

# Recipient Rights Training Lapeer County CMH



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# Recipient Rights

Rights is protecting consumers from the staff who abuse or neglect them, treat them poorly or take advantage of them.



Rights Officers cover the consumers from their counties so you will be meeting multiple Rights Officers.



# What does the RRO do?

Investigations

Helps with Appeals

Substantiate or Unsubstantiate Complaints

Reminder: Flat Rock decides your disciplinary action

The background of the entire slide is a stylized American flag with a blue field of white stars on the left and red and white wavy stripes on the right. The text is presented in white font on black rectangular bars.

Rights Include:

Religion

Freedom of Speech

Right to Vote

Don't discriminate against them due to race, ethnicity, sexual orientation, etc.

Right to Bear Arms?

# PERSONAL & TREATMENT Rights

A wooden gavel with a red handle rests on a stack of books. The spines of the books are visible, with the word 'LAW' written vertically in gold lettering. The background is dark, and the lighting highlights the texture of the wood and the books.

Free from ABUSE and NEGLECT

DIGNITY and RESPECT

Confidentiality

Sanitary and Human Environment

Family Rights

Personal Property and Finances

Communications by Mail Phone and Visits, \$ phone/mail

Choice of Doctor or Case manager / Therapist



Could you ever limit someone's rights,  
When could you limit someone's rights?

# LIMITABLE Rights

Consent to Treatment

Personal Property / Money

Freedom of Movement - Only danger to self others or to prevent Substantial property damage

Confidentiality

Communication by mail, Phone, Visits, when could you limit?

Civil Rights - Bear Arms

Entertainment Material ONLY in Plan of Service

Search and Seizure ONLY if you suspect weapons and you MUST have a witness IF you suspect something SAFETY ISSUES ONLY!

Time Out, you CANNOT force someone to go to their room

**Restraint and Seclusion** is PROHIBITED under any circumstances






# Abuse

There is ZERO Tolerance for Abuse

**Abuse is something a staff does on purpose or deliberately.**

A red pencil is shown from the right side, drawing a thick red line that crosses through the word "NO!" written in large, bold, black capital letters. The pencil is positioned as if it has just finished drawing the line.

There are three classes of abuse.  
The most serious can lead to Criminal Charges




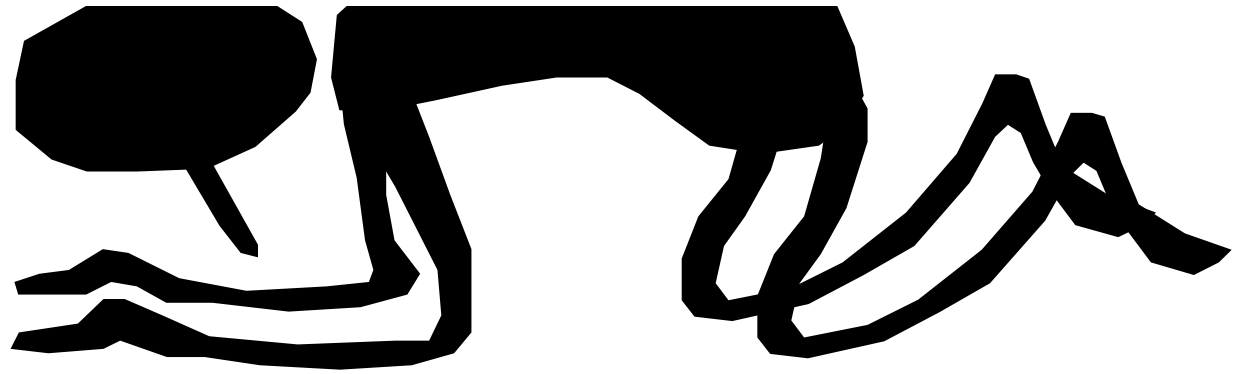
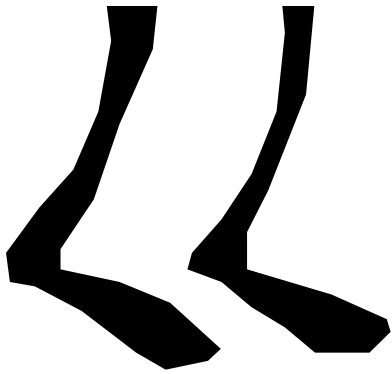
**A non-accidental act, something  
you do ON PURPOSE, by an  
employee, that causes harm  
to a recipient**



# Abuse Class I

Means a non-accidental act, or provocation of another to act, by an employee volunteer, or agent of a provider which caused or contributed to the

- 
1. DEATH, or
  2. SERIOUS PHYSICAL HARM, OR
  3. SEXUAL ABUSE to a recipient.





## **SERIOUS PHYSICAL HARM**

**Physical damage harm suffered by a recipient, which a physician or R.N. determines caused or could have caused the death of a recipient, or caused an impairment of a bodily function, or the permanent disfigurement of a recipient.**


## **SEXUAL ABUSE:**

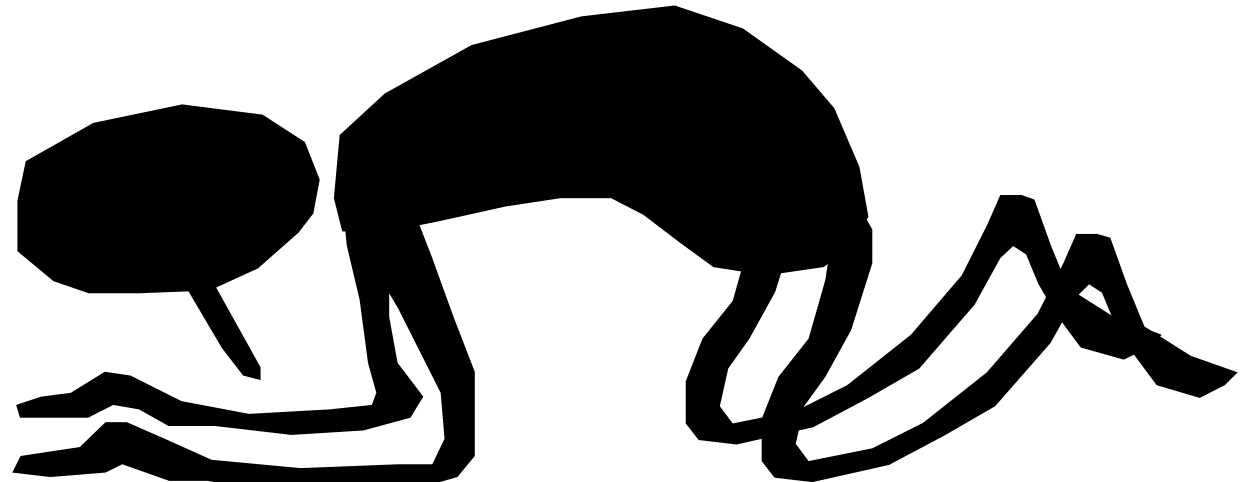
Sexual Contact means the **intentional touching** of the recipient's or employee's **intimate parts** or the touching of the clothing covering the immediate area of the recipient's or employee's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a **sexual purpose**, or in a **sexual manner** for any of the following: (i) **Revenge**, (ii) **To inflict humiliation**, OR (iii) **Out of anger**



## 2. ABUSE CLASS II:

Means any of the following

- 
- A. A non-accidental act, or provocation of another act, by an employee, which caused or contributed to NON-SERIOUS physical harm to a recipient.





**NON-SERIOUS HARM** means physical damage or what could be reasonably construed as pain suffered by a recipient that a physician or nurse determines could not have caused or contributed to the death of a recipient, the permanent disfigurement of a recipient, or an impairment of his or her bodily functions.





B. The use of UNREASONABLE FORCE on a recipient by an employee, volunteer, or agent of a provider with or without apparent harm

Can only be used to prevent harm to herself or himself or others ONLY ABSOLUTELY AS LAST RESORT!

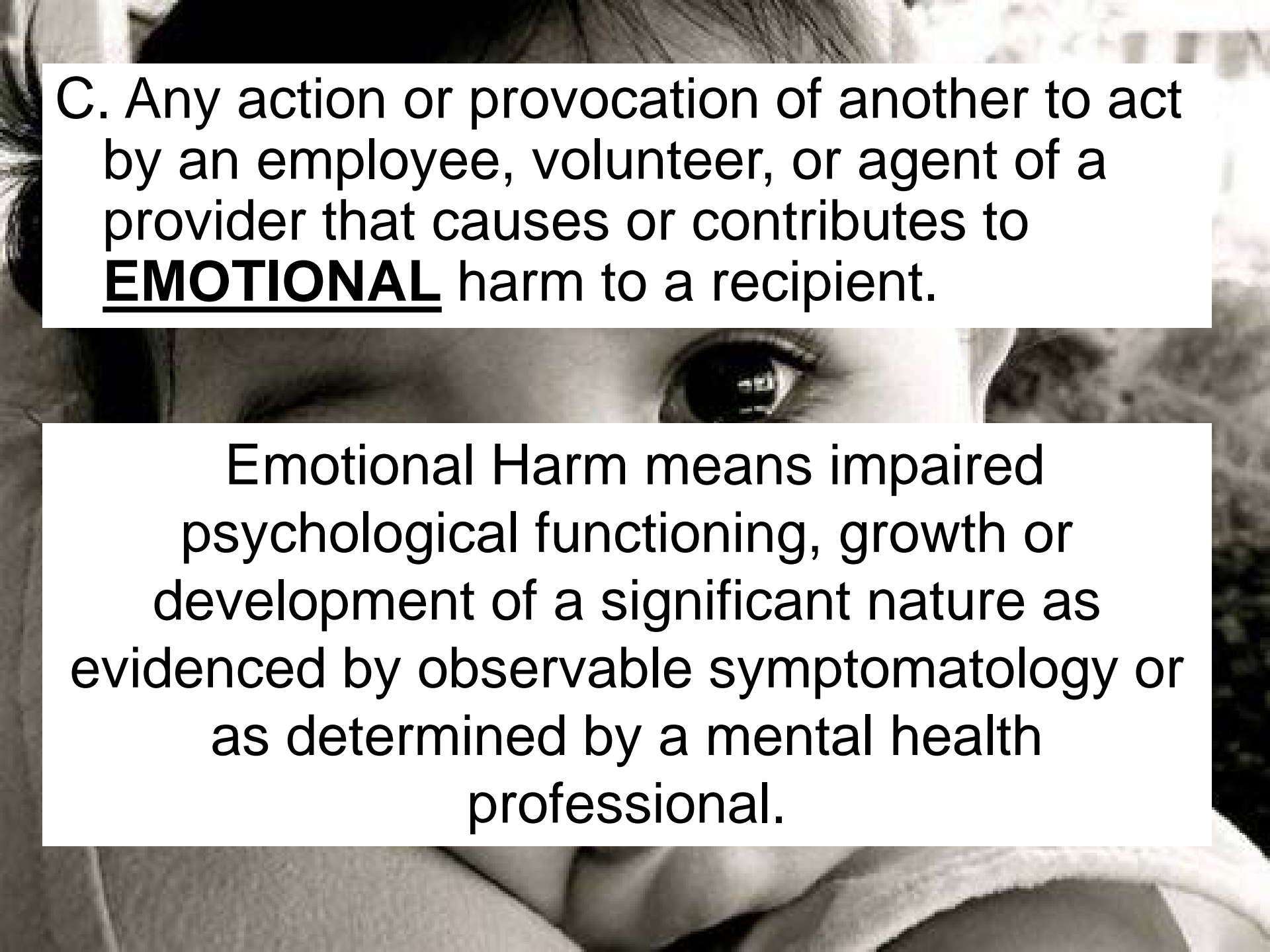
Prone Restraint face down can NEVER be used

Remember:

Physical Management is NOT an approved technique when working with our consumers and cannot be part of the plan of service.

Unreasonable Force means: Physical management or force that is applied by an employee, volunteer, or agent of a provider to a recipient where there is no imminent risk of significant injury to the recipient, staff, or others or that is any of the following:

1. Not in compliance with approved behavior management technique.
2. Not in compliance with the recipient's individual plan of service.
3. Use when other less restrictive measures were not attempted immediately before the use of physical management or force.



C. Any action or provocation of another to act by an employee, volunteer, or agent of a provider that causes or contributes to **EMOTIONAL** harm to a recipient.

Emotional Harm means impaired psychological functioning, growth or development of a significant nature as evidenced by observable symptomatology or as determined by a mental health professional.

D. Any 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 results in substantial **ECONOMIC**, **MATERIAL**, or emotional harm to the recipient.



## **EXPLOITATION**

of a recipient by an employee, volunteer,  
or agent of a provider.



Exploitation means an action that involves  
misappropriation or misuse of a recipients property  
or funds.



### 3. ABUSE CLASS III

Means use of language or other means of communication by an employee to

A. DEGRADE or

B. THREATEN or

C. SEXUALLY HARASS a Recipient



Degrade means any of the following:

1. To cause somebody or something a **humiliating** loss of status or reputation, or cause somebody a humiliating **loss of self-esteem**.

2. To cause people to feel that they or other people are **worthless** and do not have the respect or good opinion of others.

3. Degrade, Demean, Humiliate, shame or disgrace.



3. **Swearing** at a recipient, being **sarcastic**, **teasing**, **making fun**, or **harassing** a recipient.

4. To use language or expressions that insult a person's heritage, mental status, race, sexual orientation, gender, intelligence, etc.




Threaten means any of the following:

1. To utter **intentions of injury or punishment** against an individual.

2. To express a **deliberate intention to deny** the well-being, safety, or happiness of somebody unless the person does what is being demanded

3. Tell them you **will hurt them** or cause problems if they **do not do what you want.**

A person is holding a large, red, octagonal sign with a white border. The sign is positioned behind the text, and the person's hands are visible at the bottom corners of the sign. The person is wearing a pink top and blue jeans.

**Sexual Harassment** means sexual advances to a recipient, requests for sexual favors from a recipient, or other conduct or communication of a sexual nature toward a recipient.

What is Neglect? What do you think of?

CARE

NEGLECT

Commission: Doing something wrong

Omission Failing to do the right thing

Neglect is an employee **NOT** doing something required by law, rules, or program plan, which causes injury or places a recipient at risk. Neglect also includes not reporting abuse or neglect.

There are 3 classes of Neglect. The most serious can lead to criminal charges.

# 1. NEGLECT CLASS I

Means an act that causes or contributes to

1. The DEATH of a Recipient OR
2. SERIOUS PHYSICAL HARM TO A Recipient OR
3. The SEXUAL ABUSE of a recipient OR
4. The failure to REPORT apparent or suspected Abuse Class I or Neglect Class I of a recipient.

**BEFORE YOU CONTINUE...**

## 2. NEGLECT CLASS II

Means an act that causes or contributes to

1. The NON-SERIOUS physical harm to a recipient OR
2. The EMOTIONAL HARM to a recipient OR
3. The failure to REPORT apparent or suspected Abuse Class II or Neglect Class II of a Recipient



### 3. NEGLECT CLASS III

Means an act by an employee that:


1. Either **PLACED** or **COULD HAVE PLACED** a recipient at risk of harm or (NOTE: No actual harm has to occur)
2. The **failure** to **REPORT** apparent or suspected Abuse Class III or Neglect III of a Recipient.



Note: No actual harm has to occur to the recipient in Neglect Class III, it is only required that the recipient be placed in a situation where there is, or could be, a risk of harm








If you **suspect** that abuse or neglect continued to an injury contact the Rights Officer immediately and complete a complaint form.

You may have to call Protective, Licensing, or the Police





# ZERO tolerance for Retaliation and Harassment

There is disciplinary action for retaliating against a staff or consumer for reporting.

If you see retaliation or Harassment you should report it to the Rights Officer immediately.

Don't let another staff BULLY you or a recipient because a complaint was filed.

A close-up photograph of a file folder divider. The divider is made of light brown cardboard and has a white rectangular label attached to its top edge. The label has the word "Confidential" printed in a black, typewriter-style font. To the left of the divider, a metal ring binder is partially visible. In the background, other file folders are visible, some with labels that are out of focus. One label in the background clearly shows the word "Clients". Another label in the foreground on the right shows the letters "Su".

Confidential

- ✓ Talking outside of work
- ✓ Giving information over the phone to people who say they are relatives.
- ✓ Taking pictures when they DON'T agree
- ✓ NO posts on Social Media
- ✓ No "Selfies"
- ✓ Guardian must give consent for sharing info.
- ✓ You can share with co-workers & CMH

**DIGNITY** – To be treated with esteem, honor, and politeness. To be treated as an equal; to be treated the way any individual would like to be treated



**RESPECT** – To show regard for; to be treated with concern, consideration or appreciation; to be sensitive to differences; to allow an individual to make choices



1. Stay **CALM**
2. **MODEL** being Respectful
3. Be **CONSIDERATE**
4. Be **KIND**
5. **LISTEN** when they speak



6. Be **Sensitive**

7. Don't make fun or but **HAVE FUN!**

8. Be **CAREFUL** of comments like he comes trouble!

9. Show them you are **INTERESTED** in them!

10. Trust takes time, be **PATIENT**



**Treat people the way  
you want to be treated.**

**Talk to people  
the way you want to  
be talked to.**

**RESPECT is EARNED,  
NOT GIVEN.**





## Incident Reporting



Means an occurrence that disrupts or adversely affects the course of treatment of care of an individual, or the unit management or facility administration; and shall include but it not limited to the following:

A close-up, slightly blurred photograph of a person's hands typing on a laptop keyboard. The lighting is dim, with a blueish tint, and the focus is on the keys and the person's fingers.

1. The DEATH, SUICIDE or ATTEMPTED SUICIDE of a recipient.

2. Any SIGNIFICANT INJURY of a recipient, explained or unexplained {bruises, cuts, scratches found}

3. Problem BEHAVIORS not addressed in the plan of service {Aggressive or Violent Behavior}.

4. Any HOSPITALIZATIONS, AMBULANCE calls or trips to URGENT CARE or ER for injuries, accidents, med errors, Harm to self or others, Medical illness, or other issues.

5. Inappropriate SEXUAL TOUCHING or SEXUAL ASSAULT {inappropriate touching of others}

6. Medication ERRORS {Too many passed, not passed, refusals, consumer got the wrong medication}

7. Any use of EMERGENCY PHYSICAL INTERVENTION {Remember this is NOT an approved technique. Restraint and Seclusion is prohibited in any situation}

8. A traffic ACCIDENT involving a recipient

9. Any contact with the POLICE for behavioral crisis situations or to make a report, this would include if a consumer is arrested.



10. A recipient LEAVING home / facility without permission or notice {Elopement or Wandering}

11. Possession of Substances or Weapons

12. Substantial Property Damage

13. Any Contact with the police or unauthorized use of 911.



# Incident Reporting

## Scenario # 1:

Went to Hospital

## Scenario # 2:

Sam Kolton came to report that BD, JM, and RW were fighting in the other room about who their boyfriend is. BD and JM were swearing at each other and RW was in the room there and was a witness. The Incident Report was written under Sam Kolton's Name.





Three business professionals in a meeting, one is gesturing while speaking to the others.

## Incident Reporting



A close-up, slightly blurred view of a computer keyboard on a desk.

### Scenario # 3:

Staff 1, Staff 2, and Staff 3 were trying to re-direct Paul. Staff 1 called the police and Staff 2 and Staff 3 had to physically manage Paul because he was out of control.

A photograph showing three people in business attire standing in a brightly lit room, possibly a conference room, engaged in a discussion. The image is slightly blurred and has a high-contrast, almost silhouette-like quality.

# Incident Reporting

A close-up, slightly blurred photograph of a laptop keyboard, showing the keys and the trackpad area.

## Scenario # 4:

Stephanie Simpson was in the kitchen making a peanut butter sandwich for her outing at her program for the next day. Another consumer was having a behavior in her bedroom swearing and yelling at staff about taking a shower she hit staff.





# Incident Reporting

## Scenario # 5:

Molly was sitting in the TV room watching a show by herself. I was sitting in the chair nearby. It was that day with the heavy rain. The TV did its buzzer thingy and the newsman came on to tell everyone about a tornado watch. As soon as the TV show was over Molly went ballistic. She was her usual out of control self when things don't go her way. I spoke calmly to her but it didn't help. She kept yelling you're an a\*\*hole at the TV, she then picked up the lamp and threw it at the TV. The TV fell off of the stand and broke into pieces. I told Molly to clean up the mess. She stormed out of the room into her bedroom and tore the bedroom apart. I called the home manager to let him know what happened. I hope they make her pay for it, what she did was ridiculous.

## Incident Reporting Tips:

1. Be **TIMELY** Must receive within 48 Hours, Fax is acceptable unless you are logged onto OASIS.

2. Just give me the **FACTS** of the incident. What happened **BEFORE, DURING, and AFTER**

3. **PRINT** Clearly remember a lot of people have to read your writing 😊

In a world where you can be anything **BE KIND!**

To make a difference in someone's life you don't  
have to be perfect you just have to **CARE!**

**ALWAYS** be a **HERO** to the people you serve.

Most Important **Keep Calm** Caregiving is  
NOT for WIMPS 😊

# Lapeer County Community Mental Health



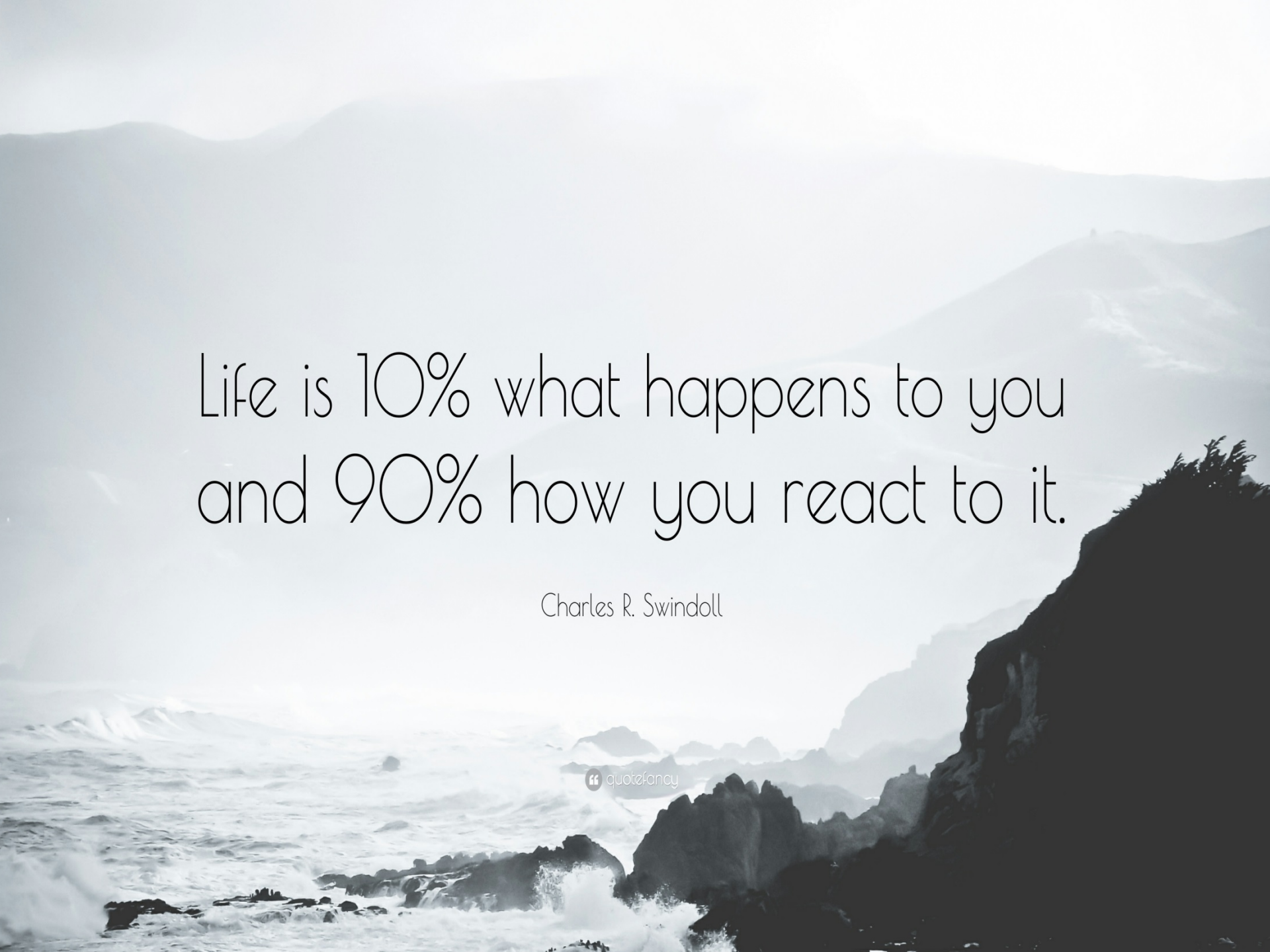
Rights Director LISA JOLLY, Lapeer CMH

[ljolly@lapeercmh.org](mailto:ljolly@lapeercmh.org)

810-667-0500 (Main #)

810-245-8279 (Direct Line)

810-529-0580 (Cell Phone)



Life is 10% what happens to you  
and 90% how you react to it.

Charles R. Swindoll

quote fancy

Any Questions?

