



RIGHTS CHAMPION

A publication of the St. Clair County Community Mental Health Authority-Office of Recipient Rights

Volume 4, Issue 1, March 2020

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“RIGHTS CHAMPION” Awards Program

The “Rights Champion” awards program was established by the St. Clair County Community Mental Health Authority (SCCCMHA) Recipient Rights Advisory Committee to recognize individuals and teams for their extraordinary contributions to the Rights Protection System.

Nominations are accepted on a monthly basis, and may be submitted in one of the following categories:

- **Advocacy:** Nominees have served as the voice of recipients and/or advocated for the rights of recipients.
- **Dignity & Respect:** Nominees have gone out of their way to complete tasks/activities that supported the rights of recipients.
- **Innovation/Creativity:** Nominees have suggested/introduced ideas/solutions to challenges that resulted in improved service outcomes.
- **Service Excellence:** Nominees have completed tasks/activities, which served to enrich or enhance a recipient's recovery/discovery journey.
- **Teamwork:** Nominees have taken action to strengthen communication and cooperation throughout the Rights Protection System.

Award recipients receive a letter of congratulations, certificate of recognition, and “Rights Champion” tumbler. In addition, “Rights Champions” are recognized on the SCCCMHA Facebook page, and are eligible for the individual/team of the year awards.

AWARD RECIPIENTS include:

OCTOBER—Shelly Bailes

(Community Enterprises of St. Clair County)

NOVEMBER—Mayfield Group Home

(Innovative Housing Development Corporation)

William Donaldson, Moeta Fabelo, Lynda Fogel-Simpson, Meredith Gates, Wendy Halliday, Dayna Landschoot, Mariah Love, Lora Monaghan, Aleesha Mugridge, Kristen Osko, Desire Richardson, Lisa Scouten, Nicole Theeuwes, Gloria Valentin, and Cathy Ward

DECEMBER—Sammie Setera

(Innovative Housing Development Corporation)

The Recipient Rights Advisory Committee extends their congratulations to the above award recipients, and thanks them for a job well done!



Confidentiality—Mental Health Services

Per the Mental Health Code, Section 330.1748, information in the record of a recipient, and other information acquired in the course of providing mental health services to a recipient, shall be kept confidential and is not open to public (third party) inspection.

In most cases, the prior consent of the recipient/recipient's legal guardian or a court order signed by a judge is required before disclosing confidential information to a third party. There are a few exceptions to this requirement, to include:

- › Contact with emergency personnel due to a medical emergency for the recipient
- › Contact with law enforcement due to a substantial probability of harm to the recipient or others
- › Contact with health providers to coordinate the recipient's care

To note: Information provided in the above circumstances should be the minimum necessary in order to accomplish the intended purpose of the disclosure. For example, should a recipient experience a medical condition (heart issue, respiratory issue, choking incident, etc.), the information provided to the emergency medical responder should only include the information the responder needs to assist the recipient with their medical emergency. This may include the recipient's name, age/date of birth, and list of medications. All other information will be provided by the recipient and/or the recipient's guardian.

Per St. Clair County Community Mental Health Authority policy #08-002-0006, Health Care Information—Privacy and Security Measures, all staff will store confidential information in a secure manner, will not leave protected health information unattended, will log off or lock workstations when not in use, and will encrypt all electronic communications that include protected health information. **Bottom line: Confidential documentation MUST be secured at all times.**

Confidentiality—Substance Use Disorder Services

Per federal law, specifically the Code of Federal Regulations (CFR), Title 42: Public Health, Part 2-Confidentiality of Substance Use Disorder Patient Records (42 CFR, Part 2), the written consent of the recipient **MUST** be obtained prior to the release of any substance use disorder treatment information. *There are a few exceptions to the federal requirement, to include: medical emergency, research, audit/evaluation, and suspected child abuse/neglect. **Please note: Coordination of care is not an exception to the federal confidentiality requirement.**

Ways to Protect a Recipient's Right to Confidentiality

- Ensure confidential documentation is stored in a secure manner when it is not being used, i.e. placed in lockable storage such as a filing cabinet, desk drawer, locked office, etc.
- Ensure confidential information is not left unattended on/in copy machines, fax machines, printers, counters, meeting rooms, offices, tables, vehicles, workstations, etc. This includes records in a recipient's own home that may be accessible to third parties.
- Ensure confidential information is mailed in an envelope marked "confidential."
- Ensure all electronic devices are password protected; Ensure staff log-out of OASIS/their agency's electronic health record system or lock their electronic device (computer, iPad, tablet, phone, etc.) when stepping away from their device for any period of time.
- Ensure e-mail communications that include protected health information (PHI) are sent with encryption. This includes the submission of Incident Reports, Recipient Rights Complaint Forms, and any other information that includes PHI.

Services Suited to Condition

Per the Mental Health Code, Section 330.1708(1), recipients have the right to receive mental health services suited to their condition. This means recipients have the right to receive the services/supports outlined in their Individual Plan of Service (IPOS) and in accordance with federal and state laws such as the Michigan Mental Health Code, the Medicaid Manual, contract requirements, training requirements, policies, and any other standards of care/treatment that support the recipient's IPOS.

Ways to Protect a Recipient's Right to Services Suited to Condition

- Ensure monitoring requirements are met, i.e. number of staff, trained staff, etc.
- Ensure authorized services are provided, i.e. Case Management/Supports Coordination, Community Living Supports, Comprehensive Community Support Services, Individual Therapy, Group Therapy, Nursing/Physician Services, Personal Care, Respite, Supported Employment, Supported Housing, etc.
- Ensure medical treatment is provided in a timely manner; Ensure medical directives are disseminated to all support staff and documented per policy
- Ensure medications are administered and documented per policy
- Ensure staff are not sleeping during their work shift
- Ensure staff/volunteers maintain a professional relationship with recipients and their family members; Ensure staff do not socialize with or attend social gatherings with recipients or their family members; Ensure staff do not communicate with recipients or their family members through any source of social media
- Ensure staff/volunteers are engaged with the recipients they serve, and not engaged with their cellular phones for non-work purposes, i.e. personal calls, texting, social media, gaming, etc.

Abuse: Class Two—Exploitation

Per the Mental Health Code, Section 330.1722, and the Michigan Department of Health and Human Services Administrative Rules, R 330.7001, employees/volunteers may not misappropriate or misuse a recipient's property of funds for their own benefit.

Ways to Protect a Recipient's Right to be Free from Exploitation

- Ensure employees/volunteers do not use a recipient's personal property for their own benefit, i.e. take a recipient's groceries to make a meal at their personal home; take a recipient's clothing/accessories for personal use; take a recipient's household items, décor, or cleaning items for use in their personal home; take any piece of a recipient's landscaping, household plants, etc. for use in their personal home.
- Ensure employees/volunteers do not use or misappropriate a recipient's funds—no matter the amount—for their own benefit. Employees/volunteers are not permitted to borrow (even for a day) or steal a recipient's personal funds.
- Ensure employees/volunteers do not accumulate/use the points earned for purchases made with a recipient's own funds for their own benefit, i.e. earn reward points for fuel discounts, store coupons, store discounts, etc. based on the purchases completed by a recipient.

OFFICE OF RECIPIENT RIGHTS

The policy of St. Clair County Community Mental Health Authority (SCCCMHA) is that all staff members/volunteers who suspect or know that a recipient's rights may or have been violated are required to file a complaint with the Office of Recipient Rights.

Please note: An Incident Report form is not a complaint form.

When reporting an apparent or suspected violation of a recipient's rights, staff members/volunteers must complete a Recipient Rights Complaint Form. Complaint forms are available at every service site operated by or contracted with SCCCMA. In addition, complaint forms are available on the SCCCMA web-site: www.scccmh.org.

How to File a Complaint:

- 1.) **Mail a completed complaint form to:**
Office of Recipient Rights
3111 Electric Avenue
Port Huron, MI 48060
- 2.) **Fax a completed complaint form to:**
Office of Recipient Rights at (810) 966-3393
- 3.) **Call the Office of Recipient Rights at:**
(810) 985-8900, or
- 4.) **Visit the Office of Recipient Rights**
and report your complaint in-person (address in #1)

If you have questions about filing a complaint and/or the complaint investigation process, please call Telly Delor, Recipient Rights Director, at (810) 966-3743.

Office of Recipient Rights – Complaint Investigation Process

To ensure the complaint investigation process is confidential, the names and statements made by recipients and witnesses must be protected throughout the complaint process. As such, the investigative reports are issued to supervisory/management team staff members with the expectation that they are not shared with the accused staff member. In addition, supervisory/management team staff members are not permitted to disclose the names of or statements made by the witnesses interviewed during a complaint investigation.

As a reminder, investigative reports may not be placed in personnel files; however, evidence of corrective/disciplinary action issued to staff members/volunteers as a result of substantiated recipient rights complaints should be placed in personnel files.

Please note: The Office of Recipient Rights will not notify the accused staff member/volunteer of the outcome of an investigation. This notification is the responsibility of the responsible provider agency, and, if disciplinary action resulted from the complaint, the notice must be sent via first-class mail to meet the requirements of the Bullard-Plawecki Employee Right to Know Act.

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About this publication...

The "Rights Champion" newsletter was developed in an effort to reduce recipient rights violations by providing information to staff members and volunteers about the Rights Protection System. Should any staff member/volunteer have a rights related question, they are welcome to call the St. Clair County Community Mental Health Authority—Office of Recipient Rights at (810) 985-8900.