

Annual Recipient Rights – Contract Provider Training

When individuals receive mental health services, the Michigan's Mental Health Code and other laws safeguard their rights. As an Independent Contractor for a consumer receiving Pathways services, you are responsible for the protection of the consumer's rights.

DIGNITY AND RESPECT

The law requires that all mental health services providers assure that consumers are treated with dignity and respect. In addition, family members must be treated with dignity and respect.

ABUSE AND NEGLECT

Consumers have the right to be free from abuse and neglect. If you suspect that a consumer has been abused or neglected it must be reported to the Pathways clinician and Pathways Office of Recipient Rights.

Pathways Clinician

Pathways Office of Recipient Rights

1-888-PATHWAY (1-888-728-4929)

Examples of Abuse:

- Any sexual contact with a consumer.
- Hitting, slapping, or kicking a consumer.
- Communication that degrades or threatens a consumer.
- Sexually harassing a consumer.
- Making remarks which could be emotionally harmful to a recipient.

Examples of Neglect:

- Leaving a consumer who is not able to care for himself/herself unattended.
- Not providing needed care.
- Not following the Individual Plan of Service.
- Not asking for help or medical attention when it is needed.
- Being aware of an abusive or neglectful situation and not reporting to the pathways Clinician and the Pathways office of Recipient Rights.

PRIVACY AND CONFIDENTIALITY

A consumer has the right to have information about their mental health treatment kept private and confidential. The right to confidentiality is one of the most important rights granted to consumers. To assure the confidentiality of consumers, all independent contractors must protect written and unwritten information gained while providing services.

If you become aware of the acquisition, access, use, or disclosure of protected health information in a manner not permitted under Pathways Privacy Practices, you must contact Pathways Office of Recipient Rights immediately.

There are times when it is appropriate to disclose information about a consumer. Some of these are:

- When the consumer or his/her guardian signs a consent form indicating there is a legitimate need for the information to be released.
- To mental health or other public agencies when there is a strong chance that the consumer or others will be seriously hurt if no action is taken.
- When required by a court order or to comply with the law.
- **Please note** that the information regarding individuals who receive substance abuse services is protected under 42 CFR Part 2. There are more restrictions on releasing information; you should assume the information cannot be released without written consent. Please contact the local Office of Recipient Rights if you believe there is a need to release information without consent.

CONFIDENTIALITY – 42 CFR PART 2

All clients must sign the specific consent to release information regarding substance abuse information.

Limited exceptions to confidentiality apply when:

- Medical Emergencies: Poses an *immediate* threat to the health of an individual (Medical personnel NOT “emergency contact” or family unless there’s a release)
- Suspected *Child Abuse* or Neglect
- Commits a crime (against anyone – including other recipients) on program premises
- Commits a crime against a member of the staff (anywhere, even off program premises)
- Threatens to do either
- **Law enforcement** – unless they are responding to a medical emergency or crime on the premises type situation, need a warrant with a specific court order that meets the requirements of 42 CFR Part 2. “I cannot admit or deny whether Jane is living here.” Staff are not expected to resist police officers; however, an attempt should be made to notify the officer that the search may be improper.

EXAMPLE: A resident assaults another resident during group therapy. The program could call the police and report the circumstances of the crime, including the resident’s name, address and last known whereabouts. The program cannot give the recipient’s entire record to the police. Neither may the program disclose the names of the other group therapy recipients who witnessed the event, without their consent.

PERSON CENTERED PLANNING

Person Centered Planning means a process for planning and supporting a consumer that builds upon the individual’s capacity to engage in activities that promotes community life and that honors the consumer’s preferences, choices, and abilities. The person-centered planning process involves families, friends, and professionals as the consumer desires or requires. There are four parts in the person centered process:

- Identification of the future of consumer desires.
- Planning for the desired future.

- Identifying the supports and services it will take to achieve the desired future.
- Regular feedback on the plan to determine other needed supports and services.

As an independent contractor, you are responsible for knowing the consumer's Individual Plan of Service (IPOS) and how to carry it out. **Be especially aware of any health or safety interventions.** All staff and contractors should assure that services are provided as agreed upon in the IPOS. If services are not being provided as set forth in the IPOS, you should contact the case manager, their supervisor or the Office of Recipient Rights.

INCIDENT REPORTING

An incident is an event occurring during the delivery of services that disrupts or adversely affects the normal routine, course of treatment or care of a consumer. The following are examples of incident that need to be reported:

- Unplanned hospitalization or emergency room visit.
- Involvement of other agencies (police, fire, poison control, etc.).
- Injury, or even likely to cause an injury, including falls.
- An error when administering medication.
- A first time seizure or seizure that results in an injury.
- Serious hostility or physical aggression.
- Suspected abuse or neglect.
- Any other suspected violation of a right (confidentiality, dignity and respect, etc.)

If an incident needs to be reported, telephone the Pathways Clinician immediately or as soon as possible the next business day and submit an Incident Report.

THANK YOU FOR PROTECTING THE RIGHTS OF CONSUMERS IN MICHIGAN

RECIPIENT RIGHTS TRAINING SIGNATURE PAGE

1. I have been given information on abuse and neglect. I understand that I am required to report to the Pathways Clinician and Pathways Office of Recipient Rights any time I suspect the abuse or neglect of a consumer. The report should be made immediately or as soon as possible the next business day.
2. I understand that I am required to report any other suspected violation of a consumer's rights (example: confidentiality) to the Pathways Clinician or the Pathways Office of Recipient Rights.
3. I understand that the consumer has a right to privacy. I will keep confidential anything I know or learn about the consumer.
4. I understand that I am responsible for knowing and following the consumer's Individual Plan of Service.
5. I have been given a list of incidents which must be reported. I understand that I am required to call the pathways Clinician regarding any incidents and submit an Incident Report.
6. I understand I can telephone the Pathways Clinician or Pathways Office of Recipient Rights if I have any question about Recipient Rights or anything contained in this document.

Print Name of Provider Organization *(if applicable)*

Print Name of Person Who Completed Training

Signature and Credentials (of person who completed training) Date

Please return this page to:

Organizational Providers

Please maintain in personnel record with provider agency.

Independent Contract Providers:

Pathways Contract Department
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