

# Van Buren Community Mental Health Code of Conduct

**VBCMh's Code of Conduct applies to all personnel at this agency, no matter their role. As used in this Code, "personnel" refers to all employees, contracted providers, interns, volunteers, and other applicable stakeholders.**

## **Your Individual Responsibility**

In general terms, VBCMh personnel are required to conduct themselves in accordance with:

- Standards set forth in this Code of Conduct;
- Applicable federal and state laws and regulations;
- VBCMh procedures, including general procedures and those applicable to a specific job position or function;
- Standards of conduct incumbent upon an individual by holding state licensure or certification; and
- Ethical standards binding an individual as a practitioner of a particular profession.

This Code of Conduct and the statements herein do not replace, alter, amend, or otherwise limit the scope or applicability of the policies and procedures set forth in VBCMh's employee handbooks, VBCMh's formal policies, or any applicable Provider Manual (herein collectively "the Policies and Procedures"). To the extent any statements or provisions in this Code of Conduct differs from or does not fully and completely describe any part of the Policies and Procedures, the terms of the Policies and Procedures shall govern your conduct at, or while working on behalf of, VBCMh. You should always refer to the Policies and Procedures for a full and complete statement of your obligations, duties, and professional responsibilities at VBCMh, including, but not limited to, those Policies and Procedures specifically cited herein.

All personnel are considered mandated reporters and must report suspected abuse and neglect and other RR violations as required by law. It is a violation of this Code of Conduct for personnel not to report a violation of the Code of Conduct or any illegal activity.

## **Education on the Code of Conduct**

Personnel receive education and information on where to locate the VBCMh Code of Conduct at new hire orientation and in annual Corporate Compliance training. The Code of Conduct is available on the agency's computer network with policies and procedures and on the agency website. New staff shall sign the acknowledgement that they have received notice of where to locate a copy and of their responsibility to adhere to the standard. Other stakeholders can view them online.

## **Equal Treatment, Dignity, Respect, and Choice of Services**

VBCMh promotes an environment in which personnel treat each other in a manner that fosters effective, supportive, and healthy interactions. Failure to demonstrate the expectations outlined undermines these efforts as well as poses the risk of harm to our team members, the organization, and the customers we serve.

VBCMh personnel are expected to treat everyone, including customers and their natural supports, providers, and community partners with dignity and respect. We are dedicated to

creating an inclusive environment and will not discriminate, regardless of race, ethnicity, religion, color, national origin, ancestry, age, disability status, sexual orientation, gender identity, parental status, marital status, as well as gender expression, socioeconomic status, or physical appearance in the provision of services, including admission and discharge. We are united by VBCMh's values and celebrate our unique differences.

VBCMh and its personnel shall abide by all applicable federal and/or state equal opportunity statutes, rules, and regulations including, without limitation, Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act of 1973.

VBCMh personnel provide customers and natural supports with all information concerning services and treatment when and to the extent required by applicable federal and state laws and regulations and/or by sound clinical practice.

We are committed to the protection of customers' Recipient Rights (RR) and furnish services in a manner that does not violate their legal rights as defined in the Mental Health Code and related regulations. This includes advocating for customer inclusion, full community participation, and providing free aid when needed to communicate effectively (qualified interpreters, written documents provided in primary language spoken, TTY service). Personnel are responsible for the identification and elimination of barriers as applicable.

The essential elements demonstrating dignity, include:

- Acknowledging the dignity of others.
- Demonstrating empathy towards others' life situations and decisions.
- Actively listening to others.
- Sharing information that is accurate and correct.
- Validating other's contributions.
- Respecting boundaries.
- Avoiding activities of gossip, teasing, or other unprofessional behavior.
- Avoiding horseplay and physical disputes.
- Contributing equally to activities for the team such as workgroups or committees.
- Providing feedback in an open, honest, and humble manner.
- Expect others to display the same treatment and conduct you would expect yourself.
- Adhering to agency policy and procedure.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly effects an individual's employment, interferes with their work performance, or creates intimidating, hostile, or offensive work environment and will not be tolerated.

Personnel will hold high professional ethics that will be maintained and promoted through acceptable principles and professional standards of practice. This includes personnel not having relationships of a sexual nature of any kind with a customer whom they serve. Relationships of a personal nature (including nonsexual friendships) are strictly prohibited unless the relationship predates when the customer began VBCMh services. Other than those approved to provide CLS or Respite, no personnel will provide direct service encounters to a customer who is a family member or a friend/romantic partner, past or present.

An additional element of a safe workplace is its freedom from substance use. Personnel may not possess, manufacture, distribute, sell, or be under the influence of illegal drugs, alcohol, or marijuana while working. Personnel must comply with all federal and state laws regarding controlled substances. Personnel who know or suspect the consumption, unlawful or unauthorized possession, use, manufacture or distribution of illicit drugs, alcohol, or marijuana by other personnel must promptly notify their supervisor and Human Resources (HR).

### **Privacy and Confidentiality**

VBCMh personnel have access to sensitive customer information, which, if improperly released, could cause injury to customers. Confidentiality of customer information, including identification of a person as a customer, is assured to all customers in accordance with all legal and regulatory requirements, and privacy laws and regulations. Policies and procedures are in place to guide personnel regarding the handling of protected health information.

- Personnel are not permitted to access records of anyone they do not need to access in the course of their work. In addition, all access should be limited to the work that is required to be done on behalf of the customer.
- Personnel must respect the customer's right to privacy. Personnel must not solicit private information from customers unless it is essential to providing services or conducting evaluations. Once private information is shared, standards of confidentiality apply.
- Personnel may disclose confidential information when appropriate with valid consent from a customer or a person legally authorized to consent on behalf of the customer.
- Personnel must protect the confidentiality of deceased customers or previous customers consistent with identified standards.

Personnel must protect the confidentiality of information obtained in the course of providing professional services, except for compelling professional reasons. The general expectation that personnel will keep information confidential does not apply when disclosure is necessary to prevent serious and imminent harm to a customer or other identifiable persons. Information is released in accordance with procedure. In all instances, personnel must disclose the least amount of confidential information necessary to achieve the desired purpose. Contact VBCMh's Compliance Officer/ Privacy Officer and RR Director with any questions regarding the disclosure of customer information.

### **Conflicts of Interest**

Personnel must be alert to and avoid potential, apparent, or real conflicts of interest that interfere with the exercise of professional discretion and impartial judgement. If any form of conflict of interest arises, personnel must disclose it to their supervisor, Division Manager, and Human Resources to ensure safeguards are put in place.

Personnel have a duty of loyalty and non-interference to VBCMh. Other than compensation from VBCMh, personnel shall not have financial or other personal interest in transactions between VBCMh or any of its business units, vendors, suppliers, providers, or customers. This includes not engaging in financial or other activity which competes, appears or does interfere with their performance of duties, or that involve the use of VBCMh property, facilities, or resources, except to the extent consistent with the conflict-of-interest statement.

VBCMh personnel are prohibited from accepting or giving gifts, money, or gratuities. Personnel will not accept or give kickbacks in return for obtaining, influencing, or rewarding favorable treatment in contracts, services, or referrals.

**Human Resources (HR)**

HR will ensure honesty and integrity in their interactions while applying fairness and impartiality in decision-making. HR will endorse open communication with staff, foster trusting and cooperative relationships, promote staff development, and advocate for ethical practices at all organizational levels. They will uphold equal treatment for all personnel and work to cultivate diversity, inclusion, respect in the workplace and for personnel's privacy, safeguard sensitive information, and maintain strict confidentiality standards. HR will ensure responsible use of employee information, adhering to data protection laws, regulations, and strive for consistent and fair application of policies and procedures. They will keep up-to-date with current legal, industry, and personnel standards to ensure VBCMh remains compliant with regulations and laws while prioritizing VBCMh's interests over personal gain and avoiding potential conflicts.

**Marketing and Media**

Federal rules and regulations do not permit the use of Medicaid funds for marketing purposes. Accordingly, VBCMh does not generally run marketing or promotion campaigns, only public service announcements including educational and awareness campaigns. If other funds are to be used for a marketing purpose, the marketing campaigns and advertising materials shall not be deceptive or misleading by omission or commission.

**Outside Employment**

VBCMh personnel shall not represent or act as an agent, compensated or uncompensated, for outside interests in transactions which VBCMh has a direct or substantial interest, pecuniary or otherwise. Personnel shall not accept outside engagements or employment, which conflicts with the ability of personnel to properly perform their duties to VBCMh. Outside employment shall be disclosed to and approved as defined in VBCMh policies.

**Improper Referrals**

Referrals of customers for services outside VBCMh are important to the delivery of proper care. If a referring health care professional or member of their immediate family has an ownership or financial interest to which a customer is referred, and payment for the referred services will be made by federally funded health care programs (Medicare, Medicaid, etc.), federal and state laws may forbid the referral. No employee may make a referral in violation of such laws.

Personnel shall comply with applicable antitrust laws. There shall be no discussion or agreements with competitors regarding price or other terms for services, prices paid to supplier or providers, dividing up customers or geographic markets, or joint action to boycott or coerce certain customers, suppliers, or providers.

VBCMh and its personnel shall not engage in unfair competition or deceptive trade practices, including misrepresentation of VBCMh's products or operation. Personnel shall not make false or disparaging statements about competitors or their products or attempt to coerce suppliers or providers into purchasing products or services.

**Billing and Claims**

VBCMh is committed to charging, billing, and submitting claims for reimbursement only when the services have been provided and documented in the manner required by law, regulations, policies, and applicable standards of care. All personnel should know and follow rules for submission of bills and claims for reimbursement, whether those claims are submitted to VBCMh for payment or to a third party for payment by VBCMh. Any personnel that know or suspect that a bill or claim for reimbursement is incorrect to report the matter immediately to a supervisor or to the Compliance Officer.

## **Contractual Arrangements**

VBCMh is committed to ensuring contractual arrangements are structured in accordance with federal and state laws, other regulations, and in the best interests of the organization and the customers we serve. Contracts will be executed by the CEO and the contracting party; each legally qualified to commit the contracting entity to a binding contract.

*Contracts will clearly establish and address:*

- Nature of the services being performed.
- Period of the agreement.
- If applicable, the conditions under which the contract will be reviewed, renewed and/or terminated and venue for addressing perceived breaches of contract.
- Financial arrangements.
- If applicable, appropriate accounting procedures for revenue and expenditures.
- If applicable, federal and state requirements.

## **Witnessing of Documents**

In situations deemed necessary and allowable, VBCMh personnel witnessing a signature on a document will either observe the person signing the document or make inquiry of the person signing the document as to whether they are the person who signed the document. Generally, a person chosen to witness a document should have no financial or other interest in an agreement. A neutral third party is always best. The witness is not typically required to discern or understand the contents of the document. All witnesses must be of legal age and mentally competent. Regulations prohibit employees of Community Mental Health authorities from witnessing an Advanced Directive document for a customer of the agency or as part of their work for VBCMh.

## **Honest and Accurate Documentation**

VBCMh's policy is to provide services that fully comply with all federal, state, and local regulations and contractual obligations, and adhere to the ethical standards throughout all aspects of the organization's obligations.

Honesty and accuracy mean that VBCMh personnel do not misrepresent facts or falsify customer records. Personnel shall not alter, make fake entries, or enter information that would mislead other persons and/or providers. Such entries are unlawful and could subject VBCMh and potentially the personnel member involved to fines or civil/criminal penalties.

*Corporate Responsibility:* VBCMh has a Corporate Compliance Plan that requires personnel to report suspected cases of fraud, waste, and abuse. Personnel are encouraged to report any actual or potential wrongdoing they observe or suspect. Additionally, personnel will not make attempts to impede, obstruct, or affect the integrity or availability of any audit, review, or investigation, where it is performed internally or externally. Please refer to VBCMh's Corporate Compliance Plan for more information on this topic.

## **Integrity of Clinical Decisions**

VBCMh believes that qualified health care providers can best design and carry out treatment processes that will produce positive results in the least intensive/restrictive environment and in the shortest amount of time. VBCMh strives to provide the most clinically appropriate services based upon established customer need, within established parameters of medical necessity.

## **Professional Ethics**

An employee who is a member of a health care profession required to be licensed or registered under the Michigan Public Health Code is responsible for obtaining their license or registration

and renewals thereof on a timely basis. A health care professional shall render professional services only within the scope of their license and in a manner that conforms to applicable standards of care and to the ethics of their profession. No employee that is a health care professional is permitted to render professional services unless they possess all valid, current, and unrestricted state and federal licenses, registrations, and certifications necessary to legally practice their profession and has been credentialed and privileged as provided in VBCMh Policies.

An employee who holds a certification through the state of Michigan shall uphold the ethical code required by the certification, such as the code required for peer positions.

### **Professional Boundaries**

VBCMh serves individuals vulnerable to abuse, mistreatment, and exploitation. Contact between individuals served and personnel are limited to activities approved to protect all involved. Personnel should not meet outside the parameters of the organization and should not engage in dual or multiple relationships with the individuals served or former individuals served, in which there is a risk of exploitation or potential harm

VBCMh recognizes the unique role Peers have in assisting our customers. The professional boundaries for a Peer differ from those of a traditional Clinician. Peers work from a principle of self-disclosure and the assumption that the informal relationships between the Peer and customer are therapeutically significant. This relationship may include social activities and/or other community outings, while remaining in the parameters of the organizational role.

### **Use of Social Media**

VBCMh personnel must maintain professional boundaries and abide by procedures in the use of social media with customers and/or their paid or natural supports. Therefore, personnel shall not establish connections or engage with customers and/or their paid or natural supports through social media to protect all parties from negative consequences. VBCMh material that is not expressly authorized to be disclosed must not be released or communicated via social media.

### **Personal Use of VBCMh Resources**

The use of VBCMh property, equipment, or other tangible assets by personnel for any personal purpose or personal gain is strictly prohibited.

### **Personal Fundraising**

Personnel shall abide by agency procedure on Sales, Solicitation, Gifts (IV.04.12). No personnel shall engage in any solicitation for the purposes of personal profit on Agency premises or during working hours.

### **Protection of Assets/Property**

Personnel are expected to respect and safeguard the personal property of customers, visitors, other personnel, and property owned by VBCMh.

### **Violations of this Code and Reporting**

It is the explicit obligation of personnel to report suspected or actual violations of this code, or any other policy/procedure.

#### **Reports can be made:**

- Directly to any supervisor, to the Compliance Officer, the CEO, or anonymously through the VBCMh Compliance Hotline: 1-800-292-5419.

VBCMH takes all reports seriously and prohibits any forms of intimidation or retaliation against personnel who make reports in good faith. If you feel you have been intimidated or retaliated against for reporting, please inform the Compliance Officer, Human Resources staff or the CEO.

***The following are examples of behaviors and/or conduct that can result in disciplinary actions or sanctions:***

- Participating in, or failing to report, a violation of the law, regulation, or VBCMH policy.
- Providing unsafe care and/or care that is not medically necessary to our customers.
- Falsifying records of any type (timecard, medical records, expense reimbursement, etc.).
- Theft or misuse of VBCMH assets, funds, equipment, supplies, medical records, or other property.
- Retaliating against those who report issues and concerns.
- Deliberately filing false or frivolous reports of violations.
- Committing or threatening to commit an act of violence.
- Actions that are found to be discriminatory, harassing, or bullying.
- Reckless or intentional actions or behaviors that jeopardize the privacy and security of protected health information and/or other VBCMH business documentation.

**Political Influence**

Personnel shall not directly or indirectly authorize, pay, promise, deliver, or solicit any payment, gratuity, or favor for the purpose of influencing any political official or government employee in the discharge of that person's responsibilities.

**Political Activities**

Political activity by personnel must take place outside of work time. No VBCMH funds or property shall be used for any political contribution or purpose. Personnel are not allowed to wear or display campaign materials while working.