

2020

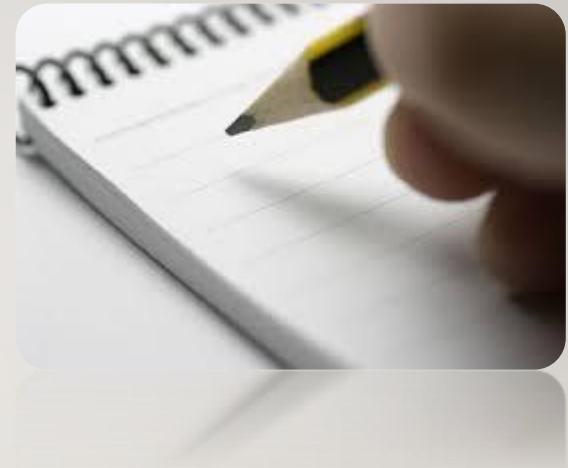
ANNUAL RECIPIENT RIGHTS REFRESHER

Paul Keller
Recipient Rights Director

“...to promote and protect
the rights of recipients...”

AGENDA

- **Defining Rights**
- **What Rights are Protected**
- **Rights of Recipients**
 - Civil Rights
 - Confidentiality
 - Abuse / Neglect
- **Investigative Process for Office of Recipient Rights**
- **Questions & Contact Information**



What are rights?

A RIGHT is defined as:

"That which a person is entitled to have, to do, or to receive from others, within the limits prescribed by law".

For something to be a “right”, it must be:

- ❖ Defined by law; and
- ❖ Have a legal means of protecting it

Unlimitable Rights

CIVIL RIGHTS

❖ Religious Expression

❖ Freedom of Speech

❖ Search and Seizure

❖ Due Process

❖ Legal Protection

❖ Free from
Discrimination

❖ Voting

❖ Education

Unlimitable Rights...

Abuse / Neglect

- **Abuse Class I & II**
- **Abuse Class III**
- **Neglect I & II**
- **Neglect III**

Suitable Services

- **Dignity and Respect**
- **Informed Consent**
- **Mental Health Services Suited to Condition**
- **Choice of Mental Health Professional**
- **Notice of clinical status/progress**

Mental Health Code

- ❖ The right to a **safe, sanitary, and humane environment**.
- ❖ The right to have **access to his or her own funds** and to be able to use them as they see fit.
- ❖ The right to have **personal property safely kept** and to have any rules regarding any limitations on using it clearly stated, consistent, and posted in a place where all can see.
- ❖ The right to have a **written plan of service** developed through a **person-centered planning process**.
- ❖ The right not to be **required to receive treatment unless the law allows** it or a court orders it.

Rights of Recipients

When are Limits Allowable?

In the recipient's record you should find:

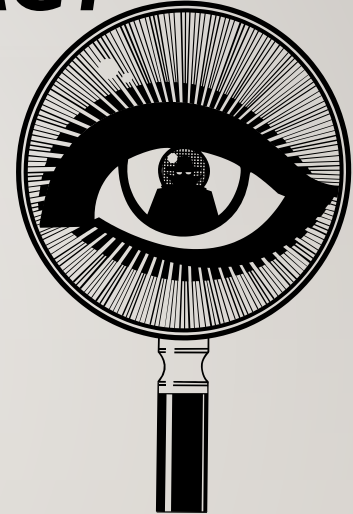
- ❖ **A description of the behavior and the limitation**
- ❖ **A time limit on the limitation**
- ❖ **An indication that previous measures to stop the behavior were unsuccessful**
- ❖ **An indication that the limitation is the least restrictive or intrusive action possible**
- ❖ **Measures to reduce or eliminate the behavior (this is the action you will take when the behavior occurs)**
- ❖ **Special consent**
- ❖ **Review by the behavior treatment committee**

CONFIDENTIALITY

ALL RECIPIENTS EXPECT PRIVACY

What Is Confidential?

- ❖ Identity of recipient
- ❖ Information in the record
- ❖ Any information acquired In the course of providing services...everything else!



Rights of Recipients

SHALL BE KEPT CONFIDENTIAL

- ❖ **Not Disclosed To Anyone Or Open To Public Inspection...**
- ❖ **Except In Circumstances And Under Conditions Allowed By Law**

CONFIDENTIAL

Reporting Abuse & Neglect

**ABUSE and NEGLECT MUST BE
REPORTED**

IMMEDIATE ORAL REPORT

and



WRITTEN REPORT WITHIN 24 HOURS

**DIRECTLY TO THE
OFFICE OF RECIPIENT RIGHTS**

REPORTING ABUSE AND NEGLECT

- ❖ **When you see or hear about a recipient being abused or neglected, it is important that you take action quickly!**
- ❖ **Protecting the recipient is your primary responsibility. The failure to report abuse or neglect will result in your being charged with neglect as well.**
- ❖ **All violations must be verbally reported immediately and followed up by a written report within 24 hours or at the end of your shift.**

THE INVESTIGATIVE PROCESS

- **The Recipient Rights Office has access to all documentation and any staff necessary to complete the investigation.**
- **You are expected to honestly answer questions about work-related matters asked by the Rights Office, the State Police, and DHHS and Industry authorities who are conducting a review or investigation.**
- **The Mental Health Code requires an investigation be completed within 90 days of receipt of the complaint.**
- **A “Report of Investigative Findings” will be given to the Executive Director of the CMH agency and to the service provider.**
- **The CMH Executive Director is responsible to issue a report summarizing the investigation to the complainant and the recipient within 10 days after receiving the investigate report.**

CATEGORIES OF THE
MENTAL HEALTH CODE

RECIPIENT A REQUESTS STAFF GIVE HIM \$5 OF HIS MONEY TO GO BOWLING WITH FRIENDS. STAFF TELL RECIPIENT THAT HE ALREADY HAD HIS \$5 THIS WEEK AND ISN'T ALLOWED ANOTHER \$5 UNTIL THE FOLLOWING WEEK.



RECIPIENT A COMPLAINS THEY HAVE NOT SEEN THEIR CASE MANAGER IN MONTHS AND THEY ARE NOT VISITED IN THE HOME. RECIPIENT A ALSO COMPLAINS THE CASE MANAGER HASN'T UPDATED THEIR IPOS. REVIEW OF THE FILE REFLECTS AN ADDENDUM WAS COMPLETED IN DECEMBER 2019 AND THAT A REVIEW WAS COMPLETED IN JANUARY 2020.



**STAFF A REPORTS TO ORR THAT SHE
WITNESSED STAFF B HIT RECIPIENT A.**

**UPON FURTHER DISCUSSION, STAFF A STATED
“I MIGHT AS WELL TELL ON MYSELF TOO. I
SMOKE POT WHEN I’M ON MY BREAK AT WORK.
WE ALL DO. BUT I HAVE A MEDICAL CARD.”**

**RECIPIENT DOES NOT HAVE A GUARDIAN,
LIVES IN AN SRS HOME, AND GOES ON AN
OVERNIGHT LOA. STAFF GIVE RECIPIENT ALL
MEDS FOR THE MONTH INSTEAD OF
MEDICATIONS FOR THE LENGTH OF THE LOA.**

**RECIPIENT A IS NON-VERBAL AND KICKS STAFF
A WHILE STAFF A IS CHANGING RECIPIENT A'S
BRIEF. STAFF A RESPONDS BY YELLING "DON'T
YOU KICK ME!!" AND HOLDS DOWN THE LEGS
OF RECIPIENT A.**

**STAFF A LAUGHS AND INTENTIONALLY
EXPOSES HER BREAST TO RECIPIENT A
AFTER RECIPIENT A PULLED ON HER
SHIRT WHILE HAVING A “BEHAVIOR”**

RECIPIENT A NEEDS 24 HOUR CARE. AS STAFF ARE RETURNING FROM AN OUTING WITH OTHER RECIPIENTS, STAFF A FOUND RECIPIENT A SITTING ON THE COUCH IN THE HOME ALONE AND REALIZED RECIPIENT A HAD BEEN LEFT AT THE HOME DURING THE OUTING. STAFF A REPORTED TO ORR SIX MONTHS LATER, STATING THAT STAFF B TOLD THEM NOT TO REPORT OR THEY WOULD GET IN TROUBLE.



**YOU GO TO A HOME AND RECIPIENT
A MENTIONS THEY MET STAFF A'S
BOYFRIEND. THEY GO ON TO SAY THE
BOYFRIEND REGULARLY COMES OVER
AND THEY SEE THEM OVER SKYPE
WHEN STAFF A IS WORKING.**



RESIDENT A SAYS THEY NEVER GET TO GO OUTSIDE THE HOME OR GO ANYWHERE. STAFF REPORT THEY TAKE RESIDENT A TO MCDONALDS BEFORE OR AFTER APPOINTMENTS.

**STAFF A REPORTS STAFF B FELL ASLEEP
LAST NIGHT WHILE ON SHIFT AT A SRS
HOME FOR 12 RECIPIENTS.**

JUST A COUPLE OF REMINDERS

- ❖ **Posters Contain Recipient Rights Contact Information**
 - **Zero Tolerance (Bright Green)**
 - **Abuse and Neglect Reporting Requirements**
- ❖ **Other Items**
 - **RR Books**
 - **Complaint Forms**
- ❖ **All Recipient Rights Training is face-to-face this year.**
- ❖ **Calls us if you have questions ... We are happy to help!**



CONTACT ORR

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“Safeguarding the rights of others is the most noble and beautiful end of a human being”

Kahlil Gibran



**The Office of Recipient Rights thanks you
for helping to protect the rights of our
recipients!**