

# BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

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| <b>Section: 3</b>   | <b>Organization – Agency</b>   |   |  |
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## Policy

Bay-Arenac Behavioral Health Authority (BABHA) will operate consistent with the highest standards of business, professional, and personal ethics. This Policy applies to all employees and contractors. Employees and contractors are required to adhere to BABHA’s ethical policies and procedures, and also required to adhere to the codes of ethics related to their profession. BABHA shall enforce its policies and reserves the right to take appropriate disciplinary action for violations of professional codes of ethics.

## Purpose

This policy and procedure was established to provide ethical guidelines and an operating philosophy consistent with BABHA’s stated organization purpose, mission and values that will guide day-to-day activities and decision making and define acceptable and unacceptable practices.

## Education Applies to

- All BABHA Staff
- Selected BABHA Staff, as follows:
- All Contracted Providers:     Policy Only     Policy and Procedure
- Selected Contracted Providers, as follows:
  - Policy Only     Policy and Procedure
- BABHA’s Affiliates:     Policy Only     Policy and Procedure
- Other:

## Definitions

N/A

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**Procedure**

This procedure incorporates the text of the BABHA Operating Philosophy and Ethical Guidelines handbook, as follows:

**General Standards and Practices:**

BABHA strives to achieve standards consistent with our mission and values, even when issues may pose particular challenges and dilemmas. We maintain the strongest commitment to complying with the laws, standards, rules, and regulations applicable to the conduct of our business and to those professional standards for conduct relevant to the services we provide. Employees must avoid activities that could lead to the involvement of the Agency or its personnel in any unlawful or unethical practice. Employees are expected to discourage and report any known unlawful or unethical practice under the provisions contained in this procedure through their chain of command or through anonymous means, such as report to the Ethics Committee or Corporate Compliance process. The employment of personnel or the use of the Agency’s assets for any unlawful or unethical purpose is strictly forbidden.

**Business Principles:**

Our employees are key to achieving our mission; they embody our values and are responsible for following our guiding principles for doing business. Our principles are based on our mission and values and affirm our commitment to responsible practices in our communities. Together, these principles are the basis for our Operating Philosophy and Ethical Guidelines. Our employees understand these principles and are guided by them during the course of their employment at BABHA.

**Commitment to Persons Served:** We are committed to providing quality behavioral health care that promotes achievement of personal objectives and effective freedom.

**Ethics and Values:** We will conduct our business openly, honestly and with integrity and trust. We will respect human rights in all our activities. We will adhere to the law and operate in accordance with the highest ethical standards for the persons we serve and the community at

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large; and while we cannot exercise direct oversight, we will nonetheless expect the same from our partners, contractors and suppliers.

Community Initiatives: We will be sensitive to the needs and culture of our local communities and strive to help them become more inclusive places to live. We will support initiatives that promote health, prevention, recovery, education and economic well-being and will encourage employee involvement in community programs and socially responsible activities.

Environmental Considerations: We will take steps to ensure that we operate in ways that are efficient and environmentally responsible.

Workplace and Environment of Care Issues: We will provide a safe, supportive, and secure working environment where employees feel free to contribute their talents. Human Resources policies, procedures and practices will promote the establishment of a diverse base of employees and ensure equal opportunity to all qualified individuals in recruiting, compensation, professional development, promotion, and other employment practices.

Issues of Incentive: We believe in, attempt to create, and support activities that promote effective freedom, self-determination, employment of individuals with different abilities and with disabilities, and a number of other important public policy activities. Toward these ends, the Agency will use resources, where feasible, to promote, create, and support activities designed to implement or further these important public policy objectives, and encourage good stewardship of public resources. BABHA believes in, attempts to create, and supports partnerships with individual practitioners, provider organizations, advocacy groups, and others where incentives are aligned in such a way as to promote the implementation of these values.

Services: Services and supports provided for and on behalf of individuals are determined by their Person-Centered Plans (PCP)/Individualized Plans of Service (IPOS); or individual treatment plans for individuals receiving substance abuse services. Every effort is made to enhance and respect self-determination in developing their PCPs. The integrity of clinical decision-making is based upon the bio-psychosocial needs assessment.

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- The welfare of people receiving services is a high priority and staff may provide educational and experiential opportunities to assist them in making decisions that minimize the potential for serious conflicts with the person’s health and safety.
- Individuals will participate in the development of their PCP, to every degree possible.
- Staff will serve people with the idea of assisted competence, providing supports and services to help them with the aspects of daily living with which they have extreme difficulty.

### Professional Ethics:

All employees are expected to maintain the highest standards of professional and personal ethics in the course of their work at BABHA and all other settings, including adhering to relevant professional standards of conduct. This includes working honestly and with integrity at all times, whether witnessing legal documents, dealing with people receiving services, other employees, the community, local organizations, suppliers and contractors, or governmental and regulatory authorities. It also means avoiding questionable relationships with people or organizations with which the Agency could transact business, avoiding the disclosure of confidential information, and avoiding situations which could place employees or the Agency in a conflict-of-interest position. Employees should address these items with their supervisor prior to engaging in any activity that is not clear.

In interacting with persons served or their families, such interactions will be undertaken in a therapeutic, professional and respectful manner. Staff interactions and contact with persons served shall be professionally not personally based. As such, the following potential “dual relationships” are not permitted:

Staff members will not engage in sexual contact or behavior with persons served or family members of persons whom they serve or have served in the past in a professional capacity.

Unless first approved by the appropriate Strategic Leadership Team (SLT) member and permitted by the professional code of ethics of the staff’s profession, staff should not engage in, nor interfere with, treatment for persons with whom they have a personal

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relationship. Examples of possible dual relationships include professional relationships with relatives; past/current/future spouse or significant other/close friend; students serving in internship roles; volunteers; co-workers or, colleagues.

Unless first approved by the appropriate SLT member and permitted by the professional code of ethics of the staff’s profession, staff members shall not have routine social contacts with persons served or family members of persons whom they serve or have served in the past in a professional capacity. An exception to this example is acceptable professional boundaries associated with the role of a peer support specialist. Due to the nature of the peer specialist role, professional boundaries may allow for the sharing of social experiences with persons served, sharing lived experiences and more informal communications.

Staff members shall not give to, nor receive from persons served or family members of persons whom they serve or have served in the past in a professional capacity, items of value. Examples would include loans of money or gifts of more than a nominal value.

Employees will be discouraged from serving as formal witnesses on legal documents related to persons receiving services including powers of attorney, guardianship and advanced directives. In the event that a person in service requests a BABHA employee to witness a legal document on their behalf, the employee will first consult with their supervisor for guidance and subsequently document any such witnessing actions in the person’s clinical record.

If a staff member has an existing or potential dual relationship with a person served or family members of persons whom they serve or have served in the past in a professional capacity, the staff member shall immediately notify their immediate supervisor. BABHA shall undertake to consider alternative treating programs or staffing or undertake other steps to minimize the potential for undesirable consequences.

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Rights, Labor and Community Issues:

Rights, including appropriate care, informed consent, access to records, and information on fees for services, are guaranteed. People are not discriminated against, nor denied admission or professional services, on the basis of ability to pay, race, color, age, gender, religion, national affiliation, marital status, height, weight, arrest record, disability, sexual orientation, or any other legally protected status.

Our employees are committed to excellence and ongoing quality improvement and believe in individual choice and individual services that are accessible, effective and clinically appropriate. We are committed to ensuring the availability of programs and services that promote independence and to encouraging the involvement of family, friends and community support. We are committed to collaboration with other organizations to address community health needs, to promote prevention, and to increase understanding of behavioral health.

Political Contributions and Contact with Government Officials:

It should be clearly understood that political activity by employees must be performed strictly in their individual and private capacities as responsible citizens and not on behalf of BABHA. Any political activities on the part of the Agency is covered by and in accordance with State and Federal law including 1976 PA 169, as amended (M.C.L. 15.104, et seq.) and, where applicable to employees funded through federal funds, by Federal law, being 5 U.S.C. Section 1501-1508 (commonly known as the “Hatch Act”) and any applicable regulations relating to these statutes.

No employee may receive any agency direct or indirect reimbursement or offsetting refund of any nature whatsoever with respect to political contributions made by them in any form. In addition to the restrictions on political contributions, it is important to recognize that all personnel must abide by the laws pertaining to contact with governmental officials (including lobbying and issue registration) in the United States. Although the Agency may make appropriate contact through lawful channels when warranted to address issues affecting the delivery of products, services and supports to individuals or other business issues, this will be done by designated personnel and with management approval. Coordination with executive management is required in order to ensure compliance and issue management.

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Business Records and Internal Controls:

Accurate and reliable business records are not only required by law but are of critical importance to the Agency’s decision-making process and to the proper discharge of financial, legal and contractual reporting obligations. All business records, accounts and reports to government agencies and others must be prepared with care and honesty. False or misleading entries in the records are unlawful and are not permitted. No officer or employee, regardless of position, is authorized to deviate from this requirement nor condone such action by anyone else. All agency funds, assets and liabilities must be recorded in accordance with appropriate and Generally Accepted Accounting Principles. Further, accurate records of service will be maintained to insure individuals are billed only for services provided and to expedite resolution of any claims or disputes.

For the safeguarding of assets, all employees must ensure that accounting and internal control procedures are strictly adhered to. In this regard, employees should advise their supervisor or other appropriate management of any deviations they observe.

The agency’s records of transactions are important assets, and the finance and accounting department must make its own initial determination of how long its records need to be retained for effective operations in accordance with contractual and legally required retention periods. All records must be retained for the period established by record retention guidelines.

Business Communications:

When BABHA presents itself to the public, it may provide information about programs, finances, policies and procedures. Such information must have prior approval of management. However, when writing about our agency occurs, business records may be subject to disclosure to the government or other parties. More importantly, our records may be used by the news media to shape public opinion about our image, or other issues. No matter where the communication occurs, the content and nature may have significant consequences.

Business records are broadly defined and may include e-mail and even individual’s notes.

Conflict of Interest:

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"Conflict of Interest" generally arises out of situations where an employee's own interest influences the way he or she handles the Agency's business. It would typically involve a situation where an employee or an employee's family member could benefit personally from transactions involving the Agency or an individual receiving services.

While a possible conflict between personal interests and agency interests does not always result in damage to the Agency, the mere existence creates an inappropriate condition. Even the appearance of a conflict of interest should be avoided. While it would be impossible to describe all instances where a conflict could occur, the following guidelines help define a potential conflict of interest.

A conflict of interest can exist when an employee or immediate family member has a direct or indirect financial interest in, or receives any compensation or other benefit from, any individual or organization that:

- ◆ sells material, equipment, property or services to the Agency
- ◆ renders any service to, on behalf of, or at the direction of the Agency
- ◆ has contractual relations or business dealings with the Agency, including leases, and purchased or contracted services; and/or
- ◆ competes with or engages in a similar business as that of the Agency.

A conflict of interest may also exist when an employee uses BABHA equipment, personnel or facilities for personal gain. Agency business must be conducted solely on the basis of merit and be clinically or business-appropriate for the given conditions. Employees must refrain from actions, and must disclose to BABHA management, relationships that might impair their independent judgment or provide an unfair advantage to a contractor.

Employees will respect the personal property of others and shall refrain from actions that could have a negative impact on persons served, other employees, or the Agency.

The following illustrates some of the kinds of activities employees should avoid:



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Loans: Employees should not borrow from the Agency, its customers or individuals or firms with which the Agency does business nor should loans of any kind be made to persons receiving services.

Gifts and Gratuities: Employees will not solicit gifts, services, benefits or hospitality from persons receiving services, contractors, other customers or suppliers. Employees may accept nominal gifts that do not exceed customary courtesies extended in accordance with ethical business practices from any person or organization. However, larger and/or costlier gifts may only be accepted as a gift to the Agency. Such gifts may not be accepted by staff for personal use. These gifts, services, benefits or hospitality should not influence or even appear to influence the employee's conduct in representing the Agency. With respect to persons served, staff should consult their supervisor regarding any other tokens of appreciation. Employees should refer to BABHA Policies and Procedures for general guidance and check with supervisors for further explanation of what constitutes inappropriate gifts and entertainment in specific areas of operations.

BABHA work sites that receive educational presentations accompanied by gifts from vendors, will document the educational sessions. The documentation will include the vendor name, education received, and any items given by the vendor. This may include sample medications, lunch, or other nominal gifts. This documentation will be maintained at each site for a period of seven (7) years. Supervisors should also record such educational sessions in the informal education database for staff who participate.

Employees are prohibited from personal fundraising, soliciting sales or services and distributing materials during work hours in any working areas of the organization. Employees may not solicit other employees. Employees should seek supervisor guidance prior to engaging in any activity that could be perceived as soliciting private business in the workplace.

Business Information: In general, employees should not disclose or use for their own benefit, or the benefit of anyone other than the Agency, information that is not known to the public. Such information includes reports, internal memos, technical or clinical data, financial data, operating data and other information regarding the Agency's business and operational

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activities and future plans. Distribution of information that would become a matter of public record must be reviewed and approved by management and the Board.

Payments: Employees should not make, on behalf of the Agency, illegal, questionable, or unauthorized payments of money or other property to anyone.

Employment: Employees should not perform work or render services for any organization with which the Agency does business without appropriate approval from management.

If an employee is engaged in activities that create or even appear to create a conflict of interest, all pertinent information must be immediately disclosed to the employee’s supervisor. In such cases where persons receiving services may be involved, the staff could be removed from the case and the supervisor will then send the information to a member of the Agency's Ethics Committee for concurrence or additional guidance on how to address the conflict appropriately.

### Confidential Information:

Staff members will respect the confidentiality of all people and strictly adhere to the requirements of both laws and the staff’s professional codes of ethics. Staff will neither seek information, nor convey information to others, about any person, except as necessary for therapeutic purposes (for additional clarification, refer to BABHA’s Policies and Procedures - Member Rights and Responsibilities, Recipient Rights System, Confidentiality, and Corporate Compliance/HIPAA).

In the event that staff should engage in inadvertent and/or unavoidable relationships (social, business or financial) with past or present recipients of service, or if staff provide natural supports, the staff will strictly maintain confidentiality and disclose to their immediate supervisor any potential conflict of interest.

### Accountability

All employees are expected to follow our Operating Philosophy and Ethical Guidelines in their day-to-day activities. This includes participating in required training, being sensitive to

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situations that could lead to illegal or unethical actions, and reporting, avoiding and preventing behaviors that could give even the appearance of impropriety.

Supervisors are responsible for maintaining a work environment that encourages compliance and open communication regarding legal and ethical problems and concerns.

Managers are required to establish systems to identify legal requirements, train employees to meet their responsibilities and monitor their area(s) for compliance.

Strategic Leadership Team and/or a delegated committee regularly review compliance policies and guidelines, receive and respond to complaints and assess goals and performance.

Human resource representatives are responsible for providing a copy of this Operating Philosophy and Ethical Guidelines to new employees, and for ensuring that employees receive the required compliance training.

Finance representatives are responsible for protecting agency assets, keeping accurate and detailed records, and making full and proper financial disclosures.

Partners, community stakeholders, contractors and suppliers are expected to comply with all applicable laws and our agency’s high ethical standards. We will seek partners whose policies are consistent with our own. Community stakeholders and contractors will receive education on BABHA’s ethics expectations initially and as needed. When contractors are found to be in violation of our ethical standards, they may be found to be in material breach and offered a period to cure the breach before additional action is taken.

Compliance with our Ethical Guidelines is a condition of employment for BABHA employees. Failure to comply may result in a range of disciplinary actions, up to and including dismissal. This includes failure by any employee to disclose violations of these standards and practices by other employees or contractors.

The Ethics Committee is established to provide training and resources to employees related to ethics. This body annually reviews policies and procedures to ensure that staff have the

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| <b>Section: 3</b>  | <b>Organization – Agency</b>  |  |  |
| <b>Topic: 5</b>  | <b>Operating Philosophy and Ethical Guidelines</b>  |  |  |
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necessary guidance to address ethical concerns. It is available to hear and respond to ethical dilemmas as they arise.

Compliance Resources:

Employees have several resources available to assist with compliance questions and concerns. The first step is to speak with their immediate supervisor. If preferred, employees can discuss the matter with the Corporate Compliance Officer, Human Resource Director or other appropriate management official. Consultation is available from the BABHA Ethics Committee who can provide additional advice. In the event of a disagreement concerning interpretation of any matter pertaining to Ethical Guidelines, the CEO is the final arbiter.

Using the Confidential Telephone Line:

If an employee feels uncomfortable consulting a supervisor or manager, a call may be made to the BABHA Corporate Compliance telephone hotline (1-800-243-7483 or 989-895-2362) to report a violation of law or agency policy. Calls made to this number are confidential, and the line is available 24 hours a day.

Our agency appreciates receiving information from any source regarding violations or potential violations of law or our Operating Philosophy and Ethical Guidelines and prohibits retaliation of any kind against "whistleblowers." An investigation, disciplinary action and remedial measures are taken as deemed appropriate. Employees are encouraged to report concerns regarding compliance matters. The Agency will not discharge, demote, suspend, threaten, harass or in any manner discriminate against any employee in the terms and conditions of employment based upon any lawful actions with respect to good faith reporting of complaints.

**Failure to Adhere to Policy**

It is expected that staff will strictly adhere to this Policy and the procedures and will immediately report any incident or potential incident related to this policy to appropriate supervisors and management. Violation of this policy, or of a staff member’s professional code of ethics, will be considered cause for disciplinary action. Violation of Policy prohibitions against sexual contact contained in this policy shall be reported to the appropriate regulatory authorities, licensing

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boards and law enforcement authorities as mandated by law or regulation. Other ethical violations may also be reported to the appropriate bodies.

**Attachments**

N/A

**Related Forms**

Employee Attestation Form (Intranet-Last page of the Operation Philosophy and Ethical Guidelines)

**Related Materials**

N/A

**Reference(s) and/or Legal Authority**

1. CARF
2. Office of Inspector General; Compliance Program Guidance for Medicare+Choice Organizations Offering Coordinated Care Plans

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| <b>SUBMISSION FORM</b>      |   |                                      |  |   |
|-----------------------------|---|--------------------------------------|--|---|
| <b>AUTHOR/<br/>REVIEWER</b> | <b>APPROVING<br/>BODY/COMMITTEE/<br/>SUPERVISOR</b> | <b>APPROVAL<br/>/REVIEW<br/>DATE</b> | <b>ACTION<br/>(Deletion, New, No<br/>Changes,<br/>Replacement or<br/>Revision)</b> | <b>REASON FOR ACTION<br/>- If replacement list policy to be<br/>replaced</b>            |
| Rebecca Smith               | Ethics Committee:<br>Corporate                      | 7/20/10                              | Revision   | Update based on annual review by the Ethics Committee & Corporate Compliance Committee. |
| Rebecca Smith               |   | 8/20/12                              | No Changes   | Triennial review  |
| Rebecca Smith               | Compliance Committee                                | 3/20/15                              | Revision   | Revised base on review and recommendation of labor counsel                              |
| Rebecca Smith               | Ethic Committee/SLT                                 | 4/16/15                              | Revision   | Revised to comply with new CARF standard related to Peer Support Specialist             |
| Rebecca Smith               | Christopher Pinter                                  | 7/1/15                               | Revision   | Revised to correct items inadvertently removed during 2015 legal review.                |
| Rebecca Smith               | Christopher Pinter                                  | 11-4-15                              | Revision   | Revised to correct items inadvertently removed during 2015 legal review                 |
| Rebecca Smith               | Ethics Committee                                    | 12-8-16                              | Revision   | Revised to comply with new CARF standards   |
| Rebecca Smith               | C. Pinter   | 5/31/18                              | No changes   | Triennial Review  |
| Jennifer Lasceski           | C. Pinter   | 8/19/21                              | Revision   | Triennial Review-Format corrections   |
| Jennifer Lasceski           |   | 7/5/24                               | Revision   | Triennial Review-grammatical correction   |
|                             |   |                                      |  |   |