



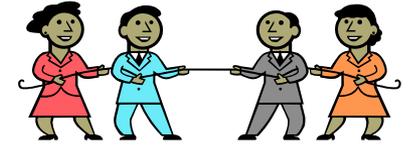
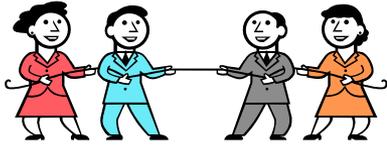
- Ethics
- Staff-Client Interactions
- Human Rights
- HIPAA
- Abuse, Neglect, Exploitation, and Reporting



Ethics are standards of conduct and moral judgment.

- Having high ethical standards means that you are doing the right thing whether or not anyone is aware of that action.
- It is StarCare's expectation that staff members are aware of their responsibility, and behave ethically at all times.

To avoid situations that could create a conflict of interest:



- Staff members establish only professional relationships with consumers and do not become personally or romantically involved with anyone that we serve.
- Staff does not accept/give gifts or gratuities from/to consumers or their families.
- Staff may not enter into sales or employment contracts with consumers, or rental agreements.
- Staff members are not to Borrow, Lend or Exchange items with consumers (ie. Magazines, books, CDs, DVDs, jewelry, etc.)

Other Ethical Practices:

- Service providers are discreet about the information that they share, and do not discuss personal religious or political beliefs with consumers. They acknowledge and respect the beliefs of others.
- Compliments are given in a non-sexual manner and without hidden agendas. Humor with sexual or ethnic overtones is never introduced into the work environment.
- When a staff member encounters consumers or their families after hours, they maintain a professional role and demeanor. Service providers are always careful of their personal conduct to ensure that no behaviors can be perceived as being inappropriate, unprofessional, or unethical.



Staff-Consumer Relationships



A person is considered to be a customer of StarCare from the date of admission until **90 Days** past the discharge from services.

StarCare policies are not intended to prohibit or terminate pre-existing relationships. However, staff must notify their supervisor of such a relationship as soon as they become aware that the person is receiving services from StarCare.

Staff may not initiate or participate in sexual contact with a person who is served in the same program where the staff member is employed, even if the contact is considered to be consensual, non-assaultive or non-exploitive. Sexual contact with a person for whom the staff member is providing services is highly unethical and is considered to be client abuse.

Staff who sexually assault or sexually exploit a person who receives services from StarCare will be terminated from employment, reported to their licensure agency and will be reported to law enforcement.

Staff-Consumer Relationships Cont....

Sexual contact with a minor is illegal and will be reported to law enforcement agencies.

Sexual contact is defined as: intercourse, touching, hugging, kissing or fondling to arouse or satisfy sexual thoughts or activities. Sexual exploitation is defined as: a person who is mentally, physically or socially less able is coerced, threatened or manipulated into participating in sexual activities.

Staff does not become employers for the people for whom they provide services; do not purchase from or sell property to a consumer and do not handle the consumer's money outside of their professional responsibility.

The people who receive services from StarCare should be treated like valued customers, not like best friends, members of your family or your children. By maintaining a professional relationship with a consumer you set acceptable, clear boundaries that help you and the consumer to understand your role and responsibility.





Staff-Consumer Relationships Cont....



Don't give your consumers your home telephone number. StarCare has after-hours services in place to deal with emergencies. If you are concerned about one of the people you serve and want to be informed if they have problems, then let the on-call or crisis line know so they can notify you. It is never a good idea to give the perception that you are the only person who can assist your consumers. What will happen if you are not available? Remember our mission is to support individuals to become independent not dependent on one service provider.

Do not take consumers to your home, even for "just a minute" to pick something up from your home. Aside from crossing, what should be clear boundaries; it could create confidentiality issues should you encounter family members or neighbors. Any exception to this practice must have prior approval by administrative staff.

Deal with the person for whom you provide services on an adult level. Set clear parameters and acceptable expectations for conduct for your interactions. Remember, a diagnosis of mental illness or cognitive disabilities is not an excuse for bad or rude behavior.

Be honest and don't make promises you can't or won't keep. If, for some reason you can't keep a promise, explain the circumstances to your customer. Don't promise anything over which you have no control. i.e. "I'll make sure that the Social Security Office approves your disability pay" or, "I'll make sure that your mother calls you tomorrow".

Rights of Individuals Served by StarCare

Every person served by StarCare is afforded the same rights, benefits and privileges guaranteed by the Constitution and Laws of the United States and the Constitution and Laws of the State of Texas. Consumers are guaranteed the same rights as any other citizen of the United States and the State of Texas, except where lawfully restricted. Examples of those rights are:



Human Rights

- To be treated with dignity, courtesy and respect;
- have privacy;
- be free from fear;
- live and work in a clean, safe environment;
- make choices; and have some level of self-determination.





Civil Rights

- To vote;
- have opportunities for education;
- acquire, use and dispose of property;
- sue and be sued;
- be afforded due process;
- have religious freedom;
- be allowed unrestricted and uncensored communication;
- obtain and consult with an attorney;
- have access to equal employment opportunities;
- have access to housing; and
- freely associate with people, groups, and organizations of their choice.



Special Rights



- To have the rights as a consumer explained in language and terms, which are easily understood;
- have protected health information handled in strict confidence;
- actively participate in treatment planning;
- have sufficient information to make informed choices about treatment issues, participation in research projects or medication therapies;
- have an individualized treatment or habilitation plan;
- be able to refuse some aspects of treatment without jeopardizing other services;
- be free of unnecessary or excessive medication;
- live in the least restrictive environment;
- be free from abuse, neglect or exploitation;
- be able to give, or refuse to give, consent to release personal information;
- submit a grievance or complaint about services rendered; and
- access records and data, generated by StarCare, pertaining to the individual.

Rights Restrictions:

Rights can only be restricted when:

- a person poses an imminent threat to self or others;
- a court of law has adjudicated the person incapacitated and appointed a guardian to the individual; or
- the exercise of a right would have a serious detrimental impact on that person or others.



Who can restrict a right?

- PHYSICIAN – temporarily;
- POLICE OFFICER – temporarily;
- COURT OF LAW– following due process;
- the treatment team with the approval of the Rights & Protection Officer/Human Rights Committee, if the restriction is in response to immediate safety concerns; and
- any person in an emergency to prevent someone from harming self or others

As service providers we are responsible to ensure that the rights of the people we serve are protected and that consumers have opportunities to exercise their rights. Any service provider who is concerned about a rights issue can call StarCare's Rights and Protection Officer at: (806) 766-0332 or (806) 766-0328.

Confidentiality of Protected Health Information

The right to have personal information about us kept confidential is highly prized by all of us and is protected by state and federal laws. Divulging protected health information, whether done carelessly or maliciously, can cause civil or criminal liability and can carry a fine of up to \$25,000 or a ten-year prison term. Appropriate personnel actions will also be taken, in accordance with StarCare policies, to address unauthorized disclosure of protected health information.



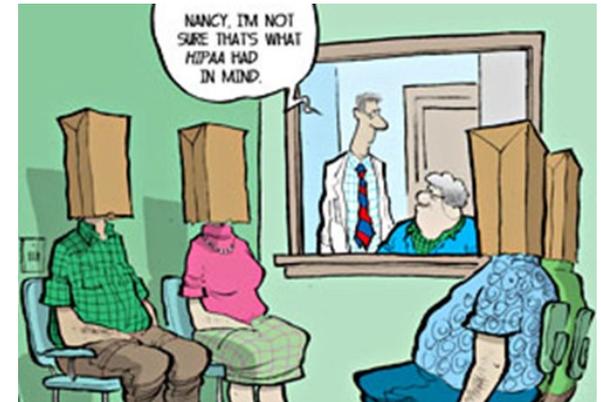
The Health Insurance Portability and Accountability Act (HIPAA) of 1996 requires that health care providers, health plans, and health care clearing houses maintain reasonable and appropriate administrative, technical, and physical safeguards to:

- ensure the integrity and confidentiality of the information;
- protect against reasonable anticipated threats of hazards to the security or integrity of the information or unauthorized uses or disclosures of the information;
- ensure compliance by their officers and employees.

PHI and SPI

PHI –means information, including demographic data, that relates to the:

- Individual’s past, present or future physical or mental condition;
- Provision of care to the individual; or
- Past, present or future payment for the provision of care of the individual and
- Individual’s identity or for which there is a reasonable basis to believe it can be used to identify the individual.



SPI - means sensitive personal information

- An individual’s first name or initial and last name in combination with any one or more of the following items, if the name and the item are not encrypted:
 1. Social Security Number:
 2. Driver license number of government issued identification number or
 3. Account number or credit or debit card account number in combination with security code, access code or password that would permit access to an individual and relate to the :
- Information that identifies the individual and relates to the:
 1. **Physical or mental condition of the individual;**
 2. **Provision of care to the individual; or**
 3. **Payment for the provision of care to the individual**

SPI and PHI Incident

Incident –means the acquisition, access , use or disclosure of PHI or SPI in a manner that is not permitted by federal or Texas state statutes, code, rules and regulations. Examples of these incidents may include, but are not limited to:

- Misdirected faxes, emails, postal mail or private couriers;
- Sending or forwarding PHI or SPI information to a non-agency email account;
- Emailing secured PHI or SPI information to your personal email account whether work –related or not, without management approval;
- Leaving a computer that contains PHI or SPI logged on and unattended; leaving passwords in plain view of others;
- Storing e-PHI or SPI on a non –agency device without the approved security controls;
- Lost or stolen laptops, computers, smart phones, other mobile electronic devices and documents that contain PHI or SPI information;
- Unauthorized access, snooping or theft of PHI or SPI;
- Granting a user who does not have a need –to-know access to data or system; and
- Associating an individual’s case with the files of another individual

These incidents must be reported

Security Requirements:

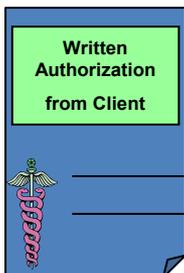


- **Administrative procedures** to safeguard data integrity, confidentiality and availability. The regulation requires that administrative procedures are documented, formal practices to manage selection and execution of security measures to protect data and the conduct of personnel in relations to the protected data.
- **(Example):** StarCare’s policies and procedures pertaining to release of information and the use of protected information.
- **Physical Safeguards** to safeguard data integrity, confidentiality and availability. Physical safeguards are documented, formal practices that manage the selection and execution of security measures to protect data and the conduct of personnel in relations to the protected data.
- **(Example):** Sign-out procedures for charts, chartroom security, transportation of protected data, location of printers, fax machines and copiers etc
- **Technical Security Services** to safeguard data integrity, confidentiality, and availability. According to the regulations these services include the processes that are put into place to protect, control and monitor access.
- **(Example):** Policies addressing data access, “need to know” requirement.
- **Technical Security Mechanisms** to prevent unauthorized access to data that StarCare transmits over communication networks. The mechanisms include computer security such as firewalls, access codes etc.
- **(Example):** Password requirements to access consumer data, coversheets for fax transmittals, encryption of sensitive data etc.

Information about persons who receive services from StarCare may be released under the following circumstances :



- With **written authorization** signed by the consumer, or a person who is legally authorized to give consent on behalf of the consumer. Note: A verbal consent is not sufficient to release protected health information.
- If there is a medical emergency, information to ensure prompt and safe medical care may be released to medical staff.
- If the consumer poses a clear and immediate danger to self or others, information can be shared with law enforcement agencies to ensure the safety of the consumer and others.
- Texas state law requires that knowledge or suspicion of child abuse must be reported to Children Protective Services (CPS) or law enforcement agencies, regardless of how staff became aware of the situation. Non-professional staff must make a report to CPS immediately after the nonprofessional has cause to believe that the child's physical or mental welfare had been adversely affected by abuse. Professional staff is required to report not later than the 48th hour after the professional first has cause to believe the child has been or may be abused or is the victim of the offense of indecency with a child.
- Additionally, knowledge of or suspicion of abuse, neglect or exploitation of an elderly or disabled person must be reported to Adult Protective Services (APS) or law enforcement agencies, regardless of how staff became aware of the situation.



Information about substance abuse treatment is protected under federal laws (42 Code, Federal Registry, Part 2) and can be released only with written authorization from the consumer or a person who is legally authorized to give consent, or a court order.

Information may be exchanged with the following agencies without the written consent of the person who receives services:



when this entity is investigating an allegation of abuse, neglect or exploitation or a complaint from or on behalf of a consumer, they have the legal authority to all pertinent information.



when this entity is investigating an allegation of abuse, neglect or exploitation or a complaint from or on behalf of a consumer, they have the legal authority to all pertinent information.



to facilitate continuity of care for impaired offenders, information about mental health or cognitive disability services may be share without the written consent of the consumer.

LUBBOCK PRIVATE DEFENDERS' OFFICE

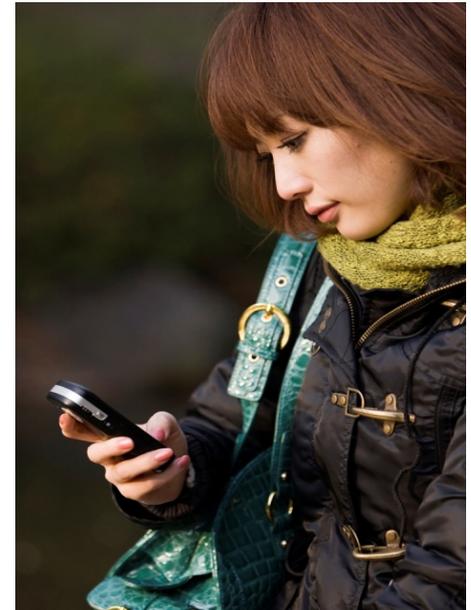


to facilitate continuity of care for impaired offenders, information about mental health or cognitive disability services may be shared without the written consent of the consumer.

Substance abuse/use/treatment information cannot be released without Written Authorization or a Court Order.

To make a complaint because confidentiality may have been breached the consumer, or any concerned individual, can contact:

- StarCare's Consumer Relations Director – **Jeanie Benitez**
(806) 766-0332 OR (806) 789-2546
The Consumer Relations Investigator – **Giselda Balderas**
(806) 766-0328 OR (806) 516-4573
- Consumer Services and Rights Protection
Ombudsman Office
P.O. Box 12668
Austin, TX. 78711
1-800-252-8154
- Secretary of the United States
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C 20201



There cannot be any retaliation against a consumer who files a complaint to any of those entities.



Subpoenas:

If you are aware that one of the people you serve is involved in legal issues and is represented by a lawyer, talk to this consumer and request a written consent to share information with their lawyer, if that is in the consumer's best interest. If no written consent is given then you can share information only after you have received a subpoena, if the person receives services for a mental health or cognitive disabilities diagnosis. **If the person receives treatment for substance dependence or substance abuse, a court order is required to release information without the consumer's consent.**

If you receive a subpoena, requesting documents or your presence in court, please do the following:

- Notify the Rights & Protection Officer **immediately** (789-2546).
- Bring a copy of the subpoena to the office of the Rights & Protection Officer.
- Immediately take the subpoena to StarCare's Release of Information Clerk so the requested material can be prepared and is available when you need it.
- Do not release any information before making sure that the subpoena is valid.
- Release only the information for which the subpoena has been issued.
- Familiarize yourself with the information in the chart, but **do not take the original chart to court** with you if you have been summoned to appear in court
- Testify, if requested to do so, only to issues within the parameters of your responsibility and authority, i.e. your observations and first hand knowledge, not projections or interpretations of consumer behaviors.
- Ask questions and clarify information with your supervisor or the Rights & Protection Officer **before** you go to court to ensure that you do not put yourself or StarCare at risk



Access to StarCare records by the consumer or the consumer's legally authorized representative (LAR)

Consumers and/or their legally authorized representatives have a right to review, or get copies of the health information that StarCare maintains about them. Information in the consumer's chart can only be withheld from the consumer, if the information puts the consumer or others in immediate risk of physical harm. If the consumer thinks that the information in the chart is incorrect or incomplete he or she has the right to ask that corrected information is included in their chart. StarCare staff cannot destroy or change any part of the record but can add the corrected information, with a notation that the consumer or LAR has provided the information and requested the inclusion in the record. The request for the correction must be in writing and must explain why the correction was necessary. **Requests for copies of any consumer's chart must be made to the "Release of Information Specialist".** Copies released to the consumer, or any person the consumer authorized to get information, must be clearly marked to indicate that they are copies of official records.



Release of Information Specialist
(806) 740-1505



Abuse, Neglect or Exploitation



Our StarCare strives to provide a safe and humane environment for the people we serve. An environment that is conducive to personal development and habilitation. Abuse, neglect or exploitation of any person who receives services is prohibited and will be grounds for appropriate actions. Those actions could include: reporting to law enforcement agencies, reporting to governing boards for professional practice; and personnel actions which could include separation from employment or contract termination.

StarCare does not employ, or contract with, a person who has been involved in a confirmed case of abuse, neglect or exploitation. To ensure that a person does not have a history of abuse, neglect or exploitation, StarCare's Human Resources Department checks data on the CARE System, maintained by the Department of State Health Services (DSHS) the Department of State Health Services (DSHS) Employee Misconduct Registry and the DSHS Nurse Aide Registry.



Signs of Abuse or Neglect



Behavioral Signs:

- Any behavior that is unusual for that person, i.e. a usually outgoing, talkative person is now withdrawn and quiet.
- The person shows fear about going to a specific place or being around a specific person, if the consumer has not shown that fear before.
- The individual displays extreme fear of being alone with a member of the opposite sex.
- The person is frequently crying or is acting out, a behavior not shown previously.



Physical Signs on the Body:

- Bruises, abrasions or marks on the body that cannot be explained. The person is reluctant to talk about the origin of the bruises or abrasions.
- There is evidence of injury to the genital area (bleeding, complaints of soreness in the genital area).
- Frequent, reoccurring health problems or complaints of pain without obvious signs of injuries.

Physical Signs in the Environment:

- Safety or health hazards in the home, or work and recreation areas
- Inadequate nutrition, clothing or shelter



Reporting Requirements:

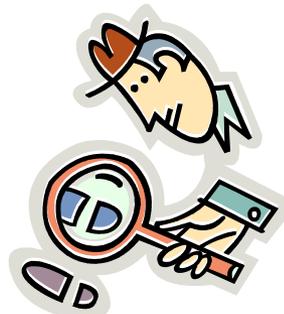


- Any knowledge or suspicion of abuse, neglect or exploitation of a person who receives services from StarCare, by staff or agents of StarCare, contract service providers, members of the Board of Trustees, must be reported to appropriate investigative entities **WITHIN ONE HOUR**, or as soon as safely possible.
- **Failure to report** suspicion or knowledge of abuse, neglect or exploitation **could result in adverse personnel actions**, up to and including termination from employment, civil or criminal liability, and where applicable reporting to licensing entities.
- Texas state law requires that suspicion or knowledge of abuse of a child by someone other than staff or agents of StarCare, contract service providers or members of the Board of Trustees, must be reported to Children's Protective Services (CPS) or the police.
- **Professionals**, as defined in the law, are required to **report not later than the 48th hour** after the professional first has cause to believe the child has been or may be abused or is the victim of the offense of indecency with a child.
- **Non-professionals** must make a **report immediately** after they have cause to believe that the child's physical or mental health or welfare has been adversely affected by abuse.
- A report must be made regardless of whether staff suspects that a report may have been made previously.
- Suspicion or knowledge of abuse, neglect or exploitation of an elderly or disabled person by members of the community must be reported to Adult Protective Services (APS).

1-800-252-5400 / IDD Services 1-800-647-7418

What do you do if you have suspicion or knowledge of abuse, neglect or exploitation?

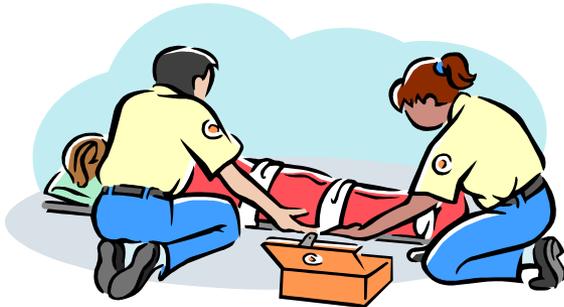
- Make sure the person who may have been abused is safe;
- Access medical services if needed;
- Stay calm and be supportive to the person involved in the incident;
- Limit access to the victim by the alleged perpetrator;
- Notify the appropriate investigative entity as soon as possible;
- Preserve/protect all physical evidence;
- Write down your observations;
- Don't discuss aspects of the incident with your coworkers, family members, friends, the alleged perpetrator or the alleged victim;
- Fully cooperate with the investigating entity; and
- Be honest about your observations and the extent of your knowledge of the incident.



Definitions of Abuse, Neglect or Exploitation

Class I Abuse:

Any act or failure to act performed knowingly, recklessly or intentionally; including incitement to act that caused serious physical injury or death to a person who receives services. Without regard to injury, sexual assault, sexual exploitation or sexual contact is considered Class I Abuse.

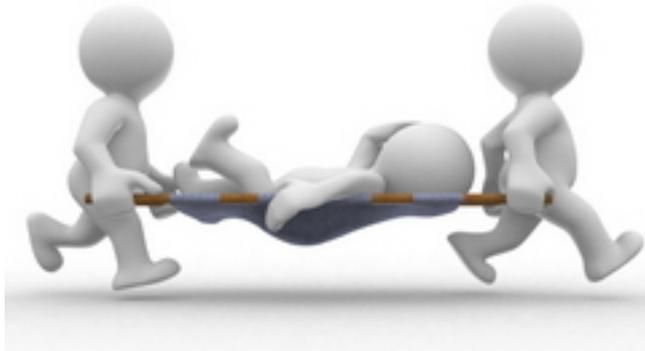


Consequences for Confirmed Class I Abuse:

The perpetrator of a Class I offense is generally separated from employment, and the contract of a service provider or agent of StarCare may be terminated. Additionally, the incident will be reported to law enforcement agencies and criminal prosecution may be pursued.

Class II Abuse:

- a. Any act or failure to act, performed knowingly, recklessly or intentionally, including incitement to act, which caused non-serious injury to a person who receives services from StarCare; or
- b. Exploitation – using the person who receives services or that person’s belongings for ones personal gain.



Consequences for Confirmed Class II Abuse:

Personnel actions could include, but are not limited to, demotion, suspension without pay, reassignment, or separation from employment. The employee’s work history and the severity of the injury or the extent of the exploitation are taken into consideration before personnel actions are taken.

Class III Abuse:

Any form of communication used to curse, demean, degrade or vilify a person who receives services, or any threat of physical or emotional harm made toward that person is considered Class III Abuse.



Consequences for Confirmed Class III Abuse:

Personnel actions could include but are not limited to, written reprimand, demotion, reassignment, suspension, or separation from employment. The perpetrator's work history, the severity of the incident and other work related issues are considered before personnel actions are taken.

Neglect:

Any action, or failure to act, which causes or could have caused physical or emotional harm to a person who receives services from StarCare could be considered to be neglectful



Consequences for Confirmed Neglect:

Personnel actions could include, but are not limited to, written reprimand, demotion, reassignment, suspension without pay, or separation from employment, depending on the severity of the negligent act. The work history of the perpetrator and other work related issues are taken into consideration before personnel actions are taken.

Levels of Supervision

Frequently levels of supervision play a role in allegations of neglect. As a care provider it is extremely important that you are aware of the individual's level of supervision and your responsibility as it relates to that supervision requirement. The three levels of supervision are:

Routine – The person's day-to-day treatment, training, independence and safety needs are met with minimal staff supervision and/or assistance.

Enhanced – (Also known as eyes-on) The person is provided direct supervision by staff who is immediately available to intervene, as described in the consumer's treatment plan, to minimize the risk of designated high-risk behaviors, situations or injuries. Staff may be assigned other responsibilities including the supervision of other consumers.

One-on-one – To minimize the risk of the occurrence of high-risk behaviors, situations or injuries a designated staff member will provide supervision for the consumer. The staff member will not be assigned supervision of other consumers and will not have other responsibilities that preclude carrying out the one-on-one supervision.

Abuse does not include: The proper use of restraint or seclusion, including correctly applied techniques of Satori Alternative to Managing Aggression (SAMA) as well as the approved application of behavior modification techniques. Additionally, any actions an employee may reasonably believe to be necessary to avoid harm to self or others, if such actions are limited only to those believed necessary under existing circumstances.