

## PATHWAYS CMH

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

**PURPOSE:**

To protect the rights of recipients.

**PROCEDURES:**

An employee, volunteer, or agent of Pathways who has reasonable cause to suspect that a recipient of services, vulnerable adult, or child is being abused or neglected shall follow the steps as appropriate:

1. For suspected abuse and neglect of mental health recipients:
  - a. Immediately make an oral report to his/her supervisor.
  - b. Immediately make an oral report to a person in the Office of Recipient Rights.
  - c. Submit a written incident report to the Office of Recipient Rights within 24 hours.
  
2. For suspected abuse and neglect as defined by Michigan law as criminal abuse, immediately make an oral report to law enforcement and file a written report within 72 hours.
  
3. For suspected abuse and neglect in a foster care home make an immediate oral report to the Department of Health and Human Services (foster care licensing) and send a written Incident Report.
  
4. For a child or vulnerable adult immediately make an oral report to Protective Services. The recipient must be promptly informed that such a report has been or will be made, except if:
  - Pathways, in the exercise of professional judgment, believes informing the recipient would place the recipient at risk of serious harm or.

- Pathways would be informing a personal representative, and Pathways reasonably believes the personal representative is responsible for the abuse, neglect, or other injury and that informing such person would not be in the best interest of the individual as determined by Pathways, in the exercise of professional judgment.
5. An identified representative from Protective Services shall notify a mental health professional that a child abuse or neglect investigation has been initiated involving an individual who has received services from the mental health professional and shall request in writing mental health records and information that is pertinent to that investigation. Within 14 days after receipt of a request for mental health records and pertinent information, the mental health professional shall review the clinical record and release only minimum necessary information which is pertinent to the investigation.
  6. 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.

45 CFR Part 164 section 512 (c).

42 CFR Part 2 section 2.12 (c) (6).