

Recipient Rights Training Lapeer County CMH



Lisa Jolly, Recipient Rights Officer
Lapeer County Community Mental Health



That look caregivers make when someone says they had a bad day!



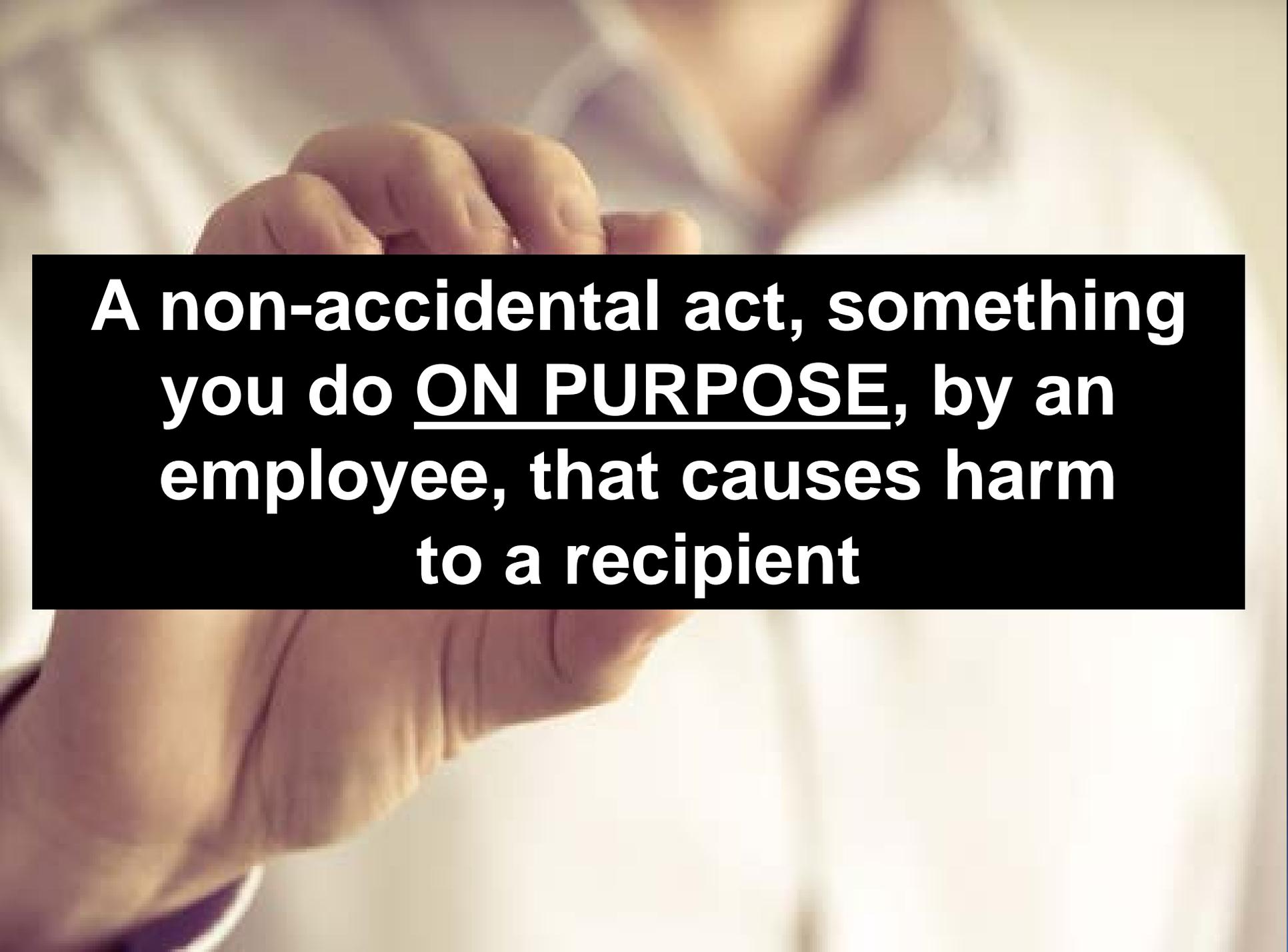
Abuse

There is ZERO Tolerance for Abuse

Abuse is something a staff does on purpose or deliberately.

A red pencil is shown from the right side, drawing a thick red line that crosses through the word "NO!" written in large, bold, black capital letters. The pencil is positioned as if it has just finished drawing the line.

There are three classes of abuse.
The most serious can lead to Criminal Charges



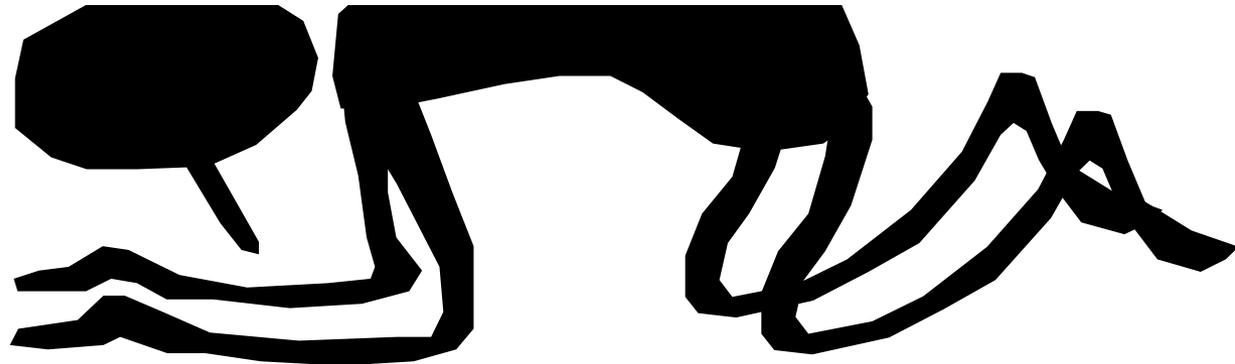
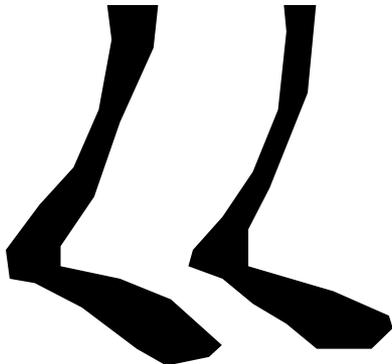
**A non-accidental act, something
you do ON PURPOSE, by an
employee, that causes harm
to a recipient**

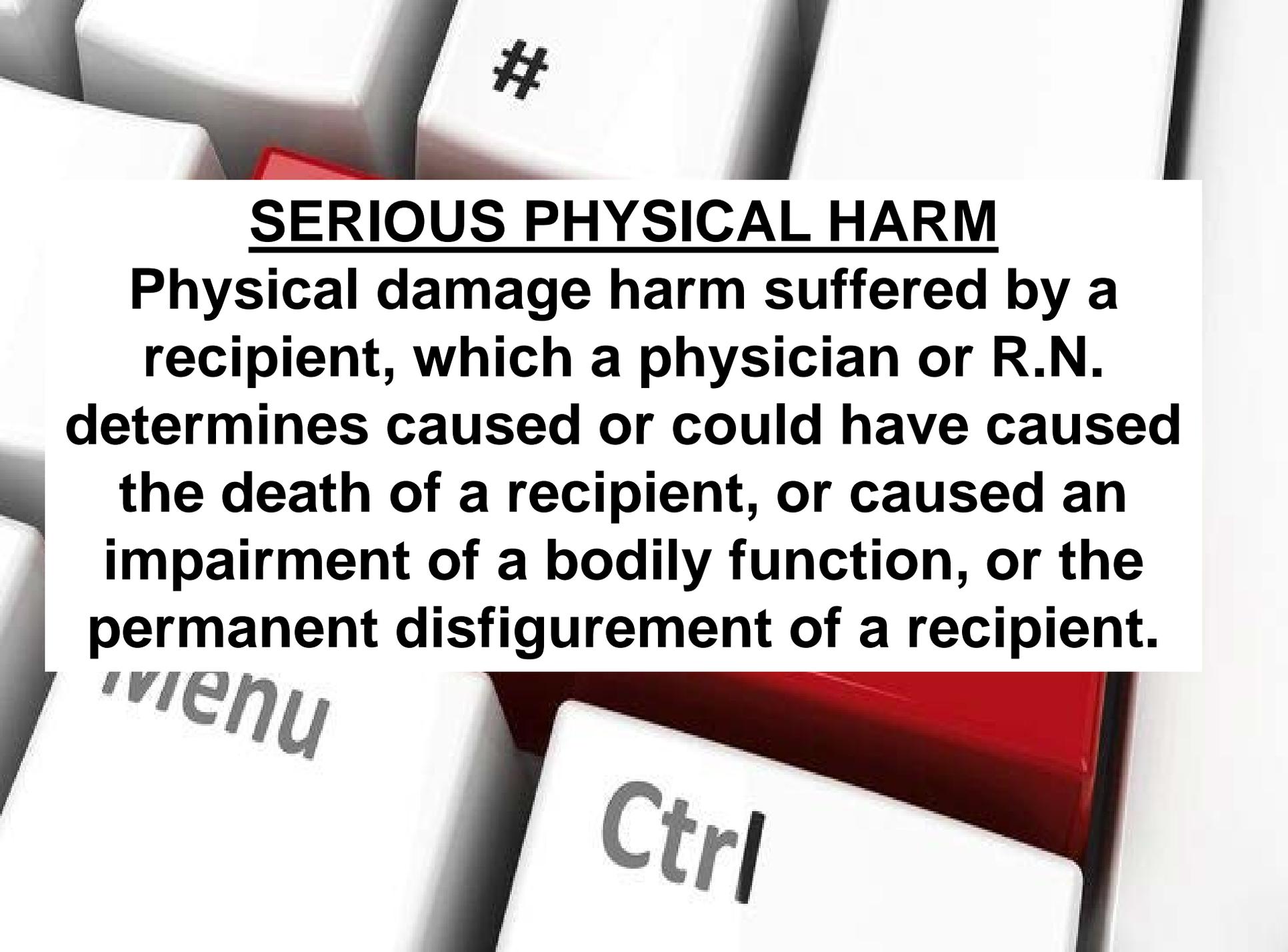


Abuse Class I

Means a non-accidental act, or provocation of another to act, by an employee volunteer, or agent of a provider which caused or contributed to the

- 
1. DEATH, or
 2. SERIOUS PHYSICAL HARM, OR
 3. SEXUAL ABUSE to a recipient.





SERIOUS PHYSICAL HARM

Physical damage harm suffered by a recipient, which a physician or R.N. determines caused or could have caused the death of a recipient, or caused an impairment of a bodily function, or the permanent disfigurement of a recipient.

SEXUAL ABUSE:

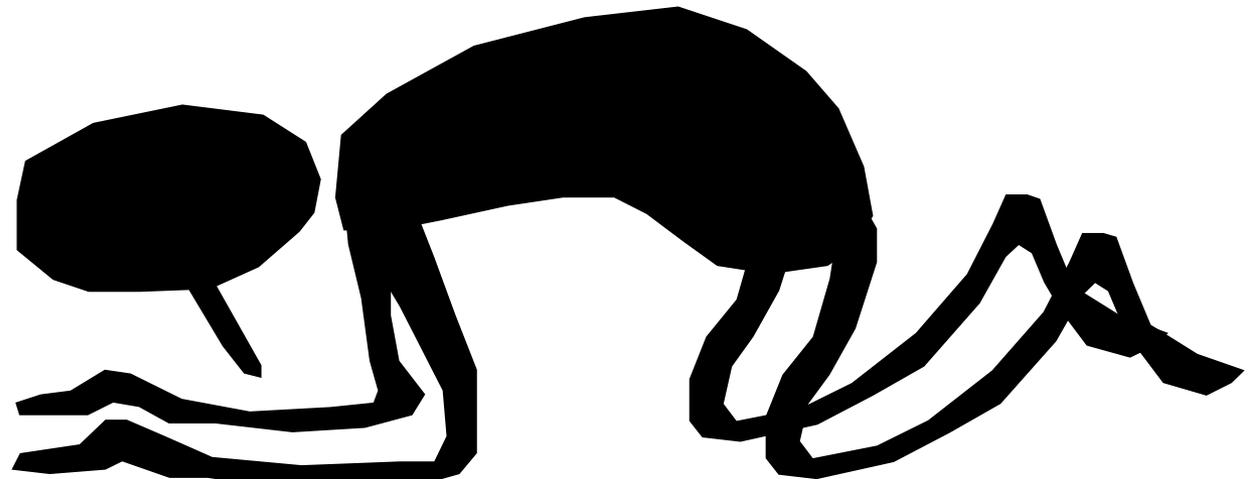
Sexual Contact means the **intentional touching** of the recipient's or employee's **intimate parts** or the touching of the clothing covering the immediate area of the recipient's or employee's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a **sexual purpose**, or in a **sexual manner** for any of the following: (i) **Revenge**, (ii) **To inflict humiliation**, OR (iii) **Out of anger**



2. ABUSE CLASS II:

Means any of the following

- 
- A. A non-accidental act, or provocation of another act, by an employee, which caused or contributed to NON-SERIOUS physical harm to a recipient.





NON-SERIOUS HARM means physical damage or what could be reasonably construed as pain suffered by a recipient that a physician or nurse determines could not have caused or contributed to the death of a recipient, the permanent disfigurement of a recipient, or an impairment of his or her bodily functions.



B. The use of UNREASONABLE FORCE on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm

Can only be used to prevent harm to herself or himself or others ONLY ABSOLUTELY AS LAST RESORT!

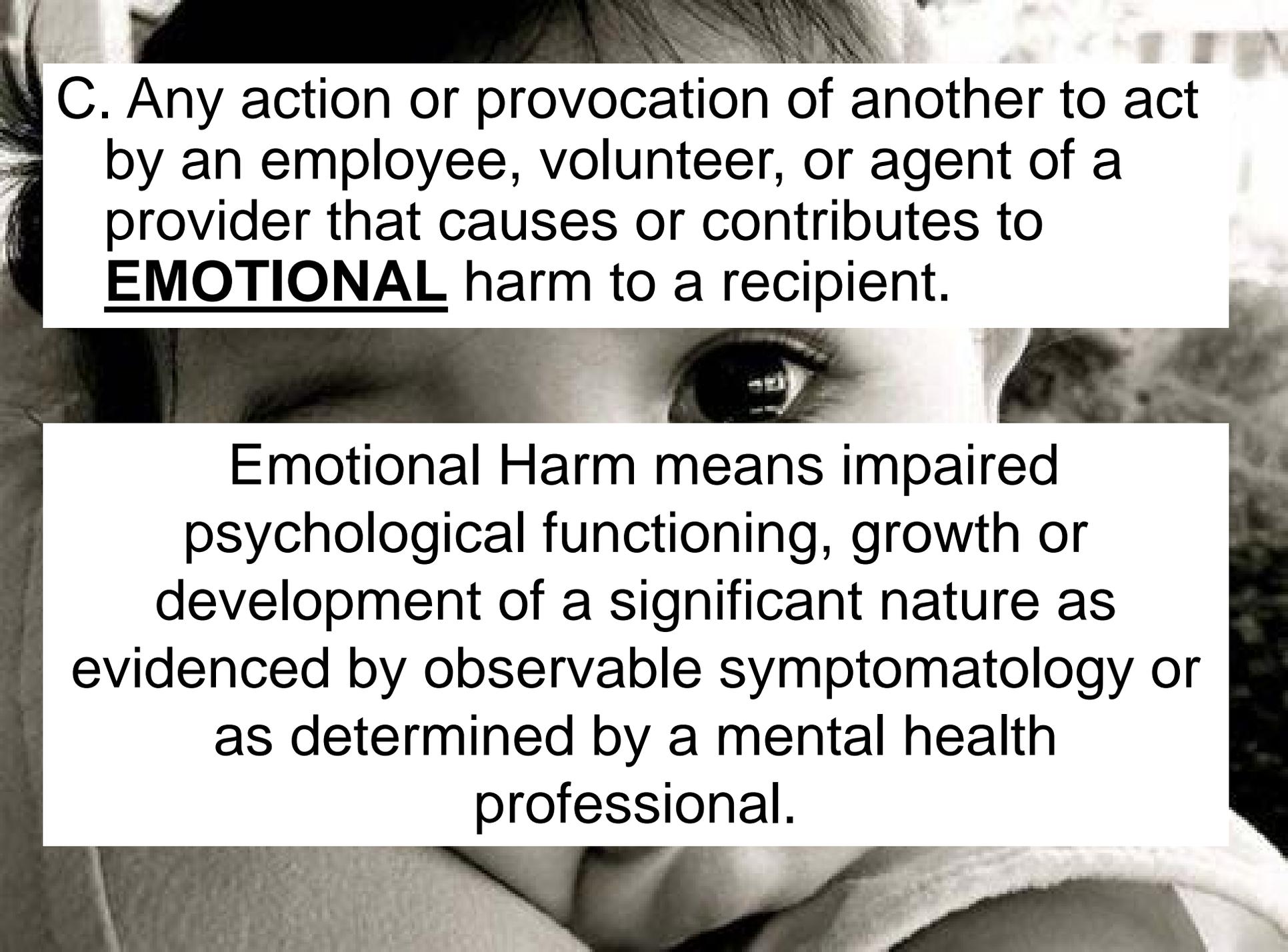
Prone Restraint face down can NEVER be used

Remember:

Physical Management is NOT an approved technique when working with our consumers and cannot be part of the plan of service.

Unreasonable Force means: Physical management or force that is applied by an employee, volunteer, or agent of a provider to a recipient where there is no imminent risk of significant injury to the recipient, staff, or others or that is any of the following:

1. Not in compliance with approved behavior management technique.
2. Not in compliance with the recipient's individual plan of service.
3. Use when other less restrictive measures were not attempted immediately before the use of physical management or force.



C. Any action or provocation of another to act by an employee, volunteer, or agent of a provider that causes or contributes to **EMOTIONAL** harm to a recipient.

Emotional Harm means impaired psychological functioning, growth or development of a significant nature as evidenced by observable symptomatology or as determined by a mental health professional.

D. Any action taken on behalf of a recipient by a provider who assumes the recipient is incompetent, despite the fact that a guardian has not been appointed that results in substantial **ECONOMIC**, **MATERIAL**, or emotional harm to the recipient.

This includes borrowing money from a consumer or a consumer borrowing money from a staff this would be unacceptable for any reason.



EXPLOITATION

of a recipient by an employee, volunteer,
or agent of a provider.



Exploitation means an action that involves
misappropriation or misuse of a recipients property
or funds.



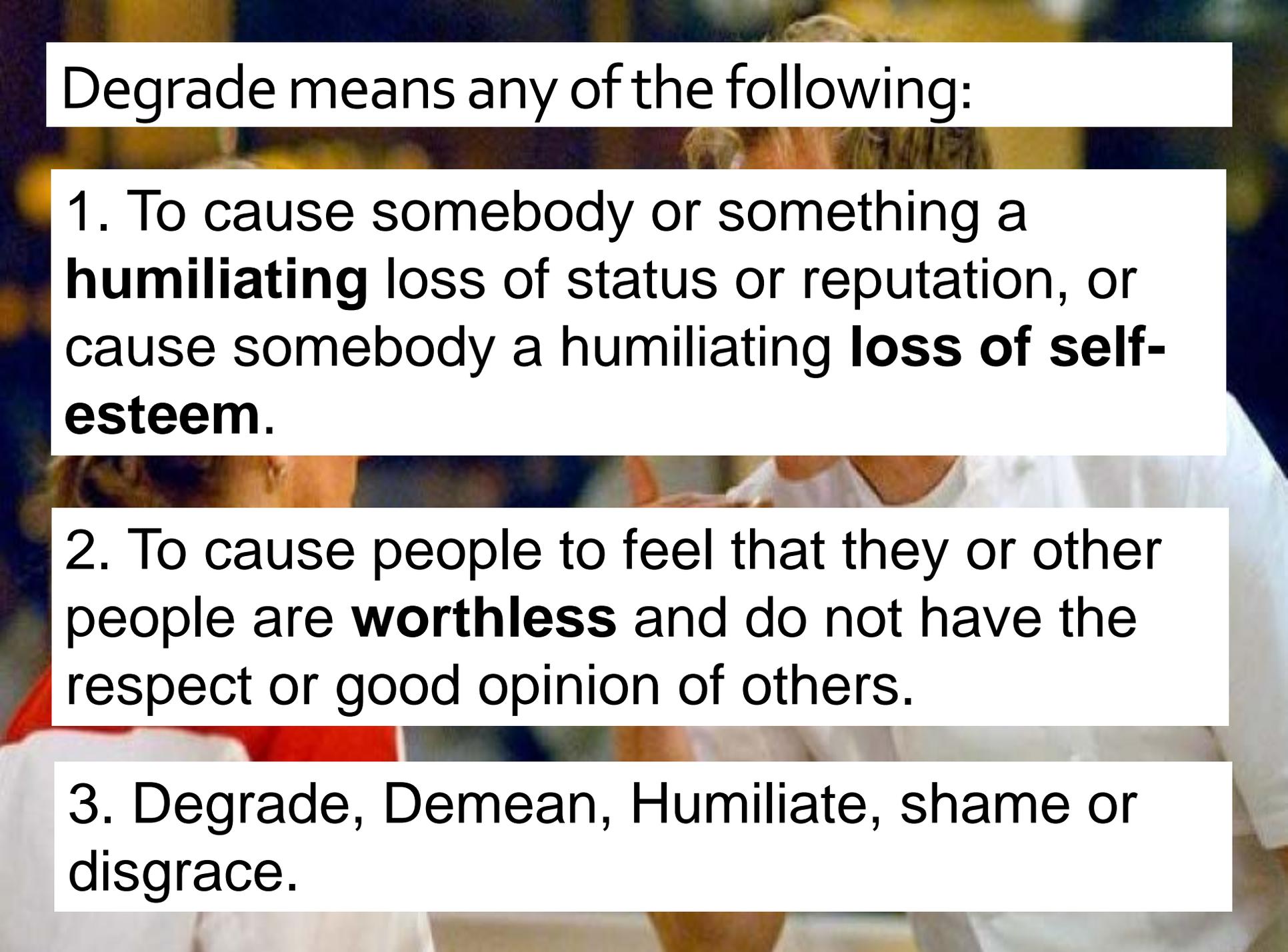
3. ABUSE CLASS III

Means use of language or other means of communication by an employee to

A. DEGRADE or

B. THREATEN or

C. SEXUALLY HARASS a Recipient



Degrade means any of the following:

1. To cause somebody or something a **humiliating** loss of status or reputation, or cause somebody a humiliating **loss of self-esteem**.

2. To cause people to feel that they or other people are **worthless** and do not have the respect or good opinion of others.

3. Degrade, Demean, Humiliate, shame or disgrace.



3. **Swearing** at a recipient, being **sarcastic**, **teasing**, **making fun**, or **harassing** a recipient.

4. To use language or expressions that insult a person's heritage, mental status, race, sexual orientation, gender, intelligence, etc.

Threaten means any of the following:

1. To utter **intentions of injury or punishment** against an individual.

2. To express a **deliberate intention to deny** the well-being, safety, or happiness of somebody unless the person does what is being demanded

3. Tell them you **will hurt them** or cause problems if they **do not do what you want.**

A person is holding a large, red, octagonal sign with a white border. The sign is positioned in the center of the frame, and the person's hands are visible at the bottom corners of the sign. The person is wearing a pink top and blue jeans. The background is plain white.

Sexual Harassment means sexual advances to a recipient, requests for sexual favors from a recipient, or other conduct or communication of a sexual nature toward a recipient.

What is Neglect? What do you think of?

CARE

NEGLECT

Commission: Doing something wrong

Omission Failing to do the right thing

Neglect is an employee **NOT** doing something required by law, rules, or program plan, which causes injury or places a recipient at risk. Neglect also includes not reporting abuse or neglect.

There are 3 classes of Neglect. The most serious can lead to criminal charges.

1. NEGLECT CLASS I

Means an act that causes or contributes to

1. The DEATH of a Recipient OR
2. SERIOUS PHYSICAL HARM TO A Recipient OR
3. The SEXUAL ABUSE of a recipient OR
4. The failure to REPORT apparent or suspected Abuse Class I or Neglect Class I of a recipient.

BEFORE YOU CONTINUE...

2. NEGLECT CLASS II

Means an act that causes or contributes to

1. The NON-SERIOUS physical harm to a recipient OR
2. The EMOTIONAL HARM to a recipient OR
3. The failure to REPORT apparent or suspected Abuse Class II or Neglect Class II of a Recipient



3. NEGLECT CLASS III

Means an act by an employee that:

1. Either **PLACED** or **COULD HAVE PLACED** a recipient at risk of harm or (NOTE: No actual harm has to occur)
2. The **failure** to **REPORT** apparent or suspected Abuse Class III or Neglect III of a Recipient.



Note: No actual harm has to occur to the recipient in Neglect Class III, it is only required that the recipient be placed in a situation where there is, or could be, a risk of harm



REPORT

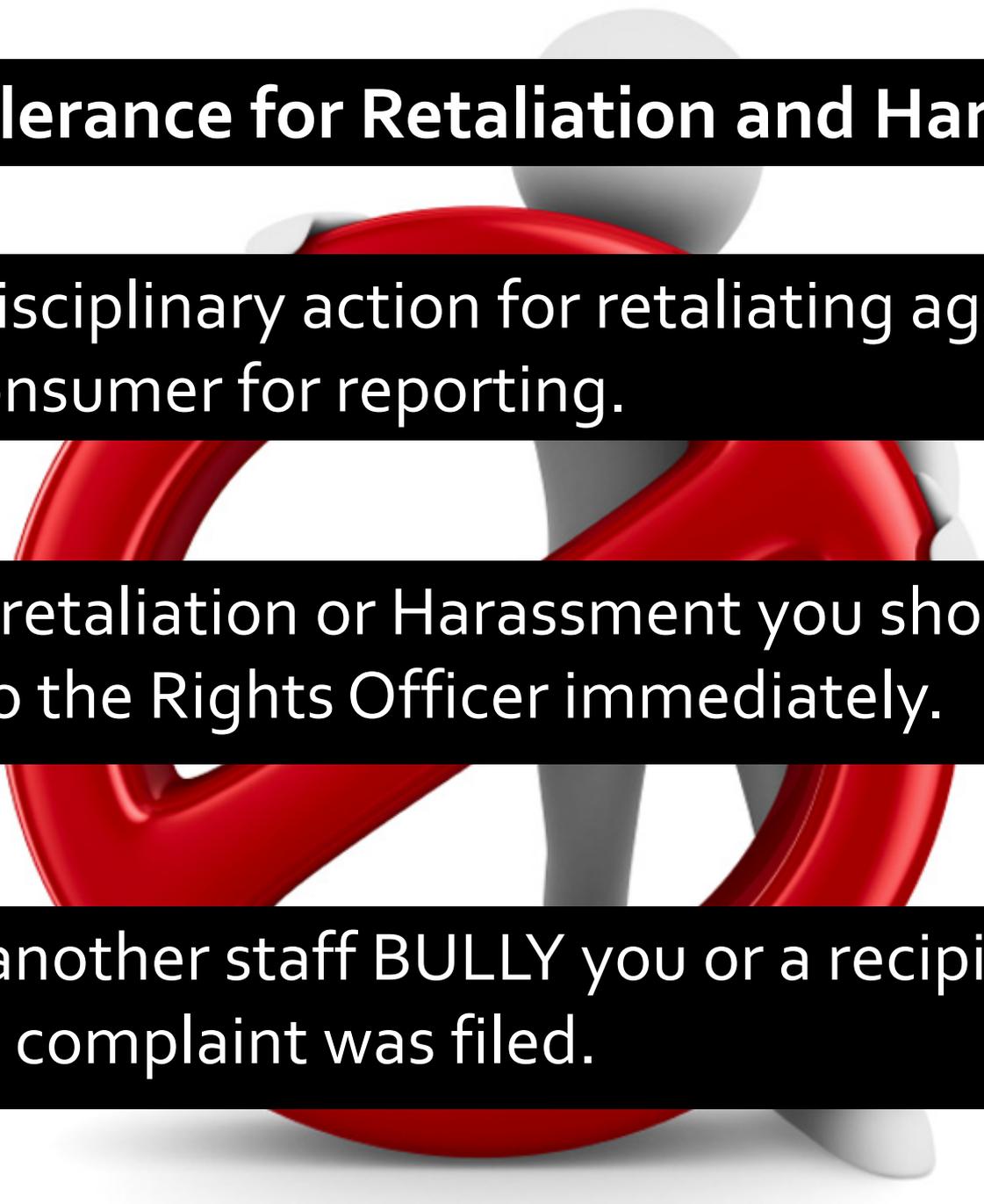
If you **suspect** that abuse or neglect continued to an injury contact the Rights Officer immediately and complete a complaint form.



- You can be **Anonymous**, Lisa Jolly can be reached at 245-8279 (Direct Line)

- Abuse and Neglect must be reported immediately, you may also have to contact Protective Services and Licensing.

- Examples Include the following:
 - Hitting a consumer
 - Passing the wrong medication to a consumer
 - You overhear a staff being rude and they apologize you still have to report it.



ZERO tolerance for Retaliation and Harassment

There is disciplinary action for retaliating against a staff or consumer for reporting.

If you see retaliation or Harassment you should report it to the Rights Officer immediately.

Don't let another staff BULLY you or a recipient because a complaint was filed.

During the COVID 19 Crisis we are allowing electronic exchange of pictures to parents, guardians, family members ONLY if you have consent from the guardian, this includes facetime, texting, or e-mails. It does NOT include facebook, Twitter, Snap Chat, Tick Tock or other forms of social media. You can accept VERBAL consent with a written consent form mailed to the guardian.

CORPORATE COMPLIANCE



Any release of PHI
(Protected Health Information), Fraud,
Falsifying documentation, Never share
Login/Password. Report violations to
Michelle Gould-Rice

Appeals and Grievances



If a recipient is not satisfied with their services, if their services have been terminated, suspended or reduced.

For example they are going to program 5 days a week and their days are reduced to 2 days a week.

Person Centered Planning:

Read the goals and history refresh new goals at every periodic review.

Restrictions and Limitations:

Remember it must be in the Plan of Service

Restrictions include limited phone use, visitors, access to something preferred, community access.





Self Determination: Is giving consumers the opportunity to control a fixed sum of dollars, using these resources to determine which services and supports they will purchase from whom and under what circumstances.



SAFETY FIRST



Emergency Drills

If a consumer refuses to participate in a fire drill you cannot **FORCE** them to do a drill or use Physical Management.

Safety should be 1st priority!



Home and Community Based Issues:

Focus on Choice for example Food items, activities, room decorations, and locks on their doors.



Disguising Comments as a Joke - Here comes trouble, You are so much work, Refusing to listen to your consumer. Teasing a consumer even if you say you are joking is **NOT** appropriate!

Pay extra attention to how you say it!



**Burnout: WHAT CAN YOU DO? Emotional
Exhaustion, Trauma Informed**

WHAT CAN YOU DO? Opportunity for supervision • Trauma-specific incident debriefing • Training • Self-care • other organizational support

Medication Reminders:

If you run out of medications ANYONE can call the Pharmacy follow your agency's protocol's but make sure that a consumer does not go without medications.

NEVER leave medications **unlocked or HIDE the med key.**

Pay attention to the 5 R's **PERSON, MED, ROUTE, TIME, DOSE.**

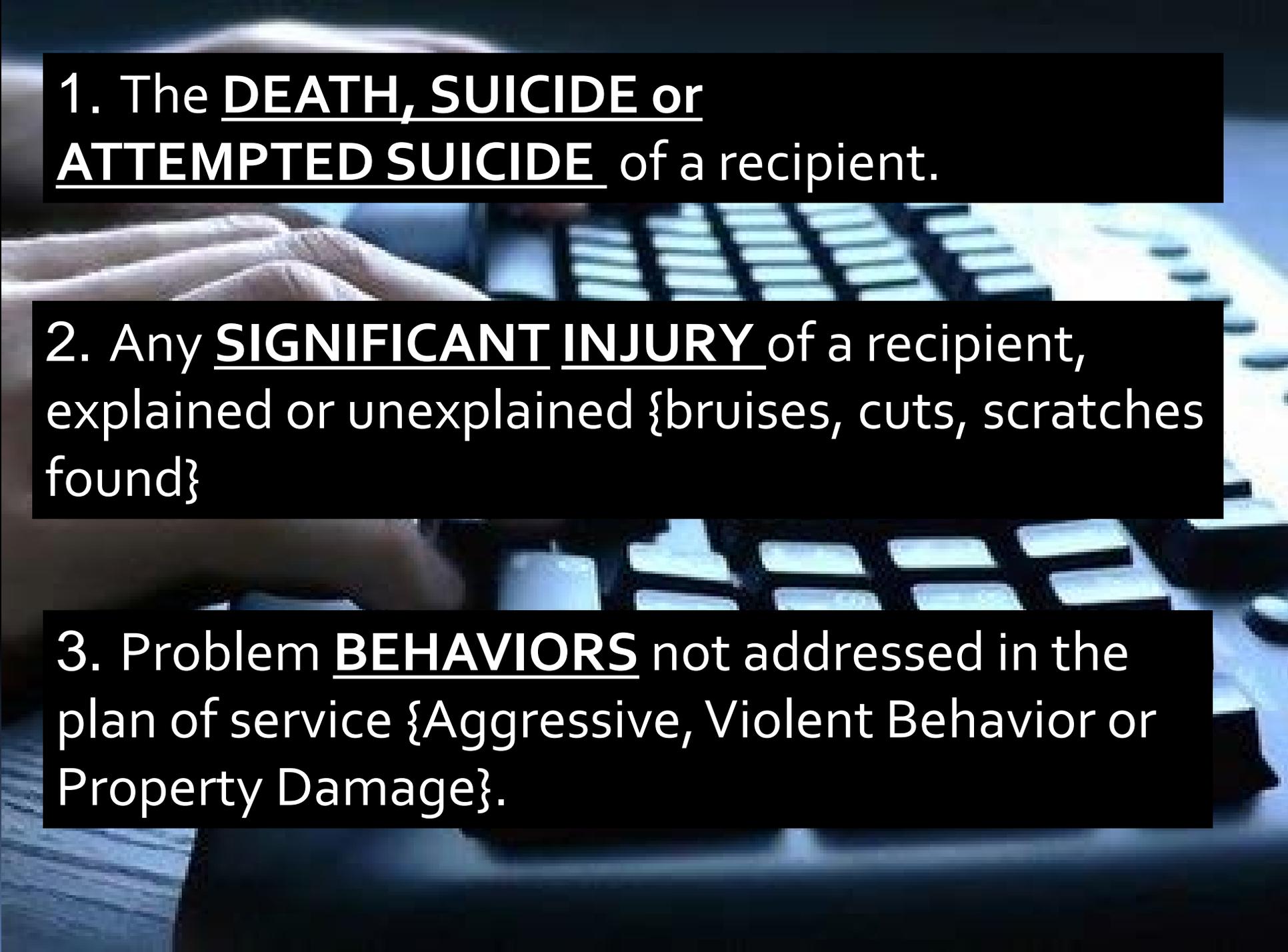
Genoa Pharmacy # is **810-245-4950**



Incident Reporting



Means an occurrence that disrupts or adversely affects the course of treatment of care of an individual, or the unit management or facility administration; and shall include but it not limited to the following:

A close-up, slightly blurred photograph of a person's hands typing on a laptop keyboard. The lighting is dim, with a blueish tint, and the focus is on the keys and the person's fingers.

1. The DEATH, SUICIDE or ATTEMPTED SUICIDE of a recipient.

2. Any SIGNIFICANT INJURY of a recipient, explained or unexplained {bruises, cuts, scratches found}

3. Problem BEHAVIORS not addressed in the plan of service {Aggressive, Violent Behavior or Property Damage}.

4. Any HOSPITALIZATIONS, AMBULANCE calls or trips to URGENT CARE or ER for injuries, accidents, med errors, Harm to self or others, Medical illness, or other issues.

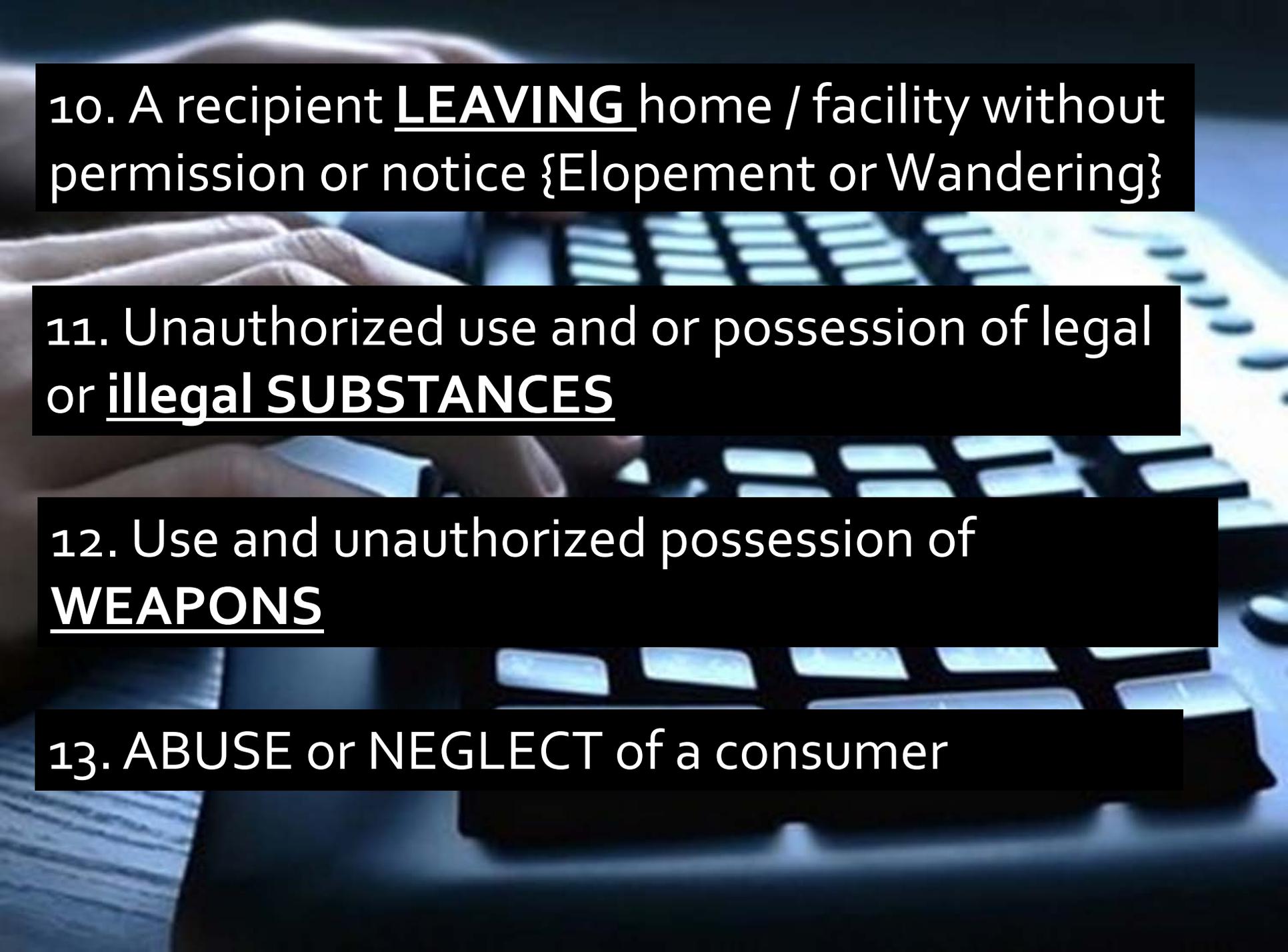
5. Inappropriate SEXUAL TOUCHING or SEXUAL ASSAULT {inappropriate touching of others}

6. Medication ERRORS {Too many passed, not passed, refusals, consumer got the wrong medication, Missed Meds}

7. Any use of EMERGENCY PHYSICAL INTERVENTION {Remember this is NOT an approved technique. Restraint and Seclusion is prohibited in any situation}

8. A traffic ACCIDENT involving a recipient

9. Any contact with the POLICE for behavioral crisis situations or to make a report, this would include if a consumer is arrested.



10. A recipient LEAVING home / facility without permission or notice {Elopement or Wandering}

11. Unauthorized use and or possession of legal or illegal SUBSTANCES

12. Use and unauthorized possession of WEAPONS

13. ABUSE or NEGLECT of a consumer

Incident Reporting Reminders:

1. Be **TIMELY** Must receive within 48 Hours, Fax is acceptable unless you are logged onto OASIS.
2. Just give me the **FACTS** of the incident. What happened **BEFORE, DURING, and AFTER**
3. **DO NOT** code staff names for example Staff A Staff B you **MUST** use staff names and make sure you indicate who is working during the incident.

Crisis Intervention and Planning

If you have any Emergency you have several options:

- ✓ Call 911
- ✓ Go to the Emergency Room
- ✓ Call CMH After Hours # 810-667-0500

Lapeer County Community Mental Health

Lisa Jolly, Recipient Rights Officer

ljolly@lapeercmh.org

810-667-0500 (Main #)

810-245-8279 (Direct Line)

810-529-0580 (Cell)

810-664-8728 (Fax)

All Voice Mails are Confidential!

ANY
QUESTIONS?

