



RIGHTS CHAMPION

Volume 4, Issue 2, June 2020

INSIDE THIS ISSUE		<p>“RIGHTS CHAMPION of the YEAR” – Cheryl LaFrance Cheryl LaFrance was named the “Rights Champion of the Year” due to her life-long commitment to advocating for the rights of individuals with disabilities. Congratulations, Cheryl!</p> <p>Cheryl serves as the Adult Advocate for The Arc of St. Clair County. In this role, Cheryl has supported individuals with disabilities, and their family members, in a myriad of ways to ensure their rights are protected, their voices are heard, and they are offered opportunities for full inclusion and participation in their communities. Thank you, Cheryl, for all you do—on a daily basis—to make a difference in the lives of others.</p>
RIGHTS CHAMPION AWARDS	Pg 1	<p>“RIGHTS CHAMPION – TEAM of the YEAR” Mayfield Group Home, operated by Innovative Housing Development Corporation, was named the “Rights Champion—Team of the Year” due to their commitment to teamwork. Congratulations, and job well done on your combined efforts to support an individual served by your facility!</p> <p>Mayfield Group Home Team Members include: William Donaldson, Moeta Fabelo, Lynda Fogel-Simpson, Meredith Gates, Wendy Halliday, Dayna Landschoot, Mariah Love, Lora Monaghan, Aleesha Mugridge, Kristen Osko, Desire Richardson, Lisa Scouten, Nicole Theeuwes, Gloria Valentin, and Cathy Ward.</p>
HIPAA, CONFIDENTIALITY, and ENCRYPTION	Pg 2	<p>“RIGHTS CHAMPION” Awards Program The “Rights Champion” awards program recognizes individuals and teams for their extraordinary contributions to the Rights Protection System. Award recipients are recognized in this publication and on the SCCCMHA Facebook page, and receive a letter, certificate, and tumbler as a token of appreciation for their efforts. Award recipients are also eligible for the Rights Champion of the Year, and Rights Champion Team of the Year awards.</p> <p>Award recipients for the second quarter include:</p>
FOCUS ON RIGHTS ABUSE: CLASS III	Pg 3	<p>JANUARY — Erin Goodman Innovative Housing Development Corporation Category: Innovation/Creativity</p> <p>FEBRUARY — Cheyenne Johnston St. Clair County Community Mental Health Authority Category: Dignity & Respect</p> <p>MARCH — Mary Beth Fleury Life Skills Centers, Inc. Category: Dignity & Respect</p>
COMPLAINT SYSTEM & REPORTING REQUIREMENTS	Pg 4	



HIPAA, Confidentiality, and Encryption

The Mental Health Code requires that information in the record of a recipient, and other information acquired in the course of providing mental health services to a recipient, shall be kept confidential and is not open to public (third party) inspection.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), and its Privacy Rule and Security Rule, requires that covered entities and their business associates ensure protected health information (PHI) transmitted in any form, whether electronic, paper, or oral, is protected. As such, all PHI transmitted via electronic means by St. Clair County Community Mental Health (SCCCMH, a covered entity) and its contract providers (a covered entity's business associates) must be encrypted.

What does this mean?

If you are an employee of SCCCMH and you intend to send an e-mail communication from your SCCCMH e-mail address to a party who does not have a SCCCMH e-mail address, and that communication includes PHI, you **MUST** encrypt the e-mail communication.

Example: An e-mail communication that includes PHI sent from tdelor@scccmh.org to johnson@region10pihp.org MUST be encrypted to ensure compliance with HIPAA requirements.

In addition, if you send an e-mail communication from your agency e-mail address to multiple recipients/guardians, you must ensure all e-mail addresses are entered into the **BCC line** of the e-mail. This will ensure the e-mail addresses of all the recipients/guardians are not visible to any of the intended recipients of the e-mail communication. This ensures the recipients' PHI is protected. To note: *BCC = blind carbon copy.*

Further, and as an example, if you forward an e-mail communication from your SCCCMH e-mail address to a party who does not have a SCCCMH e-mail address, and any part of the communication includes PHI—whether you typed/included the PHI or not—you **MUST** encrypt the e-mail communication.

Example: If a school social worker sends you an e-mail communication that includes PHI about a student/person you serve, and you forward the communication to DHS, you MUST encrypt the message to ensure compliance with HIPAA requirements.

Protected Health Information (PHI) includes:

- > Name
- > Address
- > Telephone Number/Fax Number
- > Date of Birth
- > Social Security Number
- > E-mail Address
- > Vehicle Identifiers (license plate number, registration, etc.)

If any of the above identifiers are coupled with information that indicates services/supports were provided to an individual in the course of the diagnosis or treatment of a health condition, the communication must be encrypted.

To safeguard against HIPAA/confidentiality violations, SCCCMH encourages all OASIS users to utilize the secure messaging feature in OASIS when sharing protected health information. For more information on secure messaging, please contact Michelle Measel-Morris, Support Services Director, at mmeasel-morris@scccmh.org.

FOCUS ON RIGHTS — Abuse: Class Three

Per the Mental Health Code, Section 330.1722, a recipient of mental health services shall not be subjected to abuse or neglect.

Per the Michigan Department of Health and Human Services Administrative Rules, R 330.7001, Abuse: Class Three is defined as “the use of language or other means of communication by an employee, volunteer, or agent of a provider to degrade, threaten, or sexually harass a recipient.”

Per SCCCMHA policy #05-001-0045, Reporting Suspected Abuse & Neglect, degrade means: “Treat humiliatingly: to cause somebody a humiliating loss of status or reputation or cause somebody a humiliating loss of self-esteem; make worthless; to cause a person to feel that they or other people are worthless and do not have the respect or good opinion of others. (syn) degrade, debase, demean, humble, humiliate. These verbs mean to deprive of self-esteem or self-worth; to shame or disgrace. (b) Degrading behavior shall be further defined as any language or epithets that insult the person’s heritage, mental status, race, sexual orientation, gender, intelligence, etc.,” and threaten means: “To tell someone that you will hurt them or cause problems if they do not do what you want.”

Ways to Protect a Recipient’s Right to be Free from Abuse: Class Three

- Ensure employees/volunteers do not use profanity (swear words) or profane gestures (use of the middle finger) when communicating with a recipient or while communicating with others in the presence of a recipient.
- Ensure employees/volunteers do not use degrading/threatening language or gestures when communicating with a recipient or while communicating with others in the presence of a recipient.
- Ensure employees/volunteers do not use language or gestures of a sexual nature when communicating with a recipient or while communicating with others in the presence of a recipient.

The above expectations of conduct for employees/volunteers include all communications with recipients or communications that occur in the presence of recipients, to include communications whereby a recipient introduces and/or uses profanity, profane gestures, degrading language, degrading gestures, threatening language, threatening gestures, or language/gestures of a sexual nature when interacting with an employee/volunteer/other party.

To note: If a recipient’s behavior escalates, employees/volunteers should utilize the reactive strategies included in the recipient’s Individual Plan of Service and seek the assistance of the recipient’s treatment team. Employees/volunteers should exhibit self-control and patience, and use their training to respond to the situation at hand.

If an employee/volunteer determines there is an imminent risk of serious or non-serious physical harm to a recipient, staff, or others, emergency interventions may be utilized; however, these interventions may only be utilized after other less restrictive measures have been attempted and proved unsuccessful. The emergency interventions authorized by the State of Michigan include the use of physical management (as approved by the CMH), and the use of law enforcement (after physical management was unsuccessful/unsafe to attempt).

OFFICE OF RECIPIENT RIGHTS

The policy of St. Clair County Community Mental Health Authority (SCCCMHA) is that all staff members/volunteers who suspect or know that a recipient's rights have been violated are required to file a complaint with the Office of Recipient Rights.

Please note: An Incident Report form is not a complaint form.

When reporting an apparent or suspected violation of a recipient's rights, staff members/volunteers must complete a Recipient Rights Complaint Form. Complaint forms are available at every service site operated by or contracted with SCCCMHA. In addition, complaint forms are available on the SCCCMHA web-site: www.scccmh.org.

How to File a Complaint:

- 1.) **Mail a completed complaint form to:**
Office of Recipient Rights
3111 Electric Avenue
Port Huron, MI 48060
- 2.) **Fax a completed complaint form to:**
Office of Recipient Rights at (810) 966-3393
- 3.) **Call the Office of Recipient Rights at:**
(810) 985-8900, or
- 4.) **Visit the Office of Recipient Rights**
and report your complaint in-person (address in #1)

If you have questions about filing a complaint and/or the complaint investigation process, please call Telly Delor, Recipient Rights Director, at (810) 966-3743.

Office of Recipient Rights – Complaint Investigation Process

To ensure the complaint investigation process is confidential, the names and statements made by recipients and witnesses must be protected throughout the complaint process. As such, the investigative reports are issued to supervisory/management team staff members with the expectation that they are not shared with the accused staff member. In addition, supervisory/management team staff members are not permitted to disclose the names of or statements made by the witnesses interviewed during a complaint investigation.

As a reminder, investigative reports may not be placed in personnel files; however, evidence of corrective/disciplinary action issued to staff members/volunteers as a result of substantiated recipient rights complaints should be placed in personnel files.

Please note: The Office of Recipient Rights will not notify the accused staff member/volunteer of the outcome of an investigation. This notification is the responsibility of the responsible provider agency, and, if disciplinary action resulted from the complaint, the notice must be sent via first-class mail to meet the requirements of the Bullard-Plawecki Employee Right to Know Act.

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About this publication...

The "Rights Champion" newsletter was developed in an effort to reduce recipient rights violations by providing information to staff members and volunteers about the Rights Protection System. Should any staff member/volunteer have a rights related question, they are welcome to call the St. Clair County Community Mental Health Authority—Office of Recipient Rights at (810) 985-8900.