

PROCEDURE #	12.1a	EFFECTIVE DATE	REVISED DATE
TITLE:	RECIPIENT RIGHTS PROCEDURE	3/13/2023	
<u>ATTACHMENT TO</u>	REVIEW DATES		
POLICY #:	12.1		
POLICY TITLE:	ENSURING THE RIGHTS OF PERSONS SERVED		
CHAPTER:	SUBSTANCE USE DISORDERS		

I. PURPOSE

To ensure the rights of individuals receiving substance use disorder services by outlining the process by which the LRE and contracted SUD providers will respond to member second-level SUD Recipient Rights Complaints

Lakeshore Regional Entity (LRE) will establish a regional SUD Rights Office that shall:

- ensure the rights of individuals receiving substance use disorder (SUD) services in Region 3,
- provide support and technical assistance to SUD providers to ensure compliance with state and federal regulations, and
- address second-level SUD rights reviews in accordance with the Administrative Rules for Substance Use Disorder Service Programs in Michigan.

II. PROCEDURES

A. LRE will designate an individual to serve as the SUD Regional Recipient Rights Advisor.

The designated individual shall:

1. Attend state trainings on Recipient Rights;
2. Serve as the point-of-contact for the State for SUD Rights in Region 3;
3. Assist consumers with filing a SUD Rights complaint if requested;
4. Forward any SUD rights complaints received by the LRE to the appropriate SUD provider for investigation;
5. Provide support, training, and technical assistance to providers upon request;
6. Handle all second-level SUD Rights reviews;
7. Have no purview regarding Mental Health rights, which is the legal obligation of the Community Mental Health Service Provider (CMHSP) per the Mental Health Code.

B. If a member is dissatisfied with the results of the first-level SUD Rights complaint, they may appeal to the LRE SUD Rights Office. The Provider shall:

1. Assist the member in completing form BCHS-SUD-210
2. Ensure the member has signed the BCHS-SUD-210 form and/or a Release of Information for LRE

3. Utilize secure modes of information sharing to comply with HIPAA rules and confidentiality policies
4. Forward the BCHS-SUD-210 form and all related documentation to the LRE SUD Rights Advisor

C. The LRE SUD Rights Advisor Shall:

1. Acknowledge receipt of the second-level complaint appeal;
2. Review and investigate the second-level complaint appeal;
3. Provide the investigation report and findings to the member on the BCHS-SUD-215 form within 30 calendar days from the date the complaint was received by the LRE;
4. Provide a copy of the investigation report and findings to the SUD Provider;
5. If requested, assist the member with filing a third-level appeal with MDHHS within 15 working days of the date the second-level appeal was completed

III. APPLICABILITY AND RESPONSIBILITY

This procedure applies to LRE, Member CMHSPs, and their contracted providers.

IV. MONITORING AND REVIEW

The Chief Executive Officer or designee will review this policy on an annual basis.

V. DEFINITIONS

Definitions for this procedure are provided in the Michigan Administrative Code for Substance Use Disorder Service Programs; R325.1397.

VI. RELATED POLICIES AND PROCEDURES

LRE Policy 12.1: Ensuring the Rights of Persons Served

VII. REFERENCES/LEGAL AUTHORITY

- A. MDHHS Medicaid Specialty Supports and Services Contract
- B. Department of Community Health/Mental Health and Substance Abuse Administration/Substance Use Disorder Service Program; R325.14101
- C. Act 368 of 1978 Public Health Code, Article 6
- D. PA 358 of 1974 Mental Health Code, chapters 2A and 7

VIII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
3/13/2023	NEW PROCEDURE	LRE CEO / Designee