

Recipient Rights

Staff Name: _____

Work Place: _____

According to the Mental Health Code:

A recipient is defined as an individual who receives services from a _____ services program or a provider under contract with a community mental health program.

Black Law Dictionary defines a right as:

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

Civil Rights- Those rights defined by the _____ granted to all US Citizens.

Civil Rights that you thought of:

1. _____
2. _____
3. _____

Americans with Disabilities Act- The ADA prohibits discrimination on the basis of _____ in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Persons with Disabilities Civil Rights Act (Michigan Handicappers Act)- Prohibits _____ in every aspect of employment, including discriminatory discharge.

Michigan Mental Health Code- A state law compiled in 1974 that specifies that a recipient of mental health services has the same rights and benefits guaranteed to all other persons living in Michigan and the U.S. Additionally, the code added other rights ensuring that recipients receive treatment suited to their _____. The code also informs mental health staff of their responsibilities under the law in preserving the rights of those individuals to whom they are providing services.

Rights defined by the Mental Health Code:

1. Civil Rights

a. _____ & _____

Examples include but are not limited to calling a person by his or her preferred name, knocking on a closed door before entering, including the person in conversations, using positive language, and speaking with appropriate language, tone, and volume.

b. _____ Expression

c. Freedom from Discrimination

d. Privacy and Freedom from Search

e. Compensation for _____

2. Visitation & Communication Rights

- a. _____ and Receive Mail
- b. To have Visitors
- c. Use the _____
- d. The Ability to Communicate with Legal Counsel
- e. _____ for Writing
- f. Access to Entertainment Materials/ News/ Information

3. Confidentiality and Disclosure Rights - Confidentiality is the principle that all staff must protect written and unwritten information gained while providing mental health services.

- a. In order to provide information we must first have _____ through a Release of Information signed by the consumer or his/her guardian.

4. Environmental Rights - _____ & Humane Treatment Environment

5. Money Rights – A consumer has the right to access his/her own _____.

6. Personal Property Rights – The service provider must safeguard a consumer's _____.

7. Freedom of Movement

- a. _____ Restrictive Setting
- b. The use of _____ & _____ is prohibited in non-hospital settings.

8. Suitable Services

- a. Access to Services Suited to his or her _____.
- b. _____ of Mental Health Professional.

9. Treatment Rights

- a. Consent to Treatment must be obtained.
- b. The right to a second _____.
- c. _____ Centered _____ Process.

The Person Centered Planning Process:

- The individual's _____ and preferences shall always be honored and considered, if not always granted.
- Each individual has _____ and contributions to offer to the community, and has the ability to choose how supports, services and/or treatment may help them utilize their gifts and make contributions to community life.
- Person-centered planning processes maximize _____, create community connections, and work towards achieving the individual's dreams, goals and desires.
- A person's _____ background shall be recognized and valued in the decision-making process.
- The individual has ongoing opportunities to express his/her needs and desires, preferences, and to make choices.

The Right to Freedom from Abuse and Neglect

Definitions of Abuse

Abuse Class I - A non-accidental act or provocation of another to act, by an employee, volunteer, or agent of a provider, that caused or contributed to the death, or sexual abuse of, or _____ physical harm, to a recipient.

Abuse Class II -

- A non-accidental act or provocation of another to act, by a staff, that caused or contributed to _____ physical harm to a recipient.
- The use of unreasonable force on a recipient by a staff, with or without apparent harm.
- Any action or provocation of another to act by a staff that cause or contribute to emotional harm to a recipient.
- An 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 result in substantial economic, material, or emotional harm to a recipient.

Abuse Class III - The use of _____ or other means of communication, by a staff to degrade, threaten, or sexually harass a recipient.

Definitions of Neglect

Neglect Class I-

- Acts of commission or omission by a staff that result from _____ with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan or service that cause or contribute to serious physical harm to a recipient.
- The _____ to report abuse or neglect of a recipient when the abuse or neglect results in the death of, or serious physical harm to the recipient.

Neglect Class II-

- Acts of commission or omission by a staff that result from non-compliance with a standard of care or treatment required by law, rules, policies, guidelines, written directives, procedures, or individual plan or service that cause or contribute to _____ harm or emotional harm to a recipient.

- The failure to report abuse or neglect of a recipient when the abuse or neglect results in non-serious harm or emotional harm to a recipient.

Neglect Class III-

- Acts, which either placed or could have placed a recipient at _____ of physical harm.
- The failure to report abuse or neglect which placed a recipient at risk of serious or non-serious harm.

It is your job to report any _____ incident of abuse or neglect.

You must _____ report any incidents of possible abuse or neglect, and all other unusual events or behaviors of individuals in your care.

What should I do if a recipient is abused or neglected?

- Take action to protect, comfort, and get necessary treatment
- Make a report to your supervisor
- Report the incident on an Incident Report Form no later than the end of your shift
- Make a report to the Office of Recipient Rights
- You may also need to make a report to:
 - Adult Protective Services
 - Adult Foster Care Licensing
 - The Police

The Michigan Whistleblower's Protection Act

Public Act 469 of 1980 states that employers must not _____ against employees who report human rights violations.

The Recipient Rights Investigation Process

1. The Recipient Rights Office receives a complaint.
2. The Recipient Rights Office will respond within 5 business days with an acknowledgement of the complaint.
3. The Recipient Rights Officer investigates the allegations.
4. The Rights Officer determines whether to substantiate the right violation or not based on a _____ of evidence.
5. The responsible party will respond if necessary to the Recipient Rights Office with a plan of correction, which includes disciplinary action if necessary.
6. A summary report then goes out to the recipient and/or his/her guardian and the complainant.

The Recipient Rights Appeal Process

The recipient, the recipient's guardian, and the complainant have the right to appeal based on:

- The facts being inconsistent with the conclusion of the investigation
- Disagreement with the action taken to resolve and prevent reoccurrence
- The investigation took more than _____ days to be completed

Make two copies of this document before sending the original to NCCMH. The staff should retain a copy and the Home Manager or Supervisor should retain a copy.