

SENATE BILL No. 864

September 24, 2009, Introduced by Senators BRATER, JACOBS, CLARK-COLEMAN, CLARKE, SCOTT, CHERRY, OLSHOVE, ANDERSON, SWITALSKI and BASHAM and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 755, 774, 776, 780, 784, and 786 (MCL
330.1755, 330.1774, 330.1776, 330.1780, 330.1784, and 330.1786), as
added by 1995 PA 290; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 755. (1) Each community mental health services program
2 and each licensed hospital shall establish an office of recipient
3 rights subordinate only to the executive director or hospital
4 director.

5 (2) Each community mental health services program and each
6 licensed hospital shall ensure all of the following:

7 (a) Education and training in recipient rights policies and

1 procedures are provided to its recipient rights advisory committee
2 and its recipient rights appeals committee.

3 (b) The process for funding the office of recipient rights
4 includes a review of the funding by the recipient rights advisory
5 committee.

6 (c) The office of recipient rights will be protected from
7 pressures that could interfere with the impartial, even-handed, and
8 thorough performance of its duties.

9 (d) The office of recipient rights will have unimpeded access
10 to all of the following:

11 (i) All programs and services operated by or under contract
12 with the community mental health services program or licensed
13 hospital.

14 (ii) All staff employed by or under contract with the community
15 mental health services program or licensed hospital.

16 (iii) All evidence necessary to conduct a thorough investigation
17 or to fulfill its monitoring function.

18 (e) Staff of the office of recipient rights receive training
19 each year in recipient rights protection.

20 (f) Each contract between the community mental health services
21 program or licensed hospital and a provider requires both of the
22 following:

23 (i) That the provider and his or her employees receive
24 recipient rights training.

25 (ii) That recipients will be protected from rights violations
26 while they are receiving services under the contract.

27 (3) Each community mental health services program and each

1 licensed hospital shall endeavor to ensure all of the following:

2 (a) Complainants, staff of the office of recipient rights, and
3 any staff acting on behalf of a recipient ~~will~~**SHALL** be protected
4 from harassment or retaliation resulting from recipient rights
5 activities and ~~that~~ appropriate disciplinary action ~~will~~**SHALL** be
6 taken ~~if there is~~ **AGAINST ANY STAFF MEMBER WHO HAS BEEN FOUND ON**
7 **THE BASIS OF AVAILABLE** evidence ~~of~~ **TO HAVE ENGAGED IN** harassment or
8 retaliation.

9 (b) Appropriate remedial action is taken to resolve violations
10 of rights and notify the complainants of substantiated violations
11 in a manner that does not violate employee rights.

12 **(C) THE OFFICE OF RECIPIENT RIGHTS SHALL CONDUCT COMPLAINT**
13 **INVESTIGATIONS AND REPORT ITS FINDINGS INDEPENDENT OF ANY INFLUENCE**
14 **OR INVOLVEMENT BY THE EXECUTIVE DIRECTOR OR HOSPITAL DIRECTOR.**

15 (4) The executive director or hospital director shall select a
16 director of the office of recipient rights who has the education,
17 training, and experience to fulfill the responsibilities of the
18 office. The executive director shall not select, replace, or
19 dismiss the director of the office of recipient rights without
20 first consulting the recipient rights advisory committee. The
21 director of the office of recipient rights shall have no direct
22 clinical service responsibility.

23 (5) Each office of recipient rights established under this
24 section shall do all of the following:

25 (a) Provide or coordinate the protection of recipient rights
26 for all directly operated or contracted services.

27 (b) Ensure that recipients, parents of minor recipients, and

1 guardians or other legal representatives have access to summaries
2 of the rights guaranteed by this chapter and chapter 7a and are
3 notified of those rights in an understandable manner, both at the
4 time services are initiated and periodically during the time
5 services are provided to the recipient.

6 (c) Ensure that the telephone number and address of the office
7 of recipient rights and the names of rights officers are
8 conspicuously posted in all service sites.

9 (d) Maintain a record system for all reports of apparent or
10 suspected rights violations received within the community mental
11 health services program system or the licensed hospital system,
12 including a mechanism for logging in all complaints and a mechanism
13 for secure storage of all investigative documents and evidence.

14 (e) Ensure that each service site is visited with the
15 frequency necessary for protection of rights but in no case less
16 than annually.

17 (f) Ensure that all individuals employed by the community
18 mental health services program, contract agency, or licensed
19 hospital receive training related to recipient rights protection
20 before or within 30 days after being employed.

21 (g) Review the recipient rights policies and the rights system
22 of each provider of mental health services under contract with the
23 community mental health services program or licensed hospital to
24 ensure that the rights protection system of each provider is in
25 compliance with this act and is of a uniformly high standard.

26 (h) Serve as consultant to the executive director or hospital
27 director and to staff of the community mental health services

1 program or licensed hospital in matters related to recipient
2 rights.

3 (i) Ensure that all reports of apparent or suspected
4 violations of rights within the community mental health services
5 program system or licensed hospital system are investigated in
6 accordance with section 778 and that those reports that do not
7 warrant investigation are recorded in accordance with subdivision
8 (d).

9 (j) Semiannually provide summary complaint data consistent
10 with the annual report required in subsection (6), together with a
11 summary of remedial action taken on substantiated complaints by
12 category, to the department and to the recipient rights advisory
13 committee of the community mental health services program or
14 licensed hospital.

15 (6) The executive director or hospital director shall submit
16 to the board of the community mental health services program or the
17 governing board of the licensed hospital and the department an
18 annual report prepared by the office of recipient rights on the
19 current status of recipient rights in the community mental health
20 services program system or licensed hospital system and a review of
21 the operations of the office of recipient rights. The report shall
22 be submitted not later than December 30 of each year for the
23 preceding fiscal year or period specified in contract. The annual
24 report shall include, at a minimum, all of the following:

25 (a) Summary data by category regarding the rights of
26 recipients receiving services from the community mental health
27 services program or licensed hospital including complaints

received, the number of reports filed, and the number of reports investigated by provider.

(b) The number of substantiated rights violations by category and provider.

(c) The remedial actions taken on substantiated rights violations by category and provider.

(d) Training received by staff of the office of recipient rights.

(e) Training provided by the office of recipient rights to contract providers.

(f) Desired outcomes established for the office of recipient rights and progress toward these outcomes.

(g) Recommendations to the community mental health services program board or licensed hospital governing board.

Sec. 774. (1) The director shall appoint an appeals committee consisting of 7 individuals, none of whom shall be employed by the department or a ~~community mental health services program~~ **LICENSED HOSPITAL**, to hear appeals of recipient rights matters. The committee shall include at least 3 members of the state recipient rights advisory committee and 2 primary consumers.

(2) The board of a community mental health services program shall ~~do 1 of the following:~~

~~—— (a) Appoint~~ **APPOINT** an appeals committee consisting of **AT LEAST** 7 individuals, none of whom shall be employed by the department or a community mental health services program, to hear appeals of recipients' rights matters. The appeals committee shall include at least 3 members of the recipient rights advisory

1 committee, 2 board members, and 2 primary consumers. A member of
2 the appeals committee may represent more than 1 of these
3 categories.

4 ~~—— (b) Designate the recipient rights advisory committee as the~~
5 ~~appeals committee.~~

6 (3) The governing body of a licensed hospital shall designate
7 the appeals committee of the local community mental health services
8 program to hear an appeal of a decision on a recipient rights
9 matter brought by or on behalf of a recipient of that community
10 mental health services program.

11 (4) The governing body of a licensed hospital shall do 1 of
12 the following with respect to an appeal of a decision on a
13 recipient rights matter brought by or on behalf of an individual
14 who is not a recipient of a community mental health services
15 program:

16 (a) Appoint an appeals committee consisting of **AT LEAST 7**
17 members, none of whom shall be employed by the department or a
18 community mental health services program, 2 of whom shall be
19 primary consumers and 2 of whom shall be community members.

20 (b) By agreement with the department, designate the appeals
21 committee appointed by the department to hear appeals of rights
22 complaints brought against the licensed hospital.

23 (5) An appeals committee appointed under this section may
24 request consultation and technical assistance from the department.

25 (6) A member of an appeals committee who has a personal or
26 professional relationship with an individual involved in an appeal
27 shall abstain from participating in that appeal as a member of the

1 committee.

2 (7) MEETINGS OF THE APPEALS COMMITTEE ESTABLISHED UNDER THIS
3 SECTION ARE NOT SUBJECT TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL
4 15.261 TO 15.275.

5 Sec. 776. (1) A recipient, or another individual on behalf of
6 a recipient, may file a rights complaint with the office alleging a
7 violation of this act or rules promulgated under this act.

8 (2) A rights complaint shall contain all of the following
9 information:

10 (a) A statement of the allegations that give rise to the
11 dispute.

12 (b) A statement of the right or rights that may have been
13 violated.

14 (c) The outcome that the complainant is seeking as a
15 resolution to the complaint.

16 (3) Each rights complaint shall be recorded upon receipt by
17 the office, and acknowledgment of the recording shall be sent along
18 with a copy of the complaint to the complainant within 5 business
19 days.

20 (4) Within 5 business days after the office receives a
21 complaint, it shall notify the complainant if it determines that no
22 investigation of the rights complaint is warranted.

23 (5) The office shall assist the recipient or other individual
24 with the complaint process. The office shall advise the recipient
25 or other individual that there are advocacy organizations available
26 to assist in preparation of a written rights complaint and shall
27 offer to refer the recipient or other individual to those

1 organizations. In the absence of assistance from an advocacy
2 organization, the office shall assist in preparing a written rights
3 complaint. The office shall inform the recipient or other
4 individual of the option of mediation under section 786.

5 (6) If a rights complaint has been filed regarding the conduct
6 of the executive director, **HOSPITAL DIRECTOR, OR A MEMBER OF THE**
7 **GOVERNING BOARD**, the rights investigation shall be conducted by the
8 office of another community mental health services program, **THE**
9 **OFFICE OF ANOTHER LICENSED HOSPITAL**, or ~~by the state office of~~
10 recipient rights as decided by the ~~board~~-**DEPARTMENT**.

11 Sec. 780. (1) If it has been determined through investigation
12 that a **RECIPIENT'S** right has been violated, the respondent shall
13 take appropriate remedial action that meets all of the following
14 requirements:

15 (a) Corrects or provides a remedy for the rights violations.

16 (b) Is implemented in a timely manner.

17 (c) Attempts to prevent a recurrence of the rights violation.

18 (2) The action shall be documented and made part of the record
19 maintained by the office.

20 Sec. 784. (1) Not later than ~~45~~-**30** days after receipt of the
21 summary report under section 782, the complainant may file a
22 written appeal with the appeals committee with jurisdiction over
23 the ~~office of recipient rights~~-**RESPONSIBLE MENTAL HEALTH AGENCY**
24 that issued the summary report.

25 (2) An appeal under subsection (1) shall be based on 1 of the
26 following grounds:

27 (a) The investigative findings of the office are not

1 consistent with the facts or with law, rules, policies, or
2 guidelines.

3 ~~(b) The action taken or plan of action proposed by the~~
4 ~~respondent does not provide an adequate remedy. IN MAKING A~~
5 ~~CONCLUSION, THE LOCAL OFFICE OF RECIPIENT RIGHTS FAILED TO CONSIDER~~
6 ~~ALL RELEVANT EVIDENCE THAT WAS AVAILABLE OR MADE KNOWN TO IT BEFORE~~
7 ~~COMPLETION OF THE INVESTIGATION.~~

8 ~~(c) An investigation was not initiated or completed on a~~
9 ~~timely basis. THE ACTION TAKEN OR PLAN OF ACTION PROPOSED BY THE~~
10 ~~RESPONSIBLE MENTAL HEALTH AGENCY DOES NOT PROVIDE AN ADEQUATE~~
11 ~~REMEDY.~~

12 ~~—— (3) The office shall advise the complainant that there are~~
13 ~~advocacy organizations available to assist the complainant in~~
14 ~~preparing the written appeal and shall offer to refer the~~
15 ~~complainant to those organizations. In the absence of assistance~~
16 ~~from an advocacy organization, the office shall assist the~~
17 ~~complainant in meeting the procedural requirements of a written~~
18 ~~appeal. The office shall also inform the complainant of the option~~
19 ~~of mediation under section 786.~~

20 ~~(3) (4)~~ Within 5 ~~business~~ 7 days after receipt of the written
21 appeal, members of the **LOCAL** appeals committee shall review the
22 appeal to determine whether it meets the criteria set forth in
23 subsection (2). If the appeal is denied because the criteria in
24 subsection (2) were not met, the ~~complainant~~ **APPELLANT** shall be
25 notified in writing. If the appeal is accepted, written notice
26 shall be provided to the ~~complainant~~ **APPELLANT** and a copy of the
27 appeal shall be provided to the ~~respondent~~ **OFFICE** and the

1 responsible mental health agency.

2 (4) ~~(5)~~ Within ~~30~~ **14** days after receipt of a written appeal,
3 the **LOCAL** appeals committee shall meet and review the facts as
4 stated in all complaint investigation documents. ~~and ANY MEMBER OF~~
5 **THE COMMITTEE WHO HAS A PERSONAL OR PROFESSIONAL RELATIONSHIP WITH**
6 **AN INDIVIDUAL INVOLVED IN THE APPEAL SHALL ABSTAIN FROM**
7 **PARTICIPATING IN ANY MANNER IN THAT APPEAL.**

8 (5) **AT THE MEETING DESCRIBED IN SUBSECTION (4), THE APPEALS**
9 **COMMITTEE** shall do 1 of the following:

10 (a) Uphold the investigative findings **AND CONCLUSION** of the
11 office and the action taken or plan of action proposed by the
12 ~~respondent~~ **RESPONSIBLE MENTAL HEALTH AGENCY.**

13 (b) Return the investigation to the office ~~and request that it~~
14 ~~be reopened or reinvestigated~~ **FOR ADDITIONAL FACT-FINDING AS**
15 **SPECIFIED BY THE APPEALS COMMITTEE.**

16 (c) Uphold the investigative findings **AND CONCLUSION** of the
17 office but ~~recommend that~~ **RETURN THE MATTER TO** the ~~respondent~~ take
18 **RESPONSIBLE MENTAL HEALTH AGENCY FOR** additional or different action
19 to remedy the violation.

20 ~~—— (d) If the responsible mental health agency is a community~~
21 ~~mental health services program or a licensed hospital, recommend~~
22 ~~that the board of the community mental health services program or~~
23 ~~the governing board of the licensed hospital request an external~~
24 ~~investigation by the state office of recipient rights.~~

25 (6) The **LOCAL** appeals committee shall document its decision in
26 writing. Within ~~10 working~~ **7** days after reaching its decision, it
27 shall provide copies of the decision to the ~~respondent~~, appellant,

1 recipient if different than the appellant, the recipient's ~~guardian~~
2 ~~if a guardian has been appointed~~ LEGAL REPRESENTATIVE, the
3 responsible mental health agency, and the office. DOCUMENTATION
4 SHALL INCLUDE THE JUSTIFICATION FOR THE DECISION.

5 (7) IF THE LOCAL APPEALS COMMITTEE RETURNS THE INVESTIGATION
6 TO THE OFFICE FOR FURTHER FACT-FINDING, WITHIN 30 DAYS OF RECEIPT
7 OF THE APPEALS COMMITTEE'S WRITTEN DECISION, THE OFFICE SHALL
8 SUBMIT A WRITTEN REPORT OF THE ADDITIONAL FACT-FINDING TO THE
9 APPEALS COMMITTEE, THE APPELLANT, AND THE RESPONSIBLE MENTAL HEALTH
10 AGENCY. IF THE CONCLUSION OF THE OFFICE REMAINS THE SAME AS BEFORE
11 THE APPEAL, THE LOCAL APPEALS COMMITTEE SHALL PROVIDE WRITTEN
12 NOTICE TO THE APPELLANT OF HIS OR HER RIGHT TO APPEAL TO THE STATE
13 RIGHTS APPEALS COMMITTEE ESTABLISHED UNDER SECTION 786. IF THE
14 ADDITIONAL FACT-FINDING RESULTS IN THE SUBSTANTIATION OF A RIGHTS
15 VIOLATION, THE OFFICE SHALL INCLUDE IN ITS REPORT THE ACTION TAKEN
16 OR PLAN OF ACTION PROPOSED BY THE RESPONSIBLE MENTAL HEALTH AGENCY
17 TO REMEDY THE VIOLATION. IF THE APPELLANT DISAGREES WITH THE
18 SUFFICIENCY OF THE REMEDIAL ACTION, HE OR SHE MAY FILE AN APPEAL
19 WITH THE LOCAL APPEALS COMMITTEE ON THE GROUND THAT THE ACTION
20 TAKEN OR PLAN OF ACTION PROPOSED BY THE RESPONSIBLE MENTAL HEALTH
21 AGENCY DOES NOT PROVIDE APPROPRIATE REMEDIAL ACTION AS DESCRIBED IN
22 SECTION 780.

23 (8) IF THE APPEALS COMMITTEE UPHOLDS THE INVESTIGATIVE
24 FINDINGS AND CONCLUSION OF THE OFFICE BUT RETURNS THE MATTER TO THE
25 RESPONSIBLE MENTAL HEALTH AGENCY FOR ADDITIONAL OR DIFFERENT
26 ACTION, THE DIRECTOR OF THE RESPONSIBLE MENTAL HEALTH AGENCY SHALL,
27 WITHIN 14 DAYS OF RECEIPT OF THE APPEALS COMMITTEE'S WRITTEN

1 DECISION, SUBMIT A WRITTEN REPORT OF THE ACTION TAKEN OR
2 JUSTIFICATION FOR NOT TAKING THE ACTION TO THE APPEALS COMMITTEE,
3 THE APPELLANT, AND THE OFFICE. AN APPELLANT'S DISAGREEMENT WITH THE
4 ACTION TAKEN OR JUSTIFICATION FOR INACTION IS GROUNDS FOR AN APPEAL
5 TO THE STATE RIGHTS APPEALS COMMITTEE ESTABLISHED UNDER SECTION
6 786.

7 (9) FAILURE OF THE OFFICE OR THE RESPONSIBLE MENTAL HEALTH
8 AGENCY TO PROVIDE A WRITTEN REPORT AS REQUIRED IN SUBSECTION (7) OR
9 (8) IS GROUNDS FOR THE APPELLANT TO REQUEST REVIEW BY THE STATE
10 RIGHTS APPEALS COMMITTEE ESTABLISHED UNDER SECTION 786.

11 (10) THE LOCAL APPEALS COMMITTEE SHALL MAINTAIN A RECORD OF
12 THE APPEAL. THE RECORD SHALL CONTAIN, BUT NOT BE LIMITED TO, COPIES
13 OF THE INITIAL COMPLAINT, THE PRELIMINARY REPORT OF INVESTIGATIVE
14 FINDINGS, THE FINAL INVESTIGATIVE REPORT, THE WRITTEN APPEAL, ANY
15 MINUTES, NOTES, OR WRITINGS MAINTAINED BY THE APPEALS COMMITTEE,
16 AND ANY FURTHER INFORMATION CONSIDERED BY THE APPEALS COMMITTEE IN
17 ITS DELIBERATIONS.

18 Sec. 786. (1) THE DEPARTMENT DIRECTOR SHALL APPOINT A STATE
19 RIGHTS APPEALS COMMITTEE CONSISTING OF AT LEAST 10 INDIVIDUALS WHO
20 HAVE TRAINING, EXPERIENCE, AND EXPERTISE IN RIGHTS COMPLAINT
21 INVESTIGATION OR REMEDIATION.

22 (2) ~~(1)~~ Within 45 days after receiving written notice of the
23 decision of ~~an~~ A LOCAL appeals committee under section ~~784(5)~~
24 784(6), the appellant may file a written appeal with the ~~department~~
25 STATE RIGHTS APPEALS COMMITTEE ESTABLISHED UNDER SUBSECTION (1).
26 The appeal shall be based on the ~~record established in the previous~~
27 ~~appeal, and on the allegation that the investigative findings of~~

1 ~~the local office of recipient rights are not consistent with the~~
2 ~~facts or with law, rules, policies, or guidelines~~ DOCUMENTATION
3 CONTAINED IN THE ENTIRE COMPLAINT INVESTIGATION CASE FILE AND THE
4 RECORD ESTABLISHED IN THE LOCAL APPEAL.

5 (3) THE APPEAL ALLOWED UNDER SUBSECTION (2) SHALL BE BASED ON
6 1 OF THE FOLLOWING:

7 (A) THE INVESTIGATIVE FINDINGS OF THE OFFICE OF RECIPIENT
8 RIGHTS ARE NOT CONSISTENT WITH THE FACTS OR WITH LAW, RULES,
9 POLICIES, OR GUIDELINES.

10 (B) IN MAKING A CONCLUSION, THE OFFICE OF RECIPIENT RIGHTS
11 FAILED TO CONSIDER ALL RELEVANT EVIDENCE THAT WAS AVAILABLE OR MADE
12 KNOWN TO IT BEFORE COMPLETING ITS INVESTIGATION.

13 (C) WITHOUT REASONABLE JUSTIFICATION, THE DIRECTOR OF THE
14 RESPONSIBLE MENTAL HEALTH AGENCY FAILED TO TAKE APPROPRIATE ACTION
15 AS REQUIRED UNDER SECTION 780.

16 (4) ~~(2)~~ Upon receipt of an appeal under subsection ~~(1)~~ (2),
17 the ~~department~~ STATE RIGHTS APPEALS COMMITTEE shall give written
18 notice of receipt of the appeal to the appellant, ~~respondent~~, local
19 office of recipient rights holding the record of the complaint, and
20 the responsible mental health agency. The ~~respondent~~, local office
21 of recipient rights holding the record of the complaint, and the
22 responsible mental health agency shall ensure that the ~~department~~
23 STATE RIGHTS APPEAL COMMITTEE has access to all necessary
24 documentation and other evidence ~~cited in the complaint~~ OBTAINED IN
25 THE COURSE OF THE INVESTIGATION.

26 (5) ~~(3)~~ The ~~department~~ STATE RIGHTS APPEALS COMMITTEE shall
27 review the record ~~based on the allegation described in subsection~~

~~(1) ESTABLISHED IN THE LOCAL APPEAL. The department STATE RIGHTS APPEALS COMMITTEE shall not consider additional evidence or information that was not available during the LOCAL appeal. under section 784, although the department may return the matter to the board or the governing body of the licensed hospital requesting an additional investigation.~~

(6) ~~(4)~~ Within ~~30~~ 14 days after receiving the appeal, the department STATE RIGHTS APPEALS COMMITTEE shall review the appeal, and ~~do 1 of the following:~~ MAKE 1 OF THE FOLLOWING DETERMINATIONS, AND PROVIDE WRITTEN NOTICE TO THE APPELLANT, DIRECTOR OF THE RESPONSIBLE MENTAL HEALTH AGENCY, AND THE LOCAL OFFICE OF RECIPIENT RIGHTS:

(a) ~~Affirm the decision of the appeals committee.~~ UPHOLD THE INVESTIGATIVE FINDINGS AND CONCLUSION OF THE OFFICE AND THE ACTION TAKEN OR PLAN OF ACTION PROPOSED BY THE RESPONSIBLE MENTAL HEALTH AGENCY.

~~Return the matter to the board or the governing body of the licensed hospital with instruction for additional investigation and consideration.~~

~~(5) The department shall provide copies of its action to the respondent, appellant, recipient if different than the appellant, the recipient's guardian if a guardian has been appointed, the board of the community mental health services program or the governing body of the licensed hospital, and the local office of recipient rights holding the record.~~

(B) OVERTURN THE CONCLUSION OF THE OFFICE AND SPECIFY THE ACTION TO BE TAKEN. IF THE ACTION TO BE TAKEN INCLUDES REMEDIAL

1 ACTION BY THE RESPONSIBLE MENTAL HEALTH AGENCY, THE PROVISIONS OF
2 SECTION 780 APPLY.

3 (C) DETERMINE THAT, WITHOUT REASONABLE JUSTIFICATION, THE
4 DIRECTOR OF THE RESPONSIBLE MENTAL HEALTH AGENCY FAILED TO TAKE
5 APPROPRIATE ACTION TO REMEDY THE VIOLATION AS REQUIRED UNDER
6 SECTION 780. IF THIS DETERMINATION IS MADE, THE STATE RIGHTS
7 APPEALS COMMITTEE SHALL DO BOTH OF THE FOLLOWING:

8 (i) SPECIFY IN WRITING WHAT APPROPRIATE REMEDIAL ACTION MUST BE
9 TAKEN BY THE DIRECTOR OF THE RESPONSIBLE MENTAL HEALTH AGENCY.

10 (ii) PROVIDE COPIES OF THE DETERMINATION TO THE APPELLANT AND
11 THE GOVERNING BOARD OF THE COMMUNITY MENTAL HEALTH SERVICES
12 PROGRAM, THE LICENSED HOSPITAL, OR THE DIRECTOR OF THE DEPARTMENT
13 DIVISION THAT MANAGES DEPARTMENT-OPERATED HOSPITALS AND CENTERS.

14 (7) WITHIN 14 DAYS AFTER RECEIPT OF THE DETERMINATION
15 DESCRIBED IN SUBSECTION (6) (B) OR (C), THE DIRECTOR OF THE
16 RESPONSIBLE MENTAL HEALTH AGENCY SHALL SUBMIT A WRITTEN RESPONSE TO
17 THE STATE RIGHTS APPEALS COMMITTEE, THE GOVERNING BOARD OF THE
18 COMMUNITY MENTAL HEALTH SERVICES PROGRAM, THE LICENSED HOSPITAL, OR
19 THE DIRECTOR OF THE DEPARTMENT DIVISION THAT MANAGES DEPARTMENT-
20 OPERATED HOSPITALS AND CENTERS, INDICATING REMEDIAL ACTION THAT HAS
21 BEEN TAKEN OR JUSTIFICATION FOR FAILURE TO TAKE THE ACTION.

22 (8) FOLLOWING THE PROCESS DESCRIBED IN SUBSECTION (7), IF THE
23 STATE RIGHTS APPEALS COMMITTEE DETERMINES THAT THE DIRECTOR OF THE
24 RESPONSIBLE MENTAL HEALTH AGENCY HAS FAILED TO TAKE APPROPRIATE
25 REMEDIAL ACTION WITHOUT REASONABLE JUSTIFICATION, NOTICE OF THAT
26 DETERMINATION SHALL BE PROVIDED TO THE APPELLANT, TO THE DIRECTOR
27 OF THE DEPARTMENT, AND TO THE DEPARTMENT DIVISION RESPONSIBLE FOR

1 CONTRACTS WITH COMMUNITY MENTAL HEALTH BOARDS OR THE DEPARTMENT
2 DIVISION RESPONSIBLE FOR LICENSING OF PSYCHIATRIC HOSPITALS.

3 (9) MEETINGS OF THE STATES RIGHTS APPEALS COMMITTEE
4 ESTABLISHED IN SUBSECTION (1) ARE NOT SUBJECT TO THE OPEN MEETINGS
5 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

6 Enacting section 1. Section 788 of the mental health code,
7 1974 PA 258, MCL 330.1788, is repealed.