
THE GULF COAST CENTER

FY 2011

Corporate Compliance
& Rights Protection Training

Protecting Confidentiality

(Code of Conduct, # 10)

You have breached confidentiality if you disclose information to a third party who is not involved in furthering care or does not have a legitimate need to know.

- People included in furthering care are doctors, nurses, social workers, service coordinators & others directly involved in the care of the individual.
- People not included in furthering care are those in environmental services, personnel, patient friend's and family, your friends, and colleagues not involved in the care of the individual.
- The Mental Health Code (MHC) does allow the release of information to law enforcement if there is a threat of harm to self or others, or to assist in medical evaluation or treatment.
- If your employment ends, you are still bound to maintain confidentiality of all records and information accessed during your employment.
- Information is not given to: family members or friends with a release, law enforcement who do not meet the MHC exceptions, legislature, or Center personnel not involved in care.

HIPAA...Staff Actions

- Employees access PHI only to the degree necessary to perform their jobs.
 - Staff should only have access to PHI regarding the consumers that they are working with, not other persons receiving services
 - Any staff persons outside the interdisciplinary team working with a consumer probably do not have a need to know PHI about the individual
 - If you are unsure of who to release information to, **DON'T RELEASE IT!!!** Check with your Supervisor, or Linda Bell, Director of Legal Affairs.

Staff Actions

- Employees do not identify a person directly or indirectly as a recipient of services.
 - When receiving a phone call, fax, or e-mail, staff should not confirm or deny that a person receives services at The Gulf Coast Center.
 - Confirming that a consumer is at the facility would be violating HIPAA Privacy Rules

Staff Actions

Employees have a duty to safeguard PHI from intentional or unintentional use of disclosure that is in violation of the HIPAA Privacy Rule by...

- Keeping records locked up when not in use.
- Users should log off their computers while away from their desks.
- Computer screens should not be in plain sight of public
- Written information in nurse stations, desks, etc., should be covered from public view.
- Discussions about consumers should be made in private, away from public areas.
- Electronic records should be kept secure. Facilities should monitor who accesses PHI.
- Paper records should be shredded and **never left in the garbage** for disposal with regular trash.
- **Do not share your computer password with anyone.** Create a password that is unique and difficult for someone else to guess. Do not write it down where someone else can see it or find it.

Staff Actions

- Employees refer requests for PHI, requests from persons served to amend records, and related requests to the appropriate office.
 - All requests made by consumers should be made to Liz Bennett, Secretary for Medical Records Administration /Billing, located at the Angleton Recovery Building at the Brazoria County CSC. **Telephone: 1-800-710-4322 or (979) 849-2311; FAX: (979) 849-7558** (call to confirm receipt of fax)
 - Also, if you receive a subpoena, court order, or a request for an affidavit, notify Liz Bennett immediately.

Staff Actions

Employees report or assist others in reporting suspected privacy rights / HIPAA violations

- If an employee or consumer wishes to make a complaint about The Gulf Coast Center, call or refer them to:
 - **Cindy Kegg, The Gulf Coast Center's Rights Protection Officer/Corporate Compliance Officer**
 - TDSHS Office of Consumer Services and Rights Protection
 - U.S. Department of Health and Human Services
 - Texas Attorney General's Office

Consumer / Client Relations

(Code of Conduct # 12)

- All consumers/clients deserve to be treated with respect and dignity and have the right to be involved in their care. Dignity and respect include the elimination of prejudicial language and the use of People First language.
- It is the responsibility of each employee to ensure that a consumers'/clients' rights are protected.
- Each employee must familiarize themselves with rights set forth in policy, procedures and in the rights protection handbook.

Forbidden Consumer - Employee Relationships

(Code of Conduct # 12)

- Dating
- Implied Sexual and Sexual in Nature Contacts (i.e., physical act, telephonic and electronic)
- No Living Arrangement Agreements
- No loans or storing/holding of Consumer Funds/Money
- Staff may accept no monetary gifts. Policy does allow acceptance of gifts of <\$15.00. Recovery programs can not accepts gifts, monetary or otherwise
- Consumers can not do chores (i.e. picking up trash or cleaning restrooms) for cigarettes or other privileges; this is a violation of the Department of Labor
- Caution: Telephone communications should be limited to Center Business due to misinterpretations of others.
- Caution: If a consumer/client has a business and you would like to bid for his services or have him do some work for you do realize that there may be some ramifications for such action. The relationship may appear some for of exploitation.
- Caution: Avoid the appearance of inappropriate behavior.

Signs / Symptoms: Possible Abuse

(Code of Conduct # 12)

- Multiple scratches, cuts, bruises, burns
- Unusual patterns of injuries
- Inadequate or illogical explanation of injury
- Serious injuries: sprains, breaks, bedsores
- Reports of confinement
- Reluctance to participate in physical exams
- Passive, withdrawn behavior with certain people

Signs / Symptoms: Possible Neglect

(Code of Conduct # 12)

- Lack of food or malnourishment
- Lack of water or dehydration
- Withholding meds / overmedicating
- Inadequate shelter
- Unsanitary living conditions
- Untreated health problems
- Lack of personal hygiene / clothes

Examples of Exploitation

(Code of Conduct # 12)

- Taking, holding, borrowing money
- Taking Social Security /SSI checks
- Taking property
- Exchanging items of unequal value
- Taking IHFS \$ intended for individual
- Requesting items to be purchased for staff
- Using consumers as free labor

Reporting Allegations of Suspected Abuse, Neglect or Exploitation

- **ALL** staff have the responsibility to report.
- Immediately (**within 1 hour**) make a report to DFPS via the reporting website:
 - ▶ <http://reportabuse.ws>
 - ▶ Login name is: professional.
 - ▶ The password is: report1
 - ▶ Use for Children also
 - ▶ If you experience difficulties call
1-800-647-7418
- Complete an Incident Report within 24 hours and fax to RPO.
- Employees and Consumers are protected from retaliation when reporting.

Reporting Allegations of Suspected Abuse, Neglect or Exploitation in Substance Use Disorder Services

- All staff have responsibility to report.
- Immediately (within 1 hour) make a report to: Rights Officer at 1-888-839-3229.
- Complete an Incident Report within 24 hours and fax to RPO.
- Employees and Consumers are protected from retaliation when reporting.
- Department of State Health Service notified within 24 hrs
- Investigative Report submitted to DSHS upon completion
- DSHS may accept findings or reinvestigate

Reporting...Continued

(Code of Conduct # 12, continued)

- DO NOT notify the alleged perpetrator of the impending investigation.
- DO NOT conduct a mini-investigation.
- DO NOT discuss incident with others (with the possible exception of your supervisor).
- DO preserve the safety of the person and arrange for emotional support or medical care as appropriate
- DO protect any evidence (i.e.. Take pictures, secure the record, etc.)
- DO cooperate with DFPS investigators

When You May Not Release Information on a Center Client

- The “Interpretive Guidance on Laws Pertaining to Privacy of Mental Health and Mental Retardation Records for the MHMR Service Delivery System” pursuant to the TAC Protected Health Information, Chapter 414, Subchapter A, states:

§When Authorization is not Required to Use or Disclose Protected Health Information that Relates to MHMR Services

(b) When required or authorized by law

(3) A component may disclose PHI to the Department of Family and Protective Services) when necessary to report or cooperate in the investigation of suspected child abuse or neglect. **However, the PHI of a parent or other person responsible for the care of the child who is the subject of the report or investigation may only be disclosed pursuant to a court order.**

What Happens When a DFPS Investigation Occurs?

(Code of Conduct # 12)

*Report to DFPS: <https://reportabuse.ws>
* Do not discuss incident with others
* Complete Incident Report and forward to RPO

DFPS notifies RPO that investigation has been initiated
RPO notifies E.D. and Review Committee

RPO receives completed investigation.
(Investigation completed in 14 or 21 days).
RPO sends copies to E.D. and Review Committee
(if CONFIRMED, copy forwarded to targeted staff).

All investigations reviewed
(with staff in confirmed cases).

Agree with findings

Disagree with findings

Case closed

Request for Review sent to Assistant Commissioner of APS

Reporting Deaths

- All deaths of current and past consumers shall be reported immediately to the Rights Protection Officer (RPO). Within 24 hours, fax completed Incident Report to RPO (current consumers only). Place original in mail to League City.
- Within 14 days report cause of death to RPO or state need for extension if details are not yet known. (i.e.. An autopsy is not yet complete)
- ▶ Upon death, authorization for release of the record can be legally given by the 1) personal representative, 2) parent, 3) adult children or 4) spouse. (This does not apply to other relatives, including siblings.) Please follow procedures for release of medical records.



Incident Reports...When to Report

(Includes Code of Conduct #15)

- Actual or suspected abuse, neglect or exploitation/other rights violations (include follow-up)
- Accidents & Injuries (cl or staff) This includes vehicle accidents: report immediately to Fleet Manager at 1-800 266-2320
- Violent Behavior (cl or staff)
- Threats of acts of aggression (cl or staff)
- Destruction of property (cl or staff)
- Illegal behavior (cl or staff)
- Medical emergencies
- Psychiatric emergencies
- Serious infraction of program rules (cl or staff)
- Loss of consumer record
- Use of personal restraint (if not part of approved Behavior Plan)
- Missing consumer
- Death of consumer
- Fire
- Violations of the Business Code of Conduct, as appropriate.

Incident Reports...Procedures

(Includes Code of Conduct #15, continued)

- The following reports must be submitted to the RPO within **24 hours**: 1) abuse/neglect/ exploitation/ other rights issues; 2) deaths; 3) incidents involving workman's comp.
- All other reports must be submitted to the RPO within **48 hours**.
- Write legibly.
- Fill in all appropriate blanks.
- **Include your response / follow-up to incident.**
- Fax to RPO in League City. **281-338-2460**
-   **Mail original to RPO!!!!**
DO NOT KEEP A COPY OR PUT A COPY IN THE RECORD.