



## Recipient Rights Complaints

The law says that a person in a program for a mental health or developmental disability has rights. A program can be in a hospital or in the community. It can be a public program or a private one. They all must follow the law.

Anyone can complain if the law is not followed and rights are violated. There are several ways to complain. The information here is about how to make a *Recipient Rights complaint*.

### How to file a complaint

- ◆ You can call the local Recipient Rights Office to make a complaint. If no one answers, leave a message with your name and where you are or your phone number.
  - [Find the Recipient Rights Office at a State hospital](#)
  - [Find the Recipient Rights Office at a local Hospital or Community Mental Health program](#)
- ◆ If it is an emergency, you may call the state Office of Recipient Rights free at 1-800-854-9090.
- ◆ If you complain by phone, it is still a good idea to put your complaint in writing. This helps make sure your complaint is not lost or forgotten. You may send a letter or use a form.  
[Complaint Form in WORD or PDF and instructions for filing](#)

## Your complaint should say:

- ◆ What rights you think were violated or what law was broken.  
[Your Rights \(in writing and podcasts\)](#)
- ◆ Where and when did it happen?
  - If you cannot remember exactly, give any information that will help to find out the day and time. For example,
    - was it before lunch?
    - after dinner?
    - on the weekend?
  - If it happens all the time, write that.
- ◆ Who saw what happened, or saw your injury. If you do not know all their names, try to describe them.
- ◆ What you want done about the problem.
- ◆ How to contact you - phone number, address or other.

## What happens next?

**Five (5) days** after getting your complaint, the Recipient Rights Office should send you a letter. The letter will say if they will investigate. There is usually a policy about what they can and cannot investigate. You can get a copy of this, if you have questions.

If you do not hear from the Recipient Rights Office, you might want to call and make sure they got your complaint. If you cannot contact the local office, you may call the state Office of Recipient Rights.

**30 days after** - You should get something in writing every 30 days until the investigation is finished.

**90 days after** - The Recipient Rights Office should finish the investigation and send a report to the Director of the hospital or agency.

**10 days after that** - The Director of the hospital or agency should send you a letter with the results. This letter is called the **Summary Report**.

The **Summary Report** will say if the Recipient Rights Office proved your rights were violated. It will say what the Director will do. The Summary Report will also tell you that you have the right to ask for mediation or appeal if you do not agree.

**You have the right to appeal if:**

- ◆ you do not agree with the results of the investigation, or
- ◆ you do not think the action to fix the problem is good enough, or
- ◆ the Recipient Rights Office took too long to start or finish the investigation

**How do you appeal?**

**You have 45 days** after you get the Summary Report to send an appeal to the Appeals Committee. The Summary Report will tell you where to send it.

The appeal must be in writing. Make sure you say why you are appealing (see above). Add any information that was not included in the Summary Report.

**What will the Appeals Committee do?**

**5 business days** after getting your appeal, the Appeals Committee will let you know if they will look at your appeal.

**25 days** after that, the Appeals Committee should look at your appeal.

**10 days** after looking at your appeal, the Appeals Committee should let you know their decision. It will be in writing.

## **What if you don't agree with the Appeals Committee's decision?**

**You cannot appeal** again if you do not agree with the steps taken to correct the problem. Contact the Recipient Rights Office or our office to find out if there is some other way to solve the problem.

**You can appeal** if you think the Recipient Rights Office did not look at all the facts or use the laws, rules or policies correctly. This is called a **Level 2 appeal**.

**You have 45 days to file a Level 2 appeal.** It goes to the Michigan Department of Community Health in Lansing. Here is the address:

MDCH Level 2 Appeals  
P.O. Box 30807  
Lansing, MI 48909

**30 days** after your appeal gets there, you will get a letter saying if your appeal is accepted or rejected.

If your appeal is rejected, your only other choice is to sue in Circuit Court. You have **21 days** to file in Circuit Court in your county or in Ingham county.

**This is a summary of the current laws. It is not legal advice. For more information or help, talk with your lawyer, your Rights Office, or call Michigan Protection & Advocacy Service, Inc. at 1-800-288-5923 or 0-517-487-1755 collect.**

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