

BARRY COUNTY COMMUNITY MENTAL HEALTH AUTHORITY POLICY AND PROCEDURE MANUAL

Policy: 7-F Recipient Rights Advisory Committee		Application: All
Approved: _____ Richard Thiemkey, MA Executive Director		
Reviewed 5/6/2026	Revised 7/6/2022	First Effective 1/9/2020

PURPOSE

The Recipient Rights Advisory Committee (RRAC) shall be established by the Community Mental Health Board. The RRAC shall serve to advise the Board, Executive Director and the Rights Officer in areas relating to recipient rights.

DEFINITIONS

Recipient Rights Advisory Committee (RRAC): A committee appointed under Section 757 of the Michigan Mental Health Code.

Primary Recipient: An individual who has received or is receiving services from a state funded or Community Mental Health Services Program or services from the private sector equivalent to those offered by the state or BCCMHA programs.

Secondary Consumer/Family Member: Is a resident of Barry County who is a parent, stepparent, guardian, sibling, spouse, child, grandparent or significant other of an individual with a diagnosis of severe emotional disturbance, developmental disability and/or severe and persistent mental illness, and that due to this diagnosis, the individual is currently receiving or has previously received services supported by BCCMHA.

Member at Large: Is a resident of Barry County who demonstrates an interest and a commitment to promoting and protecting the rights of individuals with disabilities who receive services supported by BCCMHA.

Office of Recipient Rights: The office created by the Michigan Mental Health Code that is subordinate only to the BCCMHA Executive Director and that is responsible for investigating, resolving and assuring remediation of apparent or suspected recipient rights violations, and assuring that mental health services are provided by BCCMHA and its provider network in a manner that respects and promotes the rights of recipients as guaranteed by Chapters 7 and 7A of the Michigan Mental Health Code, PA. 528 of 1974 as amended.

POLICY

Sec. 757. (1) The board of each community mental health services program shall appoint a Recipient Rights Advisory Committee consisting of at least six (6) members. The membership of the committee shall be broadly based so as to best represent the varied perspectives of the community mental health services program's geographic area and meet the standards of the Mental Health Code. RRAC members will be drawn from CMH Board Members and staff, contract agency staff, government officials, attorneys and mental health consumers. At least 1/3

of the membership shall be primary consumers or family members, and of that 1/3, at least 1/2 shall be primary consumers.

The RRAC is responsible for the following:

- a. Meet at least semiannually or as necessary to carry out its responsibilities.
- b. Maintain a current list of members' names to be made available to individuals upon request.
- c. Maintain a current list of categories represented to be made available to individuals upon request.
- d. Protect the Office of Recipient Rights from pressures that could interfere with the impartial, even-handed, and thorough performance of its functions.
- e. Serves in an advisory capacity to the Executive Director and the Director of the Office of Recipient Rights.
- f. Recommend candidates for Director of the Office of Recipient Rights to the Executive Director and consult with the Executive Director regarding any proposed dismissal of the Director for the Office of Recipient Rights.
- g. Review and provide comments on the report submitted by the Executive Director to the community mental health services program board under section 755.
- h. If designated by the board of the community mental health services program, serve as the appeals committee for a recipient's appeal under section 784. [MHC 1757(2)(a-h)]

Meetings of the Recipient Rights Advisory Committee are subject to the Open Meetings Act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Minutes shall be maintained and made available to individuals upon request. [MHC 1757(2)(i)] As outlined in the Open Meetings Act, requirements for voting, including RRAC meetings, must be in person unless there is a medical and/or military exception and/or accommodation prior to the meeting date. Members with exceptions must provide information where they are for voting purposes.

Review and comment on the operation and funding of the Office of Recipient Rights on an annual basis to ensure compliance with rights protection requirements throughout the board's service delivery system. The RRAC shall review new and revised policies and procedures that pertain to rights protection and make recommendations to the board regarding their approval.

The RRAC shall act as the Appeals Committee as appointed by the full board.

PROCEDURES

BCCMHA BOARD OF DIRECTORS

The BCCMHA Board of Directors shall appoint members to the RRAC. Appointments to the RRAC are for a period of three (3) years and documented in the meeting minutes. Appointments to the RRAC shall be made in a manner that provides for the broadest representation possible of the varied perspective of BCCMHA's geographic area and of the consumer populations served by BCCMHA.

The BCCMHA Board of Directors' Chairperson will consult with the RRAC Chairperson on a minimum semi-annual basis.

BCCMHA OFFICE OF RECIPIENT RIGHTS

The Recipient Rights Office will be an ad-hoc, non-voting member of the RRAC.

The RRO asks, through a three (3) year re-appointment letter, any potential committee member if they can make a commitment to serve on the RRAC, prior to the selection of and final board appointment of members of the RRAC.

RRO provides an initial orientation and Recipient Rights Orientation Manual to all new members prior to their attendance at their first meeting, unless the member or Recipient Rights Director's schedule will not permit. If schedules do not allow for orientation prior to the member's first meeting, the Recipient Rights Director will provide the information as soon as possible. Orientation information will include but is not limited to: RRAC operating procedures provide basic Recipient Rights education (as appropriate) on meeting protocol, schedule and stipends.

RRO provides annual recipient rights training and notifies members of focused training available through the Michigan Department of Health and Human Services as those opportunities arrive and shall coordinate arrangements for attendance at such training.

RRO brings periodic reports on Incident Reporting status and to the RRAC for review.

The ORR offers assistance and reasonable accommodations to committee members to ensure participation, i.e., help with transportation and interpreter for services if needed. Accommodations may be requested under the ADA, 42 USC 12131 et seq, Rehabilitation Act, and MCL 395.81 et seq. by completing a BCCMHA Accommodation Request form.

The ORR will assist with RRAC meetings by:

1. Scheduling RRAC meetings as necessary and ensure follow-up actions are completed.
2. Prepare and mail/email the Meeting Notice/Agenda as directed by the RRO. The Notice/Agenda must be approved by the RRO.
3. Record meeting minutes.
4. Prepare meeting minutes to be distributed and approved by the RRO.
5. Mail/email meeting minutes to all RRAC members.
6. Maintain a copy of the meeting minutes for purposes of reporting to MDHHS-ORR.
7. Maintain a list of RRAC members per MHC.
8. Maintain a list of the preferred method by which members shall be contacted, i.e., telephone, email, etc.

COMMITTEE MEMBERSHIP AND LENGTH OF TERMS

1. Staff or direct-operated or contract agencies shall not be eligible for membership on the committee. However, members of mental health related associations (e.g. Art, etc.) shall be eligible to serve as committee members.
2. Committee member appointments will be for a three (3) year period. The BCCMHA Board may appoint members for an unlimited number of consecutive terms.

3. Conduct of business. A quorum will consist of a number of members that is greater than 50% of the members in attendance at each meeting. Members will be able to participate and vote in person or via telecommunication (i.e., in adherence to the Open Meetings Act.).
4. The RRO shall contact any member missing more than two (2) consecutive meetings in order to determine any barriers to attendance that may need to be addressed and to confirm continued interest in membership. Members will be notified that their membership may be terminated if they are unable to commit to regular meeting attendance.
5. The RRAC will select from its membership a chairperson by interest nominations and majority votes. This will occur annually at the first RRAC meeting of the calendar year. In the event that the RRAC Chairperson is unable to serve, the Vice Chairperson will serve out the term.
6. The Chairperson shall call committee meetings to order, lead the meetings and encourage the participation of all members in discussion.
7. In the absence of the Chairperson, the Vice Chairperson shall perform the functions of the chair.

REFERENCES

Michigan Mental Health Code, Sections 330.1755, 330.1757 and 330.1774.
Administrative Rules
CMHSP Rights System Assessment 2019 Suggested Sources of Evidence

ATTACHMENTS

RRAC Application.pdf