

Category: **CLINICAL PRACTICE**  
Title: **OPEN COMMUNICATION WITH CONSUMERS**

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Approved by: Donald J. Dubbert      6/11/08  
Executive Director                                      Date

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**I. Abstract**

This policy establishes the standards and procedures for ensuring that Macomb County Community Mental Health (MCCMH) consumers receive a full range of medical advice and counseling appropriate to their condition.

**II. Application**

This policy shall apply to all network providers of the MCCMH Board.

**III. Policy**

It is the policy of the MCCMH Board that its health care professionals openly communicate with consumers they work with or serve regarding their treatment options -- including the alternative of “no intervention” -- as well as the risks, benefits, and consequences of such options, to elicit the active participation of consumers in their treatment process.

**IV. Definitions**

**A. Health Care Professional**

A physician (M.D. or D.O.) or other health care professional if coverage for the professional's services is provided under MCCMH’s contract for the services. A health care professional includes, but is not limited to, the following:

- audiologist
- bachelor’s prepared specialist
- casemanager
- dietitian
- nurse (registered or licensed practical), including nurse practitioner, clinical nurse specialist, and certified registered nurse
- occupational therapist, including certified occupational therapist and certified occupational therapy assistant
- paraprofessional mental health worker

- physical therapist, including licensed physical therapist and therapy assistant
- physician assistant, medical or osteopathic
- professional counselor, licensed
- psychologist, licensed
- rehabilitation counselor
- licensed master's social worker (LMSW), limited licensed master's social worker (LLMSW), licensed bachelor's social worker (LBSW), limited licensed bachelor's social worker (LLBSW), registered social service technician (RSST), limited registered social service technician (LRSST)
- special education teacher
- speech-language pathologist
- supports coordinator

## **V. Standards**

- A. In order to ensure consumers' right and ability to participate in treatment decisions, a MCCMH health care professional, who is acting within his/her scope of practice must openly communicate with consumers they work with or serve by:
1. Freely advising consumers about their health status and discussing appropriate medical care or treatment for that condition or disease - regardless of whether the care or treatment is covered under the contract with MCCMH or the MCCMH service provider;
  2. Providing consumers with easily understood information and the opportunity to decide among services and supports options consistent with the informed consent process;
  3. Discussing with consumers:
    - a. All treatment options in a culturally competent manner, including the option of no treatment at all;
    - b. All current treatments consumers may be undergoing, including those alternative treatments that are self-administered; and
    - c. All risks, benefits, and consequences to treatment or nontreatment.
  4. Ensuring that consumers with disabilities thoroughly understand 3. a.-d. above;
  5. Giving consumers the opportunity to refuse treatment and to express preferences about future treatment decisions;
  6. Listening to consumers, and/or their designated representatives, and abiding by the decisions made by them consistent with the informed consent process, including the decision to forgo treatment or certain types of treatment;

7. Disclosing to consumers factors -- such as methods of compensation, ownership of or interest in health care facilities, or matters of conscience -- that could influence advice or treatment decisions; and
  8. Acting as effective advocates for their consumers' rights.
- B. Communications with consumers are best relayed through the MCCMH health care professionals who are directly serving or working with the consumers, such as case managers, support coordinators, or therapists. This does not preclude assessment interviews of consumers by appropriate MCCMH personnel to determine or confirm appropriate level of care.
- C. MCCMH and its service providers shall create and maintain an environment supportive of consumer participation in treatment decisions by:
9. Ensuring
    - a. That consumers and services and supports providers engage in open communication; and
    - b. The provision of an adequate visit time for consumers and providing support for shared decisionmaking programs when questions about care linger, arise after hours, or require further explanation.
  10. Cultural and Linguistic Competence (see MCCMH MCO Policy 5-004, "Cultural; and Linguistic Competency.")
    - a. Arranging for translator services for consumers and continuing education courses for providers to assure cultural and linguistic competency;
    - b. Ensuring that its service providers have the tools to allow its health care professionals to effectively communicate with consumers who have disabilities; and
    - c. Using communication technologies, for example, videos, to help consumers more fully understand their treatment options and to evaluate the potential risks and benefits of treatments.
  11. Educating Consumers
    - a. On what is available from MCCMH and its network providers and how to navigate the MCCMH system; and
    - b. To ask questions, understand and give informed consent, and become a full partner in treatment decisions with his or her service provider.
  12. Compensation Arrangements

- a. Prohibiting compensation arrangements which include any direct or indirect payments to physicians or groups as an inducement to limit or reduce necessary services furnished to a consumer who is covered under the MDCH-MCCMH contract or contracts between MCCMH and its service providers;
  - b. Disclosing the nature of any of the MCCMH Board's financial incentives to consumers and providers;
  - c. Disclosing information about any arrangements that transfer substantial financial risk to the health care provider. If the compensation methods used places the physician or physician group at substantial financial risk, then MCCMH shall survey consumers about access and satisfaction with the quality of services, and institute adequate and appropriate stop-loss protections; and
  - d. Guarding against the unintended, negative consequences of financial incentives by implementing programs to monitor quality of care and consumer satisfaction.
13. Contractual Provisions
- a. MCCMH contracts shall:
    1. Not contain restrictions that prevent physicians from discussing all appropriate medical options with their consumers; and
    2. Require that its providers' contracts omit any prohibitions against its health care providers' ability to communicate with and advise consumers about medically necessary treatment options.
    3. Omit penalties or retribution against health care professionals or other health workers at MCCMH or its service contractors for advocating on behalf of their consumers;
    4. Not contain restrictions on its service providers' ability to discuss treatment options with the consumer, and shall not issue reprisals upon the service provider who serves as consumer advocate.

## **VI. Procedures**

- A. Procedures shall be contained in Provider manuals.

## **VII. References / Legal Authority**

- A. Balanced Budget Act of 1997(BBA), Public Law 105-33

- B. Commission on Accreditation of Rehabilitation Facilities (CARF) 2007 Standards Manual, §1.D., "Rights of the Persons Served," 1., p 61
- C. President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry, Consumer Bill of Rights and Responsibilities, Chapter Four: "Participation in Treatment Decisions" (November, 1997)
- D. MCCMH MCO Policy 5-004, "Cultural and Linguistic Competency"

**VIII. Exhibits**

- A. None.