

1.0 Purpose:

To assure that the rights of all recipients are protected.

2.0 Policy:

- A. Each recipient/ shall be protected from rights violations while receiving services.
- B. Each recipient/ and family members shall be treated with dignity and respect.
- C. As applicable, rights shall be protected as established by:
 - 1. PA 368 of 1978, "Public Health Code" for recipient of substance use services;
 - 2. PL 93-112 of 1973, Section 504, "Rehabilitation Act";
 - 3. PL 101-336 of 1990, "Americans with Disabilities Act".
- D. A Recipient Rights Office (COO) under the leadership of the Chief Operations Officer, subordinate only to the Chief Executive Officer, shall be maintained to assure recipient rights policies and procedures are carried out in all programs operated by, and under contract with, REACH for Tomorrow.
- E. The Board of Directors (the Board) and contractual providers shall establish and maintain written policies required by and consistent with applicable laws and rules on recipient rights, including those which ensure the prompt reporting, investigation and resolution of alleged violations of rights guaranteed by law.
 - 1. Policies and procedures shall include, at a minimum:
 - a. Complaint and appeal processes;
 - b. Consent to treatment and services;
 - c. Sterilization, contraception, and abortion;
 - d. Fingerprinting, photographing, audio-recording, video-recording, and use of one-way glass;
 - e. Abuse and neglect;
 - f. Confidentiality and disclosure;
 - g. Treatment by spiritual means;
 - h. Qualifications and training for recipient rights staff;
 - i. Change in type of treatment;
 - j. Medication procedures;
 - k. Use of psychotropic drugs;
 - l. Use of restraint;
 - m. Dignity and respect;
 - n. Least restrictive setting; and
 - o. Services suited to conditions.
 - 2. Policies and procedures for residential settings shall also include:
 - a. Entertainment material, information, and news;
 - b. Comprehensive examinations;
 - c. Property and funds;
 - d. Freedom of movement;
 - e. Resident labor;
 - f. Communication and visits; and
 - g. Seclusion.
- F. Written procedures shall delineate the administrative and investigative roles and responsibilities of the COO.

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- G. The COO shall be protected from pressures which could interfere with the impartial, even-handed, and thorough performance of its duties.
- H. Complainants, staff of the COO, and any staff acting on behalf of a recipient will be protected from harassment or retaliation resulting from recipient rights activities. Appropriate disciplinary action will be taken if there is evidence of harassment or retaliation.
- I. Appropriate administrative action shall be taken in a timely manner when recommended by the rights office staff in final investigative reports. Discipline is mandatory in cases of substantiated violations of abuse or neglect.
- J. Notification of complainants of substantiated violations shall be done in a manner that does not violate employee rights.
- K. The Board of Directors shall appoint a Recipient Rights Advisory Committee, which shall serve in an advisory capacity to the Chief Executive Officer and Chief Operations Officer.
- L. The Board of Directors shall appoint an Appeals Committee. The Recipient Rights Advisory Committee is designated as the Appeals Committee.
- M. In the event that a recipient rights complaint is filed regarding the conduct of the Chief Executive Officer, the rights investigation shall be conducted by the COO of another community mental health services program or by the OHMAS Office of Recipient Rights, as decided by the Board of Directors.
- N. In the temporary absence of REACH for Tomorrow Chief Operations Officer, recipient rights services shall be provided by an agreeable Community Mental Health Recipient Rights Office per contract.
- O. Contractual service providers shall either
 1. Officially adopt the Board's Recipient Rights policies and procedures, or
 2. Develop and implement Recipient Rights policies and procedures consistent with Mental Health Code and Administrative Rules requirements. These policies and procedures must be approved by REACH for Tomorrow Office of Recipient Rights.
- P. In the absence of the Executive Director, the Quality and Compliance position will be appointed as designee.

3.0 Responsibilities:

- A. The Chief Executive Officer is responsible to appoint and supervise the Chief Operations Officer.
- B. The Chief Executive Officer is responsible for ensuring that policies and procedures are developed and implemented to protect recipient rights.
- C. The Chief Operations Officer is responsible for the implementation and review of policies and procedures to protect recipient rights.
- D. The Board of Directors or designee is responsible for appointing a Recipient Rights Advisory Committee.
- E. The Board of Directors or designee is responsible for appointing an Appeals Committee. The Recipient Rights Advisory Committee has been designated to serve as the Appeals Committee. The Recipient Rights Appeals Committee shall oversee appeals of the findings of rights investigations and remedies implemented to address substantiated violations of rights.

4.0 Monitoring and Review:

This policy is reviewed by the Chief Operations Officer. It is monitored internally by the Recipient Rights Office and the Recipient Rights Advisory Committee. It is monitored externally by the . OHMAS

5.0 References:

PA 258 of 1974 as amended, Mental Health Code, Chapter 7 Recipient Rights of Mental Health Services.
PA 368 of 1978 Public Health Code, Recipient Rights of Substance Abuse Services
PL 93-112 of 1973, Section 504, Rehabilitation Act
PL 101-336 of 1990 Americans with Disabilities Act