

Thank you

For your commitment to honor the rights of the persons we serve and taking the Recipient Rights Annual Training.

If you have any questions or concerns about this training, what you learned, or the rights of persons we serve please contact Customer Services at (800) 341-2003.

Important Announcement

The annual test must be taken on a laptop/electronic device which is linked to a working printer. Once you pass (80%) the annual test, the certificate window will pop up and you can print the certificate.

Note: Please print the certificate immediately. Once the certificate window closes, you will not be able to access it again and will need to retake the course and test.

Objectives

Understand the rights of persons who receive public Michigan mental health services.

Attain knowledge of abuse and neglect.

Learn the Office of Recipient Rights' functions, roles, and reporting requirements.

Learn how to advocate for persons served.

What Laws Provide Protection?

There are laws that protect all citizens of the United States. Some of these include:

The United States Constitution

The U.S. Constitution [including the Bill of Rights] is the highest level of law and includes our right to vote, freedom of speech, and freedom of movement.

Michigan Mental Health Code (MHC) 1974

Let's take a closer look at what **RIGHTS** are included for persons receiving public mental health services in the **Michigan Mental Health Code Chapters 7 & 7a**

Michigan Mental Health Code (MHC) 1974

All people with disabilities are deemed legally competent **unless** there has been a court process where they are declared incompetent and a legal guardian has been assigned to them.

MCL 330.1702 (Sec. 702)

People who receive mental health services still have rights, benefits and privileges of any other person under the law. **MCL 330.1704 (Sec. 704)**

Let's Learn About The Abuse Categories

There are three classes or categories of Abuse in the Michigan Mental Health Code.

Let's learn about each one.

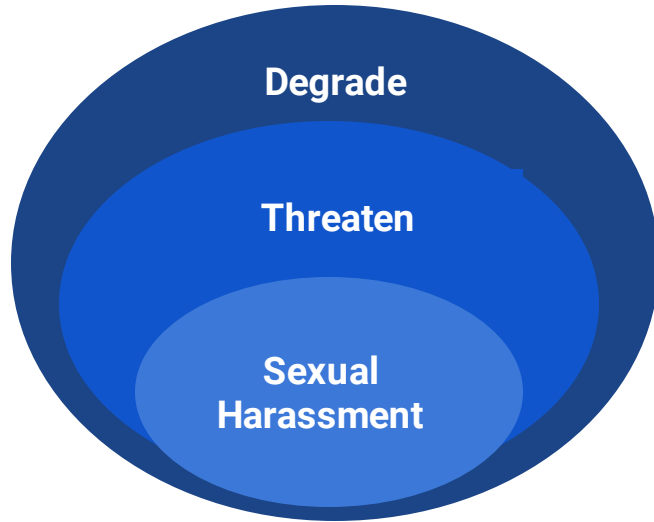
ABUSE CLASS I

ABUSE CLASS II

ABUSE CLASS III

Abuse III:

Using language (verbal) or other means of communication (non-verbal) to:



Let's Learn About Neglect Categories

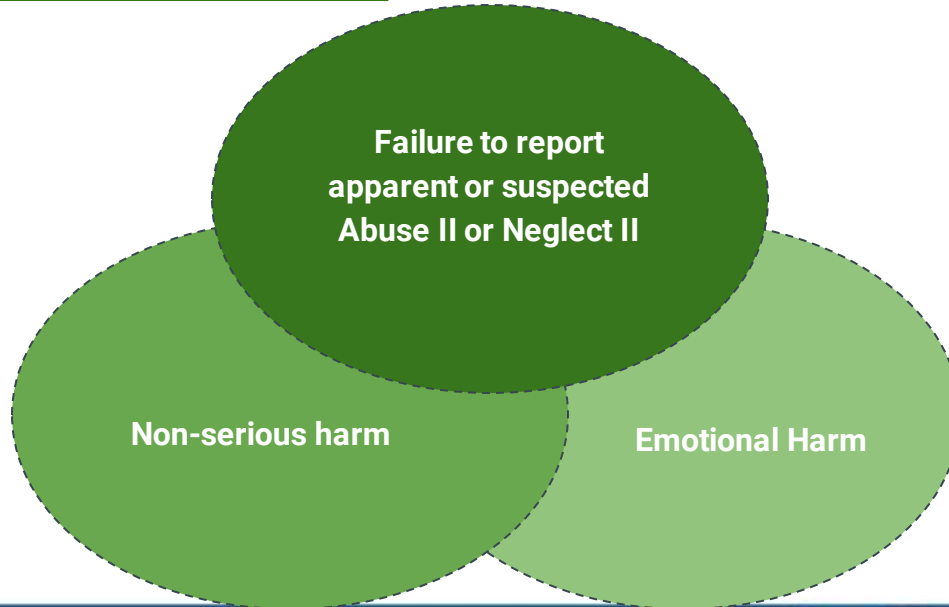
**There are 3 classes or categories of Neglect in
the Michigan Mental Health Code.
Let's learn about each one.**

NEGLECT CLASS I

NEGLECT CLASS II

Neglect Class II

An act or failure to follow a standard of care that results in...



NEGLECT CLASS III

Let's take a look at some additional rights of persons served by the public mental health system that are included in the Michigan Mental Health Code Chapter 7.

The right to have Treatment Suited to Condition

Services shall be provided in accordance with all applicable **Standards of Care** or treatment required by any of the following:

Standards of Care include all State or Federal laws, rules, or regulations; Provider's policies and procedures, written guidelines or protocols, written directives; and a person's Individual Plan of Service.



The right to have Individual Plan of Service (IPOS)

The responsible agency for each person shall ensure that a person-centered planning process is used to develop a written individual plan of services in partnership with the person.

The right to have

Individual Plan of Service (IPOS)

Additionally for the agency or staff providing services, the IPOS tells you how to support the needs of the person. The easiest way to avoid making a mistake that could be considered or constitutes a [Rights Violation](#), is to learn and know how to support the needs of the individual by following what is written in their plan.

Individual Plan of Service

The right to Person/ Family Centered Planning Rights

The Individual Plan of Service is the product of the Person Centered Planning process.

“Person-centered planning” means a process for planning and supporting the individual receiving services that builds upon the individual's capacity to engage in activities that promote community life and that honors the individual's preferences, choices, and abilities....”

The right to Person/ Family Centered Planning Rights

During the “Person/family centered planning” process the individual served has the right to choose:

WHO: They want to invite to their person centered planning meeting

WHAT: Goals they want to talk about; or things they do not want to talk about

WHEN: Their planning meeting takes place

WHERE: They would like to have their planning meeting

The Right to have Dignity and Respect

Dignity and Respect Is Being:

★ Treated with/as

- Esteem
- Honor
- Politeness
- Appreciation

- Consideration
- An equal
- An Individual wants to be treated

★ Proactive

- In supporting an individual to make choices about his/her life
- Respectful of an individual's privacy

★ Sensitive to cultural differences

Examples of Dignity and Respect

- Call a person by his/her preferred name
- Knock on a closed door before entering
- Use positive language
- Encourage people to make choices instead of making assumptions
- Take a person's opinion seriously / include them in conversations
- Allow people to do things independently / to try new things.

The right to Confidentiality

The Michigan Mental Health Code states: Information in the record of a person, and other information acquired in the course of providing mental health services to a person, shall be kept confidential and shall not be open to public inspection.

Examples of Confidentiality being Violated

- Photographing, audiotaping or videotaping without permission and sharing
- Gossiping/verbally sharing private information with family, friends and others
- Sharing any of a recipient's information via your computer communication/ email
- Posting pictures/anything that may identify a recipient on social media (Facebook, Twitter, etc.)

- Talking to anyone without a release of information
- Sharing paper documents without a release of information
- Identifying a person in public/in the community
- Not respecting and maintaining professional boundaries

The right to Confidentiality

Exceptions of confidentiality include

- When you have a signed release
- Reporting abuse or neglect
- Medical emergency
- Duty to warn
- Required by a court of law.



The right to be free of Restraint and Seclusion

What is
Restraint?

Use of a physical or mechanical device to restrict a recipient's movement.

What is
Seclusion?

Placement of a person receiving services in a room alone where egress is prevented by any means.



The right to be free of Limitations and Restrictions

Limitations or restrictions cannot be placed upon an individual.

Only when the mandated procedure [such as a review by the Behavior Treatment Plan Review Committee] to approve limitations or restrictions on an individual has been completed and the specific limitation or restriction documented in their Individual Plan of Service can a limitation or restriction be implemented.

~~House Rules~~

Under the new Home and Community Based Services Rule house rules developed by a provider are not allowed.

Individuals living together can have an understanding or agreement about certain aspects of living together such as how late visitors can stay.

Self-Determination

Self-Determination allows for people to make choices to control their resources and services:

- Receive services through a Self-Determination arrangement
- Receive services from various service providers of their choosing
- Become an Employer of Record

Beware of a possible dual relationship, such as being a family member / friend and paid staff. Maintain professional boundaries.

The Five Principles of Self-Determination

- ❑ **FREEDOM:** Opportunity to *choose* where and with whom one lives, as well as how one organizes all important aspects of life with freely chosen assistance as needed
- ❑ **AUTHORITY:** Ability to *control* some targeted amount of public dollars
- ❑ **SUPPORT:** Ability to *organize* support in ways that are unique to the individual
- ❑ **RESPONSIBILITY:** Obligated to use public dollars *wisely / contribute* to one's community
- ❑ **CONFIRMATION:** The *recognition* that individuals with disabilities themselves must be a major part of the redesign of the human service system of long term care

Information about Complaints and Investigations

- The purpose of a complaint is specifically to report a suspected or apparent rights violation of any situation protected under Michigan's Mental Health Code.
- In order for the Office of Recipient Rights to open a rights investigation, the accused must be an employee, a volunteer, or a student working for an agency funded by / contracted with OCHN. The violation must have occurred against a recipient of public mental health services.
- If there is Abuse or Neglect, it has to be reported immediately by phone; a written complaint form must be faxed within 24 hours.

Making a Rights Complaint

Question: Who can make a rights complaint?

Answer: Anyone

Question: What is the purpose of a complaint?

Answer: Report a suspected or alleged Rights violation



Who Should You Call to Report?

Office of Recipient Rights (ORR)

(877) 744-4878

Video Conference Phone (248) 209-6900



Other Agencies you may also need to report to:

Adult Protective Services [APS] or Children's Protective Services [CPS]
regarding Abuse and Neglect:

(855) 444-3911

Bureau of Child and Adult Licensing (BCAL):

(855) 444-3911

Who Should You Call to Report?

This poster should be displayed at your agency. It outlines requirements for reporting abuse and neglect.

	Section 722, Public Act 238 of 1974, (Mental Health Code-Recipient Abuse)	Public Act 238 of 1975 (Child Protection Law)	Public Act 519 of 1982 (Adult Protective Services Law)	Section 723, Public Act 238 of 1974 as amended (Mental Health Code-Criminal Abuse) Police
WHERE is the report made?	The Office of Recipient Rights www.michigan.gov/recipientrights MI Department of Health and Human Services Community Mental Health Service Programs Licensed Private Psychiatric Hospitals or Units	Michigan Department of Health and Human Services (MDHHS)	Michigan Department of Health and Human Services (MDHHS)	MSP 517-332-2521 State Police County Sheriff? Local Police Department
WHAT must be reported?	Sexual, Physical, Emotional or Verbal Abuse, Neglect, Services Injury, Death, Retaliation or Harassment	Sexual, Physical or Mental Abuse, Neglect, Sexual Exploitation	Sexual, Physical or Mental Abuse, Neglect, Malnutrition, Exploitation	Assault (other than patient/patient assault/harassment), Criminal Sexual Abuse, Homicide, Voluntary Adult Abuse, Child Abuse
WHO is required to report?	All employees, contract employees, or volunteers of Michigan Department of Health and Human Services, Community Health Services Programs, Licensed Private Psychiatric Hospitals or Units	Physicians, nurses, coroners, medical examiners, dentists, licensed emergency care personnel, audiologists, psychologists, social workers, school administrators, teachers, counselors, law enforcement officers, and child care providers.	Any person employed by an agency licensed to provide, anyone who is licensed, registered, or certified to provide health care, education social, or other human services, law enforcement officers and child care providers.	All employees, contract employees of Michigan Department of Health and Human Services, Community Mental Health Services Programs, Licensed Private Psychiatric Hospitals or Units, all mental health professionals.
WHAT is the CRITERIA for reporting?	You must report if you: Suspect a recipient has been abused or neglected or any allegations of abuse or neglect made by a recipient.	You must report if you: Have reasonable cause to suspect a child has been abused, neglected, or sexually exploited.	You must report if you: Have reasonable cause to suspect or believe an adult has been abused, neglected, exploited or mistreated.	You must report if you: Suspect a recipient or vulnerable adult has been abused or neglected, sexually assaulted, or if you suspect a homicide has occurred. You do not have to report if the incident occurred more than one year before your knowledge of it.
WHEN must the report be made and in what format?	A verbal report must be made immediately. A written report on an incident report form must be made before the end of your shift.	A verbal report must be made immediately. A written report on (DHS Form 3200 must be made within 72 hours.	A verbal report must be made immediately. A written report at the discretion of the reporting person.	A verbal report must be made immediately. A written report must be made within 72 hours of oral report (330.1273)
TO WHOM are reports made?	To your immediate supervisor and to the Recipient Rights Office at your agency or hospital	Report to Protective Services Reporting Hotline 855-444-3911	Report to Protective Services Reporting Hotline 855-444-3911	The law enforcement agency for the county or city in which the alleged violation occurred or the State Police. A copy of the written report goes to the chief administrator of the agency responsible for the recipient.
If there is more than one person with knowledge must all of them make a report?	Not necessarily. Reporting should comply with the policies and procedures set up by each agency.	Someone who has knowledge must report or cause a report to be made in the case of a school, hospital or agency, one report is adequate.	Everyone who has knowledge of a violation or an alleged violation must make a report. DHS has typically accepted one report from agencies.	Someone who has knowledge must report or cause a report to be made.
Is there a penalty for failure to report?	Disciplinary action may be taken and you may be held civilly liable.	You may be held civilly liable. Failure to report is also a criminal misdemeanor.	You may be held civilly liable and have to pay a \$500 fine.	The law states that failure to report or false reporting is a criminal misdemeanor.
YES				
Is it necessary to report to more than one agency?	YES	Each of these laws requires that the designated agency be contacted. If an allegation suspected to have occurred, falls under its specific jurisdiction. There are several references in each law indicating that reporting to one agency does not absolve the reporting person from the responsibility to report to other agencies, as statutorily required.		
Are there other agencies to which a report can be made?	YES	The Bureau of Community and Health Systems (LARA) is responsible for investigating abuse and neglect in Nursing Homes, Hospitals and Home Health Care. Call the NURSING HOME ABUSE HOTLINE 1-800-882-6006 The Michigan Attorney General's Office has an Abuse Investigation Unit which may also investigate abuse in Nursing Homes. Call the ATTORNEY GENERAL 24 HOUR HEALTH CARE FRAUD HOTLINE 1-800-24-ABUSE/ 1-800-242-2873 The LARA AHC/HFA Licensing Division is responsible for investigating abuse or neglect in a licensed foster care home. Call: The Bureau of Community and Health Systems (LARA) COMPLAINT INTAKE UNIT 1-866-856-0126		

DDI-0927

1/2016



Incident Reports (IR)

Purpose of the IR: To report any unusual event, including rights issues

Who can file an IR: Staff at provider agencies

The logo features the words "Report It" in a bold, dark green, sans-serif font. Above the letter "o" in "Report" is a stylized lightbulb icon, and below the word "It" are three curved lines representing a signal or broadcast.

Report It

Incident Report (IR) Policy Requirements

What you need to know about Incident Reports: OCHN **requires** an IR be submitted within 24 hour of the incident.

- IR's should be clear, concise, complete
- Failure to submit a timely IR may result in a Rights violation
- Two (2) or more employees need to complete an IR if the two cannot agree upon the details of the event
- Each recipient involved in the incident should have a separate IR
- Contact the Office of Recipient Rights immediately in circumstances of death, suspected abuse and/or neglect

Office of Recipient Rights (ORR)



ORR Responsibilities and Functions include:

- Monitoring of service sites and incidents
- Prevention efforts
- Training of staff and recipients
- Investigation of rights violations
- Taking Complaints and Reviewing Incident Reports

Basics of Due Process Rights

If an [Action/Change in Services](#) negatively impacts a person, they are to be notified in advance and have the ability to Appeal decisions related to services that are:

- Reduced
- Terminated
- Suspended
- Denied

Basics of Due Process Rights

An action can be filed through:

- Local Appeal
- Medicaid Fair Hearing
- Rights Complaint
- Grievance
- Second Opinion



Today We Learned...

1. A brief historical view of the public mental health system
2. Gained a better understanding of the rights of persons who receive public mental health services in Michigan
3. About Mental Health categories such as Abuse and Neglect
4. The Office of Recipient Rights' responsibilities -what and how you are required to report
5. How to advocate for persons served

Test What You Learned

1. The annual test must be taken on a laptop/electronic device which is linked to a working printer.
2. Once you pass the annual test, the certificate window will pop up. Please make sure to print the certificate at that time. **If you close the certificate window, you will not be able to access it again and will need to retake the course & test.**

Click the Link Below to Take Your Annual Rights Test

[Link to Annual Recipient Rights Update Test](#)