

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1778 Investigation; initiation; recording; standard of proof; written status report; written investigative report; new evidence.

Sec. 778. (1) The office shall initiate investigation of apparent or suspected rights violations in a timely and efficient manner. Subject to delays involving pending action by external agencies as described in subsection (5), the office shall complete the investigation not later than 90 days after it receives the rights complaint. Investigation shall be initiated immediately in cases involving alleged abuse, neglect, serious injury, or death of a recipient involving an apparent or suspected rights violation.

(2) Investigation activities for each rights complaint shall be accurately recorded by the office.

(3) The office shall determine whether a right was violated by using the preponderance of the evidence as its standard of proof.

(4) The office shall issue a written status report every 30 calendar days during the course of the investigation. The report shall be submitted to the complainant, the respondent, and the responsible mental health agency. A status report shall include all of the following:

- (a) Statement of the allegations.
- (b) Statement of the issues involved.
- (c) Citations to relevant provisions of this act, rules, policies, and guidelines.
- (d) Investigative progress to date.
- (e) Expected date for completion of the investigation.

(5) Upon completion of the investigation, the office shall submit a written investigative report to the respondent and to the responsible mental health agency. Issuance of the written investigative report may be delayed pending completion of investigations that involve external agencies, including law enforcement agencies and the department of social services. The report shall include all of the following:

- (a) Statement of the allegations.
- (b) Statement of the issues involved.
- (c) Citations to relevant provisions of this act, rules, policies, and guidelines.
- (d) Investigative findings.
- (e) Conclusions.
- (f) Recommendations, if any.

(6) A rights investigation may be reopened or reinvestigated by the office if there is new evidence that was not presented at the time of the investigation.

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.