


COMMUNITY MENTAL HEALTH OF OTTAWA COUNTY
IMPROVING ORGANIZATIONAL PERFORMANCE

CHAPTER: 6	SECTION: 5	SUBJECT: IMPROVING ORGANIZATIONAL PERFORMANCE
TITLE: ORGANIZATIONAL ETHICS		
EFFECTIVE DATE: 7/24/95	REVISED/REVIEW DATE: 12/13/96; 1/8/99; 1/16/02; 6/20/05; 5/13/08; 3/1/10; 2/18/11; 7/23/12, 9/23/13; 9/22/14; 9/28/15; 12/19/16; 10/16/17; 12/17/18; 12/16/19; 6/13/2022; 8/10/2023, 11/14/23	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

- I. **PURPOSE:**
To set standards governing ethical behavior for all providers of services to recipients.

- II. **APPLICATION:**
To all Community Mental Health of Ottawa County (CMHOC) staff and contractual providers.

- III. **DEFINITIONS:**
Provider: Any individual or organization providing direct services to recipients under the care of CMHOC.

- IV. **POLICY:**
Community Mental Health of Ottawa County (CMHOC) expects that:
 - A. Staff members and providers shall perform their duties in such a way as to protect the rights, general well-being, and best interests of recipients of CMHOC services.

 - B. Staff members and providers shall conduct themselves in a manner as to encourage complete confidence on the part of the general public in the integrity of CMHOC programs.

 - C. Staff members and providers 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.

 - D. Staff members and providers shall endeavor to avoid even the appearance of unethical conduct.

 - E. Staff members and providers 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.

 - F. Staff members and providers shall comply with the ethical standards developed by CMH and contained in the following **Code of Ethics:** This Code of Ethics embodies certain standards of behavior for providers of Community Mental Health of Ottawa County in their professional

relationships with those they serve, with their colleagues, with the governing body, with other professions, with the community, and in billing, accounting and marketing practices. All providers of Community Mental Health of Ottawa County commit themselves to conduct their professional relationships in accordance with the code and agree that they:

1. RESPONSIBILITIES TO RECIPIENTS:

- a. Shall respect the dignity and worth of each individual, striving for the protection and preservation of fundamental human rights and rights to mental health treatment per PA 258 of 1974, as amended. The shall be provided and 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.
- b. Shall inform recipients about appropriate treatment options, benefits, and risks to make informed decisions about treatment.
- c. Shall regard as their primary objective the welfare of the recipient and shall strive to empower the recipient to maximize their abilities.
- d. Duty to warn enforcement shall be honored when a staff member/provider is aware of intended harm directed toward an identified victim.
- e. Staff members/providers will not use professional relationships with recipients to further their own interests. Dual/exploitive relationships with recipients will be prohibited. The vulnerability of a recipient shall not be exploited. A provider shall not lend money, borrow money, provide gifts, accepts gifts, provide services to friends or family members (unless otherwise authorized), become a guardian or payee, or engage in personal social activities with current recipients.
- f. Staff members/providers shall not engage in sexual activities with recipients of Community Mental Health of Ottawa County
- g. Evaluation for treatment shall only be provided after a valid informed consent is obtained from the recipient or the recipient's guardian/health care representative.
- h. Community Mental Health of Ottawa County shall make reasonable accommodations to provide clinicians to assess and treat recipients who have similar beliefs, values and/or competence in culturally diverse issues.
- i. Admission to services shall be based on observable condition of the recipient and reports from family and community individuals. For involuntary admissions, the recipient must meet Michigan Mental Health Code requirements.
- j. No provider shall receive any commission, rebate, or other form of remuneration for referral of recipients for professional services.
- k. In the appropriate treatment settings, advanced directives of the recipient will be honored. If a recipient seeks information about advanced directives, Community Mental Health of Ottawa County providers shall attempt to provide information and take reasonable steps to safeguard the recipient's best interest and rights.
- l. Staff members/providers shall not solicit recipients for fundraising or membership in other organizations.
- m. Shall assure recipients are free from abuse and neglect.

2. CONFIDENTIALITY:

- a. Staff members/providers shall respect the privacy of recipients and hold in confidence all information obtained in the course of professional service. Therefore, they will not disclose recipient confidences to anyone, except as consistent with applicable laws and organizational policy.

- b. Shall be responsible to store or dispose of recipient records in ways that maintain confidentiality and follow organization policy regarding the storage and disposal of clinical records
- c. Shall possess a professional attitude which upholds confidentiality toward recipients, those requesting services, colleagues, applicants and any sensitive situations arising within the organization.
- d. Upon termination, shall maintain recipient and co-worker confidentiality and shall hold confidential information about sensitive situations within Community Mental Health of Ottawa County.

3. RESPONSIBILITIES TO COLLEAGUES:

- a. Shall respect the rights and views of fellow professionals and treat them with fairness, courtesy, and good faith.
- b. Shall treat with respect the findings, views, and actions of colleagues and use appropriate channels to express judgment on these matters.
- c. Shall be aware of the potential influence on students and coworkers and will not exploit their trust. Providers will avoid dual relationships that could impair professional judgment.
- d. Shall not engage in or condone any form of harassment or discrimination.
- e. Shall not permit students or fellow providers to perform or present themselves as competent to perform services beyond their training and/or level of experience.
- f. Shall extend respect and cooperation to colleagues of all professions.
- g. Shall not assume professional responsibility for the recipients of a colleague without appropriate consultation with that colleague.
- h. Shall serve recipients of other colleagues with the same dedication and consideration as that afforded any recipient.
- i. If responsible for employing and/or contracting, and evaluating the performance of other providers, shall do so in a responsible, fair, considerate, and equitable manner.
- j. Shall accept the responsibility to help protect the community against unethical practice by any individual or organization engaged in mental health services and shall report known ethical violations to the Corporate Compliance Officer at CMHOC.

4. PROVIDER RESPONSIBILITIES TO CMHOC:

- a. Shall work to improve the effectiveness and efficiency of services.
- b. Shall use the resources of the organization only for the purposes for which they were intended.
- c. Shall comply with all performance and contractual expectations and will follow applicable policies of CMHOC.
- d. Shall proactively seek to improve practices and services that will best serve the interest of the recipients.
- e. Shall protect the positive reputation of CMHOC and shall not engage in activities that will harm the reputation of the organization.
- f. Shall avoid or sustain from activities or decisions that constitute a conflict of interest.
- g. Shall not sign, endorse, or witness any legal documents without direction from Corporate Compliance.
- h. Shall cooperate in recipient rights investigations and will report any and all alleged violations of recipient's rights to the Office of Recipient Rights.
- i. Shall work toward continuous quality improvement of the services provided and embrace the principles of total quality management.

5. PUBLIC STATEMENTS:

- a. Because of their ability to influence and alter the lives of others, providers shall make only factual statements that reflect current best practice when making professional recommendations or options public through testimony or other public statements.
- b. Shall correct, whenever possible, false, misleading, or inaccurate information and provide clarification.
- c. The providers shall make certain that their qualifications are represented in a manner that is not false, misleading, or deceptive
- d. Shall distinguish clearly, in public, between statements and actions as individuals and as representatives of Community Mental Health of Ottawa County.
- e. Any public statement to the media as a representative of CMH will be approved by the provider organization's designee.

6. PROFESSIONAL COMPETENCY:

- a. Shall accurately represent their competence, education, training, and experience according to uniform standards of competency across the provider network. Recipients shall be assigned to providers of comparable competence in any given service area.
- b. Non-traditional services will be provided by staff that has been deemed competent by universal standards.
- c. Hold themselves responsible for the quality and extent of the services that they perform.
- d. Have a continuing commitment to assess their own personal strengths, limitations, biases and effectiveness.
- e. Shall strive to become and remain proficient in professional practice and the performance of professional functions.
- f. Shall act in accordance with the highest standards of professional integrity.
- g. Will not attempt to diagnose, treat or advise on problems outside the recognized bounds of their competence.
- h. Shall seek appropriate professional assistance for their personal problems or conflicts that are likely to impair work performance and clinical judgment.

7. BILLING PRACTICES:

- a. Shall reasonably inform the recipient of their fee for services based on the state ability to pay guidelines.
- b. Will guard the confidentiality of recipients whenever possible. Payers will be provided information on a "need to know" basis.
- c. Charges will be billed in a timely manner.
- d. Shall inform recipients of their ability to appeal their fee and/or decisions regarding benefits allocation based on financial hardship or error.
- e. Shall make reasonable collection efforts on all accounts when clinically not contraindicated.
- f. Shall not deny access to emergency services for recipients based on the ability to pay for these services.
- g. Adhere to the basic principles of truth, accuracy and fairness in business practices that meet federal expectations for corporate compliance of billing practices.
- h. Will have corporate compliance plan to routinely monitor for potential fraud/abuse
- i. Recipients having managed care benefits will be appraised by a plan of prior authorization status and utilization of benefits. Recipients have the right to appeal coverage decisions.

8. ACCOUNTING PRACTICES:

- a. Shall at all times maintain financial statements in accordance with Generally Accepted Accounting Principles (GAAP).
- b. Shall provide adequate internal controls to protect the assets of the organization.
- c. Shall provide total access to all financial records and provide all pertinent information to any authorized auditing entity.
- d. Shall bill and collect only for services performed and will not knowingly participate in or condone fraudulent billing or collection practices.

9. MARKETING PRACTICES:

- a. Services advertised are safe and appropriate for the population served.
- b. Marketing will accurately portray all services provided in the network and will be coordinated within central administration.
- c. Communications about services offered shall be accurate, fair, and true.
- d. In promoting services and programs, providers will not use high pressure techniques or manipulation with recipients or referral sources.
- e. The organization will not engage in false or misleading advertising regarding facts about programs, outcomes of services, costs of services, or credentials of clinical providers, and benefits offered.
- f. No deceptive practices will be used when advertising in any type of media, including print, radio and television.
- g. Photographs of recipients or testimonials will only be used with written authorization from the recipient. Individuals will not be identified as being a recipient of the organization to the community without written authorization to release that information.
- h. Accurate license, certification, and accreditation information will be used in all forms of advertising.
- i. The organization shall not plagiarize the publications or media presentations of others. They will be used only when appropriate consent has been received or compensation is provided to the owner.
- j. Shall be gracious, avoid open criticism and not in any way misrepresent its providers or its competitors in the marketplace.

10. ADMISSIONS PRACTICES:

- a. Admissions will be based on standardized, written admission criteria.
- b. Decisions on admission criteria will be made by competent clinical professionals.
- c. 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, sexual orientation, or any other legally protected status.
- d. Shall respect the choices of the recipient about their health care and shall design the course of service based on the person-centered planning process.
- e. Applicants who do not meet admission criteria may be judged inappropriate for admission and will be referred to another service provider (services outside of network).
- f. Admissions to services shall be based on observable condition of the recipient and reports from family and community individuals. For involuntary admissions, must meet Michigan Mental Health Code criteria.

11. CLINICAL PRACTICES:

- a. Recipients presenting with similar level of functioning and needs will be given equivalent levels and quality of service.
- b. Recipients with similar needs will receive services from persons with comparable credentials and competencies.
- c. Shall assist persons in obtaining other therapeutic services if the provider is unable or unwilling for appropriate reasons, to see individuals who have requested professional help.
- d. Will not abandon or neglect recipients in treatment and will make reasonable arrangement for the continuation of such treatment.

12. CONFLICT OF INTEREST:

- a. Regular referrals that financially benefit the referring individual or organization are disallowed.
- b. Contracts will be obtained under a defined process consistent with Ottawa County's purchasing process.
- c. The organization will self report fraudulent/abusive billing practices according to the criteria set in the Corporate Compliance Plan.
- d. The organization shall develop an internal process which investigates all allegations of abuse/fraudulent activity.

V. PROCEDURE:

- A. All staff members and providers shall be made aware of these standards regarding ethical behavior and shall be given a copy of the Code of Ethics.
- B. Retaliation for reporting alleged unethical behavior is strictly prohibited.
- C. Program Supervisors shall assist providers under their supervision in developing and understanding that behavior which is considered unethical.
- D. Any alleged unethical behavior shall be reported immediately to the provider organization's designee and shall be investigated promptly within 15 business days.
- E. If a determination is made that unethical behavior has occurred, appropriate corrective action will be determined by the provider organization's designee. Any disciplinary action will be in accordance with Ottawa County Personnel Policy.

VI. ATTACHMENT:

None

VII. REFERENCE:

Public Act 505 of 2001
Ottawa County Policy: Social Media
Ottawa County Policy: HIPAA Compliance/Notice of Privacy Practices
CMHOC Policy 01(18) Personal Property and Funds
CMHOC Policy 09(02) Credentialing
CMHOC Corporate Compliance Policy and Plan