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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 of WMCMH: 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.

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.


V. **POLICY:** It is the policy of West Michigan Community Mental Health that Agent 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. **PROFESSIONAL RESPONSIBILITIES**

An agent of WMCMH will:

- a. Conduct all business with the highest level of integrity.
- b. Avoid relationships with consumers that could impair professional judgement or exploit their trust or vulnerability.
- c. Know and understand the Medicaid Provider Manual for the areas that are pertinent to their program/job.
- d. Respect the rights and views of fellow professionals and treat them with fairness, courtesy, and good faith. Treat with respect the findings and actions of colleagues and use appropriate channels to express judgment on these matters. Extend respect

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

- e. Understand the potential influence on consumers and co-workers and not exploit their trust. Avoid dual relationships that have the potential to promote conflicts of interest or that could impair professional judgment.
- f. Not engage in or condone any form of harassment or discrimination.
- g. Perform and present self as competent to perform services within scope of training and/or level of experience and not beyond.
- h. Act with consideration for the interest, character, and reputation of other professionals when replaced or when a colleague is replaced.
- i. Identify and prevent and eliminate discrimination in work assignments or in personnel policies or practices.
- j. Maintain respect for organization policies, procedures, and management decisions and take the initiative toward improvement of such policies, procedures, and decisions when it will serve the best interest of all consumers.
- k. Give precedence to professional responsibility over their personal interests.
- l. Accurately represent his/her education, training, experience, and competencies as they relate to their profession or scope of practice.
- m. Uphold all civil rights and report any violation to the Recipient Rights Officer.


2. SUPERVISOR RESPONSIBILITIES:

- a. Managers and supervisors shall assist agents(s) of WMCMH under their supervision in developing an understanding of that behavior which is considered unethical.
- b. Supervisors will document any conversation, including solutions and strategies for managing any situation that put their personnel into an unethical situation. Afterward the supervisor will notify his/her Director.

3. PROFESSIONAL COMPETENCY:

An agent of WMCMH will:

- a. In the practice of their professions, 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.
- b. Act in accordance with the highest standards of professional integrity.


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- c. Strive to become and remain proficient in professional practice and the performance of professional functions.
- d. Assume responsibility for enhancing professional knowledge, skills, and abilities, and actively improving competencies.

4. SERVICE DELIVERY

An agent of WMCMH will:

- a. Treat all consumers, board members, and co-workers with dignity and respect always. Treatment with dignity and respect shall be further clarified by the consumer or family member and consider the specific incident, treatment goals, safety concerns, laws and standards, and what a reasonable person would expect under similar circumstances. Examples:
 - 1. Calling a consumer by his/her preferred name.
 - 2. Knocking on a closed door before entering, using positive language.
 - 3. Encouraging the consumer to make choices instead of making assumptions about what he/she wants.
 - 4. Taking the consumer's opinion seriously.
 - 5. Including the consumer in conversations.
 - 6. Allowing the consumer to do things independently or to try new things.
- b. NOT discriminate against or refuse professional services to anyone based on culture, age, gender, gender identity, sexual orientation, spiritual beliefs, physical or emotional disability, socioeconomic status, physical or emotional disability, ability to pay, enrollment in Medicaid/Medicare/CHIP, or language.
- c. Treat consumers and their family members with dignity and respect, being sensitive to conduct that is or may be deemed offensive to the other person. Staff shall refrain from coarse or vulgar language in the presence or hearing of recipients/family members.
- d. 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.
- e. Not discriminate against, or refuse supports and services to anyone based on race, color, creed, age, disability, sex, religion, national affiliation, marital status, sexual orientation, political considerations, or financial status.
- f. Admit individuals to supports and services based on identified consumer need
- g. Ensure treatment decisions are made independently of the consumer's ability to pay, reimbursement methodology, or other financial resource considerations.


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- h. Not use his/her professional relationship with consumers to further his/her own interests.
- i. Assist persons requesting professional help in obtaining other supports and services if he/she is unable or unwilling to serve them.
- j. Demonstrate a genuine interest and respect the confidence in all his/her consumers.
- k. NOT foster his/her consumers' dependency on his/herself, but promote their independence, self-sufficiency, self-representation, and self-determination.
- l. NOT attempt to diagnose, treat, or advise on problems outside the recognized bounds of his/her competence.
- m. Provide supports and services within the guiding principles of person/family centered planning.
- n. Report/document all supports and services honestly to ensure that consumers and payors are billed appropriately and fairly.
- o. Recognize that consumers have a right to privacy and will always respect the consumer's privacy and confidentiality.
- p. Continue therapeutic relationships only so long as it is reasonably clear that consumers are benefiting from the relationship.
- q. 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.
- r. 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.
- s. Not exchange any form of gifts, accept any money, or gratuities from consumers and/or their guardians
- t. Not perform any form of personal fundraising activities.

5. CONSUMER RECORDS

An agent of WMCMH will:

- a. Make every effort to assure that the information they report is accurate, timely, complete, and available when needed and that they release only the minimum amount of information necessary for the stated purpose. For example:
 - 1. Use their best efforts to ensure the accuracy, timeliness, and completeness of information they provide.

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2. Assure that it is accessible to authorized personnel when needed.
3. Complete and authenticate medical records in accordance with the law, medical ethics, and accreditation standards.
4. Maintain medical records for the retention periods required by law, professional standards, and WMCMH policies.
5. Not alter or destroy an entry in a record, but rather designate it as an error while leaving the original entry intact and create and maintain a new entry to show the corrected data.
6. Implement reasonable measures to protect the integrity and confidentiality of all consumer records.

- b. An agent of WMCMH will never use, access, acquire, or disclose any consumer information/records (electronic or paper) for improper non-business purposes or for their own personal use.

6. FINANCIAL RESPONSIBILITY


An agent of WMCMH will:

- a. Not accept payment, compensation, or other monetary consideration from other service providers in return for referring consumers and are further prohibited from making or promising payment, compensation, or consideration to another service provider in return for referral(s) to WMCMH.
- b. Not steer or direct a WMCMH consumer to a private practice in which they or their immediate family are involved.
- c. Not steer, direct, or refer WMCMH consumers to a private practice or to have consumers “follow” them to another practice which they or their immediate families are involved who leave WMCMH employment.
- d. Not use any WMCMH premises or program sites for any private practice activities with any WMCMH consumers.
- e. Conduct themselves in such a way as to avoid all situations where prejudice, bias, or opportunity for personal gain could influence their professional decisions, to include accepting anything of value in exchange for a referral of a service recipient.
- f. Not make willful intent to obtain payment to which the person or entity is not entitled, by means of deceit, concealment, or false/fraudulent statement.
- g. Not participate in any Fraud, Waste, or Abuse (FWA), or other wrongdoing and will report any knowledge personnel involvement.

7. INNAPPROPRIATE BEHAVIOR

An agent of WMCMH will:

- a. Not perform any touching of a sexual nature between any agents of WMCMH member who, because of his/her position, could be perceived to have control,

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power, influence, or a potential conflict of interest, and a consumer is prohibited. Examples include but are not limited to dressing in a provocative manner, inappropriate touching or verbal or non-verbal suggestion.

- b. Not engage in or set up dual relationships. (A dual relationship with a consumer is one in which the WCMCH employee has a professional/working relationship with the individual and has a private/personal relationship as well.) Staff are obligated to identify any possible dual relationships to their immediate supervisor immediately upon becoming aware of the potential dual relationship.
- c. Not engage in interpersonal relationships where a WCMCH staff member agent could, because of his/her position, be perceived to have control, power, influence, or a potential conflict of interest with a consumer.
- d. Not exploit or take advantage of any consumer by expecting him/her to:
 - i. perform work for the employee at a reduced wage or from any other business aspect, or
 - ii. request a consumer to sell a product they have made at a lower price than is sold to the general public, or
 - iii. work for a wage that is lower than that which would be paid to them by a member of the general public.
- e. Not use professional relationships with consumers to further their own interests.
- f. Report any involvement in a relationship with a consumer. That agent of WCMCH will disclose that information to his/her direct supervisor immediately.

8. PUBLIC STATEMENTS

An agent of WCMCH will:

- a. Recognize their ability to influence and alter the lives of others and exercise special care when making professional recommendations or opinions public through testimony or other public statements.
- b. Abide by the organization's policies related to public statements.


8. MARKETING

Agents of WCMCH will not create, provide, or reference any marketing literature, documents, or visual aids without the review and approval of the Director of Customer Services and Public Relations.

9. RESPONSIBILITY TO COLLEAGUES

Agents of WCMCH will:

- a. Respect the rights and views of their co-workers and treat them with fairness, courtesy and in good faith.


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- b. Be aware of his/her potential influence on consumers and co-workers and will not exploit their trust and make every effort to avoid dual relationships that could impair his/her professional judgement.
- c. NOT engage in or condone any form of harassment or discrimination.
- d. NOT permit consumers or co-employees to perform or present themselves as competent to perform services beyond their training and/or level of experience.
- e. Respect the confidences of co-workers.
- f. Act with consideration for the interest, character, and reputation of the other professional if agents of WMCMH are replaced by a colleague or replaced themselves.
- g. NOT assume professional responsibility for the customers of a colleague without appropriate consultation.
- h. Report firsthand awareness of any violated ethical standards. A West Michigan Community Mental Health employee, contract employee, or volunteer who reports a suspected ethics violation shall not be dismissed or penalized for making such a report.
- i. Promote an environment where problems can be solved, and everyone's efforts are valued
- j. Appreciate diversity of fellow team-members, colleagues, and consumers.

10. RESPONSIBILITY TO THE ORGANIZATION

Employees and agents of the organization have responsibilities to the organization as well. Employees and agents of WMCMH will:

- a. Strive to improve the effectiveness and efficiency of support and services provided by the organization.
- b. Maintain respect for organizational policies, procedures and leadership decisions and take the initiative toward their improvement when it will better serve the interests of their consumers.
- c. Support the integrity and reputation of the organization and will represent the organization in a positive manner.
- d. Work to accomplish the organization's goals, and to work within the framework of the organization's values.
- e. Seek appropriate assistance for his/her own personal problems or conflicts that are likely to impair their work performance or their clinical judgement.

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- f. Avoid or abstain from activities or decisions that constitute a conflict of interest.
- g. Not sign, endorse, or witness any legal documents without direction from the Director of Corporate Compliance and Risk Management.
- h. Contact their supervisor and/or Human Resources if they feel any of WMCMH Code of Ethics have been violated. A West Michigan Community Mental Health employee, contract employee, or volunteer who reports a suspected ethics violation shall not be dismissed or penalized for making such a report.

VII. SUPPORTING DOCUMENTS:

Social Media, Policy 1-11-03
 Credentialing and Privileging, Policy 2-01-02
 Safeguarding Clinical Records, Policy 5-02-01-1
 HIPAA Privacy and Security, Policy 7-01-01
 Employee Guidebook, August 2018

VIII. POLICY/PROCEDURE REVIEW:

REV#	APPROVED BY	Policy/Procedure	DATE
1		Revised	9/13/06
NC		Reviewed	2/16/07
NC		Reviewed	10/16/13
2		Revised	7/7/15
3		Revised	08/17/21
3	CEO	Annual Review	08/08/22
4	CEO	Revised	2/7/2023
Board Approval Date: 4/19/2005			

IX. CHIEF EXECUTIVE OFFICER ENDORSEMENT:

I have reviewed and approve of policy # 4-2-1 Revision # 4.

CEO: Lisa Williams

Approval Signature: _____