

PATHWAYS CMH

PROCEDURE TITLE: Disclosures to Protection and Advocacy Policy – Appendix 9 of Privacy Policy	CATEGORY: Recipient Rights
EFFECTIVE DATE: April 14, 2003	BOARD APPROVAL DATE: April 14, 2003
REVIEWED DATE: June 2013; July 11, 2014; May 5, 2015; April 22, 2016; April 15, 2017	REVISION(S) TO PROCEDURE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY/APPROVAL: Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

PURPOSE:

To protect the rights of recipients.

PROCEDURES:

- A. An identified representative of Michigan’s Protection and Advocacy Services shall be granted access to records in accordance with Public Law 94-103, 89 Stat. 486, Public Law 99-319, 100 State, 478, and Act 258 of the Public Acts of 1974, as amended. This includes:
1. A recipient, if the recipient, the recipient’s guardian with authority to consent, or a minor recipient’s parent with legal and physical custody of the recipient has consented to the access:
 2. A recipient, including a recipient who has died or whose whereabouts are unknown, if all of the following apply:
 - a. Because of mental or physical condition, the recipient is unable to consent to the access.
 - b. The recipient does not have a guardian or other legal representative, or the recipient’s guardian is the state.
 - c. Michigan Protection and Advocacy has received a complaint on behalf of the recipient or has probable cause to believe based on monitoring or other evidence that the recipient has been subject to abuse and neglect.
 3. A recipient who has a guardian or other legal guardian if all of the following apply:
 - a. A complaint has been received by Michigan Protection and Advocacy or there is probable cause to believe the health or safety of the recipient is in serious and immediate jeopardy.
 - b. Upon receipt of the name and address of the recipient’s legal representative, Michigan Protection and Advocacy has contacted the representative and offered assistance in resolving the situation.

- c. The representative has failed or refused to act on behalf of the recipient.
- 4. For Co-occurring recipients see co-occurring privacy procedure.

REFERENCES:

Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), and 750.