



ExpertCare wants to ensure you are aware of your rights and that no one violates your rights. You have received the “Your Rights” booklet from someone at the Community Mental Health organization you work with. By law, ExpertCare must right its own Recipient Rights policies based on the law. You can listen to the podcasts of “Your Rights” by going to [www.ExpertCare.com](http://www.ExpertCare.com) . Go to the Client Tab and then click on Podcasts of Your Rights. Or you can go directly to this address. [http://www.michigan.gov/mdch/0,4612,7-132-2941\\_4868\\_4901-16988--,00.html](http://www.michigan.gov/mdch/0,4612,7-132-2941_4868_4901-16988--,00.html)

Below are ExpertCare’s Recipient Rights Policies. Please read and review the policies, then sign the form acknowledging you have read these. If you have any questions about the policies, please contact ExpertCare at 866-812-8896.

## **RECIPIENT RIGHTS POLICIES:**

ExpertCare Management Services is a provider agency which services Community Mental Health Agencies and their affiliates. This policy covers Caregivers providing non-clinical in home and facility living support and respite services. ExpertCare takes the necessary steps to ensure Recipients will be protected from rights violations while they are receiving services and support with our company.

### **Abuse and Neglect Policy**

It is the policy of ExpertCare Management Services that abuse and neglect will not be tolerated. The Recipient has the right not to be physically, sexually, or otherwise abused (including sexual harassment). If Caregivers report any suspicion of Recipient abuse to the Office of Recipient Rights, to the Police Department and/or Protective Services, ExpertCare will cooperate in the prosecution of appropriate criminal charges against those who have engaged in unlawful abuse.

### **Change in Type of Treatment Policy**

It is the policy of ExpertCare Management Services that Caregivers assist and support the Recipient through a change in treatment. Caregivers should monitor and notify any observation or recommendations to the appropriate support services. Caregivers will assist Recipient with contacting a member of their support team with questions regarding their plan of service.

### **Communication and Visits Policy**

It is the policy of ExpertCare Management Services to provide support services as outlined in the plan of service that uphold the Recipient’s right to have unimpeded, private, and uncensored communication with others by mail and telephone and to visit with persons of his or her choice. Caregivers will assist Recipients in obtaining contact information of those individuals the Recipient desires to contact. Individual limitations should be thoroughly documented in the plan of service.

### **Comprehensive Examinations Policy**

It is the policy of ExpertCare Management Services to assist Recipients with transportation and setting doctors appointments directly related with physical and mental examinations as stated in the IPOS. Caregivers shall

provide relevant observations of current behaviors that may provide additional insight through the exam process and development of the individual plan of service.

### **Confidentiality and Disclosure**

ExpertCare Management Services takes the privacy of personal health information (PHI) seriously. A number of laws and regulations including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Act 258 and the Michigan Mental Health Code protect PHI. Caregivers are required to sign a receipt of acknowledgement of our confidentiality policy.

### **Consent to Treatment and Services Policy**

It is the policy of ExpertCare Management Services to advise the Recipient of their right to give consent in order to receive treatment or release confidential information. Caregivers can assist, if necessary, in contacting the appropriate support services for the Recipient to gain knowledge and understanding to make a voluntary decision to consent.

### **Rights to be Treated with Dignity and Respect Policy and to be Free from Humiliation**

It is the policy of ExpertCare Management Services that Caregivers treat Recipients and Recipient family members with dignity and respect. It is the policy that staff never treat Recipients in a humiliating way. Caregivers can provide information about our support services and screening process to the Recipient and the Recipient family members.

The culture and religion of the Recipient and their family must be respected. Caregivers may not leave religious pamphlets or make attempts to convert the Recipient or the Recipient family.

### **Fingerprinting, Photographing, Audio Taping, and Use of One-Way Glass Policy**

It is the policy of ExpertCare Management Services that:

- Photographs may not be taken by Caregivers for social or personal purposes unless the Recipient or applicable parent/guardian has consented, either verbally or written.
- Caregivers must inform the consumer of their rights when fingerprinted, photographed, or audio taped and during the use of one-way glass. A written consent must be obtained from the Recipient or applicable parent/guardian.

### **Medication Policy**

It is the policy of ExpertCare Management Services to provide medication support through reminding, observing and/or monitoring of medication.

### **Freedom from Retaliation**

It is the policy of ExpertCare Management Services that no employee of ExpertCare will retaliate against a Recipient or family member for any reason, including complaints made by the Recipient or family against staff or ExpertCare.

### **Freedom of Movement Policy**

It is the policy of ExpertCare Management Services that Freedom of Movement is not limited by Caregivers.

Physical restraint or seclusion may not be used to limit the movement of a Recipient.

### **Property and Funds Policy**

It is the policy of ExpertCare Management Services to support the Recipient's entitlement to receive, possess, and use all personal property and funds unless limited by law or limited in the IPOS. Our Caregivers provide assistance to the Recipient to access the money in his or her account, spend or otherwise use money as he or she chooses unless limited in the IPOS. Caregivers shall not use Recipients' money, credit cards, debit cards or receive gifts from Recipients. Caregivers and Recipient monies shall not be commingled. Caregivers shall not borrow, receive, or ask for loans from Recipients.

It is the policy of ExpertCare Management Services that Caregivers are prohibited from selling anything to the Recipient or requesting that the Recipient look at goods/services the Caregiver sells. The Caregiver is prohibited from leaving catalogs or pamphlets with the Recipient or the Recipient's family.

### **Resident Labor Policy**

It is the policy of ExpertCare Management Services to provide support services to our Recipients at work and work training sites as defined in the plan of service. The Caregiver shall report to the appropriate personnel observations or concerns in work habit or work methods that are outside the plan of service or contradict with applicable federal and state labor laws including minimum wage.

### **Right to Entertainment Material, Information and News Policy**

It is the policy of ExpertCare Management Services to provide support services as outlined in the IPOS which upholds the Recipient's right to acquire, at a personal expense, and/or read written or printed material. ExpertCare Management Services also upholds the Recipient's right to listen or to watch television, radio, recordings, or movies. All individual limitations should be justified and documented in the plan of service.

### **Use of Physical Management**

It is the policy of ExpertCare Management Services (EMS) that physical management is not permitted by EMS staff except in circumstances under the conditions set forth or other law.

Physical management is defined as being physically held with no more force than is necessary by an EMS staff member in order to prevent the Recipient from physically harming himself, herself, or others.

Physical Management should only be used as a last resort after other means of de-escalation have been tried and have not been successful in reducing or eliminating the risk of harm and as consistent with the Individual Plan of Service.

Any physical management must be reported immediately to a supervisor at ExpertCare and an Incident Report must be filled out and sent to the proper Recipient Rights Office.

### **Use of Restraint and Seclusion Policy**

It is the policy of ExpertCare Management Services (EMS) that restraint and seclusion are not permitted by EMS staff.

Physical restraint is defined as the use of a physical device to restrict an individual's movement. Restraint is any physical or mechanical device, material or equipment that immobilizes or reduces the ability of the

recipient to move his arms, legs body or head freely for the purposes of management, control, or extinction of seriously aggressive, self-injurious or other behaviors that place the individual or others at risk.

This definition of restraint excludes supports used in PT or OT exercises which are used for the purpose of maintaining or improving functioning.

### **Services Suited to Condition in a Least Restrictive Setting Policy**

It is the policy of ExpertCare Management Services that the Recipient receives services suited to their condition in the least restrictive setting. Caregivers will support and encourage the Recipient's goals and objectives outlined in the plan of service.

### **Sterilization, Contraception, and Abortion Policy**

It is the policy of ExpertCare Management Services to assist a Recipient in setting appointments for family planning and health services according to the Recipient's request or identifying resources to gain relevant information.

### **Treatment by Spiritual Means**

It is the policy of ExpertCare Management Services to have Caregivers help the Recipient seek out resources for spiritual treatment at their request. Recipients shall be permitted treatment by spiritual means on request, or the request of the Recipient's guardian/parent of a minor Recipient. The Recipient must consent to such treatment.

### **Use of Psychotropic Drugs Policy**

It is the policy of ExpertCare Management Services that Caregivers will transport and provide support so the Recipient can obtain medication from the pharmacy. The Caregiver will notify the appropriate support services if they observe concerns and/or unusual behavior. ExpertCare will assist the Recipient in contacting the appropriate resource to answer medication questions.