

WCHO PIHP POLICY for the COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN	<i>Policy and Procedure</i>
Department: Human Resources Author: Larry Newberg	<i>Ethics and Conduct</i>
Approval Date Revision Approved 7/19/11	Local Policy Number (if used) Implementation Date Policy has been implemented since 11/16/07 Current Revision implemented 7/19/11

I. PURPOSE

The policy establishes guidelines which ensure that all persons will perform ethically and professionally.

II. REVISION HISTORY

DATE	REV. NO.	MODIFICATION
8-27-07	1	Original document
3-29-11	2	Re-formatted; Peer Support Specialists clarified; the authority and role of the Affiliation Ethics Committee; role of supervisor detailed; the Role of the Employee Exit Interviewer was added; Gift Giving/Receiving was expanded; Professional Boundaries section clarified

III. PERSONS AFFECTED

The policy applies to all staff of the WCHO as the Prepaid Inpatient Health Plan (PIHP) and all Comprehensive Specialty Services Network (CSSN) staff within the Community Mental Health Partnership of Southeast Michigan (CMHPSM), including all students, volunteers and those independent practitioners under contract with affiliation members.

IV. POLICY

This policy establishes that all work shall be performed in an ethical and professional manner as determined by statute, code, accrediting organization standards, and professional organizations' code of conduct standards. This includes engaging in courteous, respectful relationships with co-workers, other health care providers, educational institutions, payers and people served. Principles of autonomy, compassion, safety, privacy, informed consent, competence and other related principles shall be demonstrated. Any and all ethical and relationship questions, issues or dilemmas arising from work relationships should be discussed proactively with a supervisor.

V. DEFINITIONS

Comprehensive Specialty Services Network (CSSN)
Prepaid Inpatient Health Plan (PIHP)

VI. RESPONSIBILITIES

This policy establishes the roles, functions and activities for supervisors, staff, students, volunteers and independent practitioners under contract with the PIHP or affiliate members of the CMHPSM. It also establishes the role and responsibility of the Affiliation Ethics Committee.

VII. STANDARDS

This policy establishes the standards for all supervisors, staff, students, volunteers of the PIHP or CSSN, as well as all independent practitioners under contract with the PIHP and/or affiliate members of the CMHPSM. These standards include:

- A. All consumers, family members, community members, other treatment providers and internal colleagues shall be treated with the utmost respect, courtesy, compassion and dignity.
- B. In making decisions, primary consideration should be given to what is in the best Interest of the consumer or what the consumer desires.
- C. It is the responsibility of immediate supervisors to ensure the behavior of their employees is not in violation of the provisions of this policy or its guidelines.
- D. All licensed and registered professional employees of any affiliation organization shall abide by their profession's Code of Ethics.
- E. When in doubt about the ethical dimensions of a particular situation, a proactive approach shall be taken by discussing the situation with a supervisor or appropriate administrator.
- F. Any staff member whose cultural, religious or moral values conflict with aspects of a particular job responsibility or task may ask his or her supervisor to be excused from that responsibility or task. The supervisor shall seek other options for addressing that particular job responsibility by other staff and grant the request only if there is no negative impact on consumer care as a result of doing so.
- G. Clinical decisions shall be based on the assessed needs and desires of the consumer regardless of how leaders, managers and clinical staff are compensated and regardless of how financial risk is shared with them.
- H. Service referrals given to current or past consumers or service applicants shall not be influenced by any consideration of possible financial or personal gain for the referring person or his or her family members.
- I. All new employees shall be informed during orientation of their obligation to follow this policy and its guidelines and shall provide written verification of having been thus informed. Any time there is a significant change made to this policy, all staff shall be informed and new signatures shall be obtained and placed in the personnel file.
- J. A CMHPSM Ethics Committee serves a consultative and advisory function. It shall consist of representatives appointed by the directors, will be responsible for discussing, examining and making recommendations on ethical issues requiring special attention due to their complexity, lack of staff consensus, sensitivity, uniqueness or other challenging feature. The Committee shall be responsible for developing Affiliation staff training on ethics and ensuring its provision.

- K. The CMHPSM Ethics Committee’s review process is a retrospective peer review process to improve services and/or enhance treatment for consumers. Any records, data and knowledge collected in this process are confidential; therefore this information is not available under the Freedom of Information Act (FOIA) or by court subpoena
- L. All staff, students and volunteers shall utilize their administrative chain of command and formal grievance procedure should they feel they are being asked to engage in an unethical activity.
- M. Workers are encouraged to report observations of unethical conduct. There shall be no retaliation or repercussions for such good faith reporting
- N. Violations of any of the provisions or guidelines of this policy may be cause for disciplinary action up to and including immediate termination of employment.

VIII. EXHIBITS

- A. Ethical Guidelines
- B. Request Not To Participate In Treatment
- C. Ethical Practical Agreement

IX. REFERENCES

Reference:	Check if applies:	Standard Numbers:
42 CFR Parts 400 et al. (Balanced Budget Act)		
45 CFR Parts 160 & 164 (HIPAA)		
42 CFR Part 2 (Substance Abuse)		
Michigan Mental Health Code Act 258 of 1974		
The Joint Commission - Behavioral Health Standards	X	
Michigan Department of Community Health (MDCH) Medicaid Contract		
MDCH Substance Abuse Contract		
Michigan Medicaid Provider Manual		
PIHP Policy Review Schedule	X	
Policy Tracking Form		

X. PROCEDURES

<u>WHO</u>	<u>DOES WHAT</u>
Orientation or New Hire/Start	
Orientation leader/Supervisor	During orientation, familiarizes new staff with this policy and informs them that he or she may ask not to participate in a specific aspect of care because of cultural values, ethics or religious beliefs. As appropriate, ensures that new staff are familiar with their profession's Code of Ethics
All staff, students, or volunteers	Sign the Ethical Practices Agreement (Attachment B).

Requesting Exclusion Due to Cultural, Religious or Ethical Reasons

Employees requesting to be excused from an aspect of their job duties	Submit the request on The Ethical Practices Agreement: Request Not to Participate in Treatment form (Attachment C) to his or her supervisor. The request shall include the cultural, ethical or religious reasons, in addition to the aspect of care they do not want to participate in.
Supervisor	Reviews the request and discusses with his or her Program Administrator / Program Director / Department Head. The request will be reviewed for appropriateness and a determination of whether request can be accommodated will be made. Records plan/decision on the form.
Program Administrator / Program Director / Department Head	Signs Request Not to Participate in Treatment form and returns to Supervisor.
Supervisor	Reviews decision with requesting person.

Resolving Ethical Issues

All staff, students, or volunteers	Identify an ethical issue. Talk with their supervisor.
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If the issue is complex, sensitive, unique, controversial or has some other challenging feature, may request a review by the CMHSPM Ethics Committee.

In conjunction with their supervisor, contact the Ethics Committee Chair and request a review of the issue(s).

CMHSPM Ethics Committee Chair

Determines if the request for a review is appropriate for Ethics Committee review.

If appropriate, convenes the CMHSPM Ethics Committee and includes ad hoc members based on the nature of the issue and invites those who wish to present the issue to the Committee.

CMHSPM Ethics Committee

Hears the situation and makes those inquiries necessary to ensure a full understanding of the situation.

Reaches a set of consensus recommendation and spells out any recommended plans of action.

Ensures that staff members initially involved in the ethical issue fully understand the reasons for the recommendations

Develops and implements a dissemination plan to inform others who may gain from applying the recommendations to their own practices.

Employee Exit Interviewer

Solicits feedback from the exiting employee regarding their having observed any unethical behavior while employed. If such information is obtained, shares it with the local Ethics Committee (or its equivalent) and / or the CMHSPM Ethics Committee for review and recommendations.

EXHIBIT A

ETHICAL GUIDELINES

1. Respect and Dignity

The ethical worker treats everyone, whether colleagues or consumers, with courtesy, respect and dignity, always being open to their unique characteristics, their unique histories and to the person as a whole. This is evident in their speech, appearance, manner, attitude and behavior.

2. Worker as Guide, Support and Provider of Assistance

The ethical worker guides, empowers and advocates for the people he or she serves, maintaining a focus on their desired outcomes and on helping them find their own way.

The focus of the relationship is on the needs of the person being assisted, not those of the worker. However, the ethical worker does not allow the needs or desires of the person to lead to a loosening of professional relationship boundaries which are always respected and maintained.

People are supported in deciding for themselves if, when, where, and how to use professional and non-professional supports and services.

3. Gift Giving and Receiving

Neither money nor gifts are given to nor accepted from consumers or their families unless the ethical worker requests that his or her supervisor make a specific exception and then receives approval for the exception by the supervisor. The ethical worker is aware of the multiple perceived meanings and underlying intents that receiving or giving a gift may have for a consumer and worker, meanings and intents that may interfere with the maintenance of an ultimately effective working relationship.

4. Worker as Role Model

The ethical worker recognizes that his or her values, beliefs, actions, and problem-solving methods impact others, both consumers and staff members, and acts accordingly.

5. Autonomy and Shared Power

In providing services, the ethical worker promotes consumer autonomy and shared power, never exerting strong influence on a person unless there is a clear and immediate threat to the person's or others' safety or health.

Consumers are given the freedom to make their own decisions. The ethical worker offers suggestions rather than directives, identifies and explores options and choices and discusses possible consequences of the consumers' decisions.

6. Compassion

The ethical worker demonstrates compassion in dealing with others, appreciating their struggles, their pain, our common humanity, and protecting them from imminent risk of harm.

The ethical worker advocates for and with the person on his or her own behalf.

7. Fairness and Justice

The ethical worker provides fair and just access to services, as well as fair and just ongoing care, never discriminating on the basis of race, color, gender, sexual orientation, religion, national origin, marital status, disability or other personal characteristics.

The rights of consumers are acknowledged and protected.

8. Honesty

The ethical worker is honest with consumers and co-workers as well as with himself or herself.

To maximize consumers' ability to make service decisions based on full and accurate information, the ethical worker communicates frankly about his or her role, relevant capacities, intent, limitations and role boundaries.

The ethical worker does not lie, cheat, steal, condone or associate with others who are involved in such activities. He or she does not use his or her position or relationship with consumers for personal advantage or give the appearance of the same.

9. Communication

The ethical worker communicates with consumers openly, clearly, and frequently, doing what is promised, meeting expectations and fulfilling commitments, including those related to appointments and telephone calls.

Ambiguity, confusion and difficulty with consumer situations are to be expected and do not deter the worker from persisting in seeking guidance or consultation.

10. Confidentiality

The ethical worker upholds standards of consumer confidentiality and privacy while being candid about information that cannot be kept confidential and about with whom it can be shared.

The ethical worker also respects the privacy and dignity of co-workers.

11. Competence

The ethical worker performs job duties to the best of his or her ability, being open with supervisors when lacking the skills needed for a particular task and making efforts to enhance skills and competencies through timely professional development activities.

12. Personal Awareness and Self-Care

To fully appreciate each consumer's perspective and, thus, be able to address their unique needs and desires, the ethical worker strives to identify his or her own personal issues, preconceptions, biases and areas of vulnerability and is open to making personal changes.

To reduce stress, time and space is carved out for a variety of self-care activities.

13. Professional Boundaries

The ethical worker always behaves professionally with all consumers served by the CMHPSM, avoiding interactions that are or might be perceived as flirtatious, provocative, threatening or harassing.

The ethical worker never engages in a dating relationship with a person whom the worker directly or indirectly supervises ("indirectly supervises" is defined as having supervisory authority over the person's supervisor as evidenced by the organizational chart), including students and interns.

The ethical worker never engages in a dating relationship with a person whom the worker serves nor is otherwise a consumer of the CMHSP.

The ethical worker does not provide services to individuals with whom they currently have or have had a prior friendship or dating relationship. Previous

infrequent social contact or acquaintanceship would not preclude the provision of services by the worker.

The ethical worker notifies his or her supervisor regarding any past or current personal relationship with a CMHPSM consumer. The worker whose helping relationship is becoming personal or intimate notifies a supervisor, discontinues the relationship and maintains professional boundaries. Direct treatment or support services are not provided to a person if there is intent to develop a personal or intimate relationship with him or her.

The ethical worker respects consumers' religious and spiritual views and preferences and never pressures them to accept the religious or spiritual views of the worker. When initiated by the consumer and agreed upon as being related to an issue in the Individual Plan of Service, the worker may ethically explore spiritual issues with a consumer.

Depending on the worker's comfort and based on a determination that it is in the best interest of the consumer, the ethical worker may choose to disclose their own religious or spiritual views when an inquiry is made by the consumer.

Any worker-consumer service activity of a spiritual or religious nature, e.g., praying with a consumer, requires prior approval by the worker's supervisor as well as the consumer himself or herself.

14. Alcohol and Drugs

The ethical worker never works under the influence of alcohol or illegal drugs.

The worker never purchases illegal substances from consumers, never uses them with a consumer and never sells them to a consumer.

Prescription medication is not be shared with or borrowed from another person.

15. Alternative Interventions

Before engaging in support or treatment activities that might depart from traditional or conventional practices, the ethical worker discusses them with his or her supervisor to ensure their consistency with current professional standards.

16. Consumers' Right to Know

The ethical worker ensures that consumers know and understand the rights, risks, opportunities and obligations associated with being a recipient of services.

Service activities and interventions are explained in understandable terms as are the limits of their impact and the implications and potential consequences of choices made by consumers during the course of service provision.

Consumers are informed of the cost of services and any available financial resources that may help them meet this obligation.

17. Organizational Relationships

The ethical worker, while taking into account funding/financial constraints, bases service provision decisions on standard clinical practice and organization criteria, regardless of how the agency compensates or shares financial risk with leaders, managers, clinicians, or licensed individual practitioners.

The ethical worker does not market or sell outside products or services to consumers or engage in any non-job related activity with them that might result in or give the appearance of financial gain for the worker.

18. Equipment Use

The ethical worker only uses CMHPSM office equipment for CMHPSM business unless otherwise approved by his or her supervisor. Home use of equipment is authorized in advance by the appropriate supervisor or designee.

19. Service Provision and Documentation

The ethical worker ensures that all services types, amount, scope and duration are medically necessary and that their justification is clearly and thoroughly documented.

The ethical worker ensures that all services provided are in accordance with the Individual Plan of Service and with what has been authorized.

Documentation of a provided service is accurate, thorough and clear.

Assistance is obtained when there is uncertainty regarding the documentation requirements of service or financial information.

The ethical worker reports any suspected financial abuse or fraud to the Compliance Officer and follows any other reporting requirements mandated by state or federal law.

20. Political Activity

The ethical worker ensures that any of his or her partisan political activities are conducted separately from his or her job responsibilities.

These activities never occur during those hours when the worker is being compensated for the performance of his or her work duties.

CMHPSM office supplies and equipment are not used for partisan political purposes.

The ethical worker never uses the authority or influence inherent in his or her CMHPSM position to interfere with or influence the results of an election or nomination for office.

The worker never requires contributions for political or partisan purposes as a duty or condition of employment, promotion or tenure and never coerces or compels another CMHSPM employee to make contributions for political or partisan ends for any reason.

EXHIBIT B

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEAST MICHIGAN
ETHICAL PRACTICES AGREEMENT

I, (print name) _____ have read and understand the Ethics and Conduct policy of CMHPSM and I agree to follow its requirements and guidelines including but not limited to the following:

I will not discuss or reveal consumer information to non-agency staff unless required by law and will only discuss or reveal it to agency staff on a need-to-know basis.

I will treat all consumers with dignity and respect.

I will avoid any conflict of interest activities.

I do not have a mental or physical impairment that would interfere with my ability to carry out the requirements of the aforementioned policy.

In situations where my cultural values, ethics or religious beliefs conflict with those of a client to the extent that it influences my ability to provide appropriate services, I understand that I have the right and obligation to discuss this with my supervisor (ATTACHMENT C).

I agree to be bound by applicable state laws including any / all reporting requirements

I agree to meet relevant accreditation standards.

Further, I agree to review the Recipient Rights policies, to be accountable for conducting myself in accordance with them, and to report any care concerns to my supervisor or to the Recipient Rights Officer.

Employee Signature

Date

Employee to turn in signed form to Supervisor

Supervisor Signature

Date

EXHIBIT C

**Ethical Practices Agreement
Request Not to Participate in Treatment**

Complete the following form and submit to your supervisor if there is an aspect of care that conflicts with your cultural values, ethics or religious beliefs:

Employee Name:

Date:

Consumer Name:

Aspect of Care requesting not to participate in:

Reason why (include the cultural values, ethic or religious beliefs that treatment conflicts with):

Resolution (to be completed by supervisor or Program Administrator) (include your conclusion as to whether the request, if granted, will or will not negatively affect treatment)

Supervisor's Signature

Date