

**WEST MICHIGAN COMMUNITY MENTAL HEALTH SYSTEM
ADMINISTRATIVE MANUAL**

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- I. **PURPOSE:** To establish policy and procedures governing the ethical behavior of West Michigan Community Mental Health employees and those working under direct service contract representing WMCMH.
- II. **APPLICATION:** All part-time or full-time employees, direct service contract providers and volunteers employed by the West Michigan Community Mental Health Governing Body.
- III. **REQUIRED BY:** Accrediting bodies.
- IV. **DEFINITIONS:**

Agents: Refers to any part-time or full-time employee, contract provider, volunteer or other official representative of West Michigan Community Mental Health.

Consumer: Refers to any individual requesting, receiving, purchasing or referring someone for, care or services at West Michigan Community Mental Health and their family members.

Contractor: An independent party (individual or business) that provides a contracted direct care service.

WMCMH: West Michigan Community Mental Health

Dignity: To be treated with esteem, honor, politeness; to be addressed in a (i) manner that is not patronizing, condescending or demeaning; to be treated as an equal; (ii) to be treated the way any individual would like to be treated.

Respect: To show deferential regard for; to be treated with esteem, concern, consideration or appreciation; to protect the individual's privacy; to be sensitive to cultural differences; to allow an individual to make choices.

Treatment with dignity and respect shall be further clarified by the recipient or family member and considered in light of the specific incident, treatment goals, safety concerns, laws and standards, and what a reasonable person would expect under similar circumstances.

Examples of treating a person with dignity and respect include but are not limited to calling a person by his or her preferred name, knocking on a closed door before entering, using positive language, encouraging the person to make choices instead of making assumptions about what he or she wants, taking the person's opinion seriously,

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including the person in conversations, allowing the person to do things independently or to try new things.

All employees, volunteers, contractual service providers and employees of contractual service providers shall treat recipients and their family members with dignity and respect, being sensitive to conduct that is or may be deemed offensive to the other person.

V. POLICY: It is the policy of West Michigan Community Mental Health that agents of the organization shall comply with the Code of Ethics set forth by WMCMH, as well as any relevant ethical standards promulgated by his/her professional organization or professional licensing body.

VI. PROCEDURES:

1. Agents of WMCMH shall perform their duties in such a way as to protect the rights, general well-being, and best interests of WMCMH consumers.
2. Agents of WMCMH shall cooperate with the Recipient Rights Officer/Advisor during a rights investigation. All staff members and/or complainants involved in reporting a complaint or actions on behalf of a recipient shall be protected from harassment or retaliation resulting from recipient rights activities (MHC 755(3)(a) Whistleblower's Protection Act). If there is evidence of harassment or retaliation occurring as a result of recipient rights activities, appropriate disciplinary action shall be taken. The report of all recipient rights investigations shall be given to the Executive Director of WMCMH for review and possible action.
3. Agents of WMCMH shall conduct themselves in a manner so as to encourage complete confidence on the part of the general public in the integrity of WMCMH programs.
4. Agents of WMCMH shall conduct themselves in such a way as to avoid all situations where prejudice, bias, or opportunity for personal gain could influence their professional decisions. Agents of WMCMH will not give or accept anything of value in exchange for a referral of a service recipient.
5. Agents of WMCMH shall endeavor to avoid even the appearance of unethical conduct.

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6. Agents of WMCMH shall comply with the ethical standards set forth by their professional organizations and/or associations. Examples of this would be the Code of Ethics of the National Association of Social Workers (1980) or the Code of Ethics of the American Board of Examiners in Clinical Social Work.
7. Agents of WMCMH shall comply with the ethical standards developed by WMCMH and contained in the following Code of Ethics:

This Code of Ethics embodies certain standards of behavior for agents of WMCMH in their professional relationships with those they serve, with their colleagues, with the governing body, with other professions, and with the community.

All agents of West Michigan Community Mental Health commit themselves to conduct their professional relationships in accordance with the code and agree that they:

7.1 RESPONSIBILITIES TO CONSUMERS:

Agents of WMCMH:

Shall not discriminate against or refuse professional services to anyone on the basis of race, color, age, sex, religion, national affiliation, marital status, height, weight, arrest record, disability, or any other legally protected status. Shall treat consumers and family members with dignity and respect. Family members shall be given the opportunity to provide information about the consumer to the treating professionals; information provided to family members shall be within the confidentiality constraints of Section 748 of the Mental Health Code. They shall be provided an opportunity to request and receive educational information about the nature of disorders, medications and side effects, available support services, advocacy and support groups, financial assistance and coping strategies. Consumer information will be kept in confidence as detailed below in procedure 7.2.

Shall regard as their primary objective the welfare of the individual or group served.

Will not use professional relationships with consumers to further their own interests.

Shall continue therapeutic relationships only so long as it is reasonably clear that consumers are benefiting from the relationship.

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Shall assist persons in obtaining other therapeutic services if an agent of WMCMH is unable or unwilling for appropriate reasons, to serve individuals who have requested professional help.

Shall ensure that all decisions to provide care and services are based strictly on the consumer's needs and clinical necessity – not on the individual's ability to pay.

Consumer:

Shall not abandon or neglect consumers in treatment. If an agent of WMCMH is no longer able to continue to provide needed services, he/she will make reasonable arrangements for the continuation of such services.

Interpersonal relationships between any CMH staff member who, as a result of his/her position, could be perceived to have control, power, influence, or a potential conflict of interest, and a consumer are prohibited.

Touching of a sexual nature between any CMH staff member who, as a result of his/her position, could be perceived to have control, power, influence, or a potential conflict of interest, and a consumer (including male or female genitals and buttocks or female breasts) is prohibited.

No WMCMH staff member, who as a result of his/her position could be perceived to have control, power, influence, or potential conflict of interest, will display behavior toward consumers that is of a sexual nature. Examples include, but are not limited to dressing in a provocative manner, inappropriate touching or verbal or non-verbal suggestion.

Should a WMCMH staff member become aware after the fact that he/she is involved in a relationship with a consumer of WMCMH (where that staff member is not in a position of perceived authority, power, influence, or where a conflict of interest may be present), that staff member will disclose that information to his/her direct supervisor immediately. It is the Supervisor's responsibility to document the conversation (including solutions and strategies for managing the situation appropriately) with the employee in supervision notes AND will immediately notify his/her Deputy Director.

Shall evidence a genuine interest in all consumers, and do hereby dedicate themselves to the best interest of the consumers and to helping them help themselves.

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7.2 CONFIDENTIALITY:

Agents of WMCMH:

Shall respect the privacy of consumers and hold in confidence all information obtained in the course of professional service. Therefore, they will not disclose consumer confidences to anyone, except: (1) as mandated by law; (2) to prevent a clear and immediate danger to a person or persons; (3) where they are a defendant in a civil, criminal, or disciplinary action arising from the therapy (in which case consumer confidences may only be disclosed in the course of action); (4) if there is a waiver previously obtained in writing, and then such information may only be revealed in accordance with the terms of the waiver.

Shall be responsible to store or dispose of consumer clinical records in ways that maintain confidentiality and follow WMCMH policy regarding the storage and disposal of clinical records.

Shall possess a professional attitude which upholds confidentiality toward consumers, colleagues, applicants and any sensitive situations arising within the WMCMH.

Upon service termination, shall maintain consumer and co-worker confidentiality and shall hold confidential information about sensitive situations within the WMCMH.

7.3 RESPONSIBILITIES TO COLLEAGUES:

Agents of WMCMH:

Shall respect the rights and views of fellow professionals and treat them with fairness, courtesy, and good faith.

Shall treat with respect the findings and actions of colleagues and use appropriate channels to express judgment on these matters.

Shall be aware of the potential influence on students and co-workers and will not exploit their trust. Agents of WMCMH shall make every effort to avoid dual relationships that have the potential to promote conflicts of interest or that could impair professional judgment. Shall not engage in or condone any form of harassment or discrimination.

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Shall not permit students or fellow agents of WMCMH to perform or present themselves as competent to perform services beyond their training and/or level of experience.

Shall respect the confidence of co-workers.

Shall act with consideration for the interest, character, and reputation of other professionals when replaced or when a colleague is replaced.

Shall extend respect and cooperation to colleagues of all professions.

Shall not assume professional responsibility for the consumers of a colleague without appropriate consultation with that colleague.

Shall serve consumers of other colleagues with the same devotion and consideration as that afforded any consumer.

If responsible for employing and evaluating the performance of other WMCMH agents, shall do so in a responsible, fair, considerate, and equitable manner.

Shall accept the responsibility to help protect the community against unethical practice by any individual or organization engaged in mental health services.

7.4 RESPONSIBILITIES TO THE EMPLOYER:

Agents of WMCMH:

Shall work to improve the effectiveness and efficiency of services provided by the organization.

Shall act to prevent and eliminate discrimination in work assignments or in personnel policies or practices.

Shall use the resources of the WMCMH only for the purposes for which they were intended.

Shall fulfill any and all commitments made by them to the organization.
Shall maintain respect for organization policies, procedures, and

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management decisions and will take the initiative toward improvement of such policies, procedures, and decisions when it will better serve the best interest of their consumers.

Shall support the integrity and reputation of the WMCMH organization.

Shall work toward continuous quality improvement of the services provided and embrace the principles of total quality management.

7.5 PUBLIC STATEMENTS:

Because of their ability to influence and alter the lives of others, agents of WMCMH shall exercise special care when making professional recommendations or opinions through public testimony or other public statements.

Shall accurately represent their education, training, experience, and competencies as they relate to their profession.

Shall correct, whenever possible, false, misleading, or inaccurate information and representation made by others concerning their qualifications or services.

If serving as a supervisor, shall make certain that the qualifications of persons under their supervision are represented in a manner that is not false, misleading, or deceptive.

Shall distinguish clearly, in public, between statements and actions as individuals and as representatives of the WMCMH.

7.6 PROFESSIONAL COMPETENCY:

Agents of WMCMH:

Shall have a total commitment to provide the highest quality of care to those who seek their professional services.

Shall hold themselves responsible for the quality and extent of the services that they perform.

Shall have a continuing commitment to assess their own personal strengths, limitations, biases and effectiveness.

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Shall strive to become and remain proficient in professional practice and the performance of professional functions.

Shall act in accordance with the highest standards of professional integrity.

Shall not attempt to diagnose, treat or advise on problems outside the recognized bounds of their competence.

Shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair work performance and clinical judgment.

Shall give precedence to their professional responsibility over their personal interests.

Shall work toward continuous quality improvement of the services provided and embrace the principles of total quality management.

8. All Agents of WMCMH shall be made aware of the policies regarding ethical behavior and shall be directed to read and ask any questions necessary to clarify their understanding of the Code of Ethics. All agents of WMCMH will be responsible for reviewing and maintaining awareness of the Code of Ethics.
9. All Agents of WMCMH shall be responsible for adhering to the WMCMH Code of Ethics. All disciplines and positions are responsible to adhere to the code of ethics of their profession/discipline (i.e.; social workers, psychologists, physicians, peer support specialists, and nurses).
10. Professional agents of WMCMH, in the practice of their professions, are expected to show a sensitive regard for the moral and legal expectations of the community in which they live and work, recognizing that occasionally these expectations may differ from their own and that a failure to be sensitive to such expectations may adversely affect the services and programs of the WMCMH.
11. Managers and supervisors shall assist agents of WMCMH under their supervision in developing an understanding of that behavior which is considered unethical. The following definitions shall be utilized:

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- 11.1 Unethical behavior includes behavior that is not in compliance with ethical standards of the professional organizations and/or associations of the agents of WMCMH.
- 11.2 Unethical behavior includes, but is in no way limited to, the examples which follow:
 - 10.2.1 Actions of agents of WMCMH which by their nature jeopardize or impair the rights, general well-being, and best interests of consumers of WMCMH programs.
 - 10.2.2 Activities by agents of WMCMH which thwart, impair or impede the operations and functions of the programs of the WMCMH.
 - 10.2.3 Verbal abuse or threats to a consumer or fellow agent of WMCMH, physical abuse or threats to a consumer or fellow agent of WMCMH, including sexual abuse or threats, and other such abusive and/or threatening behavior, whether actual or threatened.
 - 10.2.4 Theft of property, whether from the organization or from a fellow agent of WMCMH. Approval must be sought from the WMCMH program manager responsible for that agent's program area prior to removing agency property from the premises.
 - 10.2.5 Providing false information on an expense account sheet or an insurance claim submitted under the organization's health care plan.
 - 10.2.6 Possession of guns or other dangerous weapons on the WMCMH's premises or while conducting organizational business. Use of such a weapon or any other dangerous instrument in a fight or disagreement with any other agent of WMCMH, consumer or member of the public and/or threatening anyone with a dangerous weapon.
 - 10.2.7 Possession of open containers of alcohol on WMCMH property or use of or being under the influence of alcohol, illegal drugs, or abuse of legal drugs at any time during the work day or anywhere on the WMCMH's premises.

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10.2.8 The acceptance of a gift of money or goods, loans or services, or other preferred arrangement for personal benefit under any circumstances which would tend to influence or have the appearance of influencing the manner in which agents of WMCMH perform their work, make decisions, or otherwise perform their duties.

12. Alleged unethical behavior or violations of the standards of conduct described in this Code of Ethics which are reported to directors, managers, supervisors or the Recipient Rights Officer shall be investigated promptly by the Human Resources Director or his/her designee. A report of conclusions and recommendations shall be submitted to the Executive Director within five working days of receipt of the allegation. If warranted, an agent of WMCMH may be suspended in accordance with the WMCMH personnel policies/procedures as outlined in the Employee Guidebook pending outcome of the investigation.
13. If a determination is made that unethical behavior or a violation of the standards of conduct described in the Code of Ethics has occurred, appropriate disciplinary action will be taken by the supervisor or executive director in accordance with agency policy. Disciplinary action may include an official warning, official written reprimand, suspension, or dismissal.
14. If a determination is made that unethical behavior or a violation of the standards of conduct is gross negligence, WMCMH will report these offenses to the Michigan Licensing Bureau. In the case of doctors or nurses, reports will be made to the Integrity Data Bank. If any determination involved Medicare or Medicaid fraud, the Department of Human & Health Services will be notified.

VII. SUPPORTING DOCUMENTS:

Please refer to policy 4-6-2 and 4-6-4

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