

**Client's Rights and Responsibilities Manual**

<b>Policy Name and Number:</b>	<b>1.1 Equity &amp; Inclusion</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

**POLICY**

MyndHeal re-affirms its commitment to maintaining an organization which is equitable and inclusive. This means that in all aspects of its operations and at all levels of the organization, MyndHeal works to ensure that there is no discrimination on the basis of, but not limited to, ethnicity, language, race, age, ability, sex, sexual or gender identity, sexual orientation, family status, income, immigrant or refugee status(1), nationality, place of birth, generational status(2), political or religious affiliation.

1. MyndHeal recognizes that barriers to employment and services may exist due to immigration or refugee status based on legislation and/or contractual funding obligations.
2. Generational status is intended to protect individuals who are first, second or third generation immigrants from discrimination.

MyndHeal further recognizes that the increasing diversity among residents in California adds cultural, social, and economic benefits to our community. It is also sensitive to the fact that oppressed groups experience marginalization and encounter barriers to full access and participation in the community. MyndHeal seeks to increase access and participation, especially for those who are marginalized, disadvantaged, or oppressed.

MyndHeal encourages individuals to participate fully and to have complete access to its services, employment, governance structures (board of directors, committees of the board and any board working groups that may be convened), and volunteer opportunities. It shall make every effort to see that its structure, policies, and systems reflect all aspects of the total community and to promote equal access to all. To this end, MyndHeal strives to ensure that:

- Discriminatory or oppressive behaviors are not tolerated
- Individuals who engage with MyndHeal for service or employment are valued participants who have opportunities to shape and evaluate our programs
- Services are developed and delivered to give equal opportunity to individuals in marginalized communities and are sensitive to the needs of diverse groups
- Programs are delivered in such a way that systemic barriers to full participation and access are eliminated so that positive relations and attitude change towards marginalized groups is promoted
- Services are provided with sensitivity to the influence of power and privilege in all relationships, including service relationships, and are delivered in keeping with anti-oppression principles
- Communication materials present a positive and balanced portrayal of people's diverse experiences.

This policy is intended to act as a positive force for equity and the elimination of oppression.

**SCOPE**

This policy applies to all MyndHeal clients, employees, volunteers, and students.

**PROCEDURES**

1. MyndHeal has and will continue to work to embed the principles detailed in this policy within all relevant MyndHeal policies and procedures to ensure that equity and inclusion guides MyndHeal in all its endeavors.
2. Individuals who believe that they have experienced harassment or discrimination in an MyndHeal context are encouraged to use the following policies and procedures to have their concerns or complaints addressed:
  - Clients and community members may refer to the *Consumer and Community Member Complaints* policy
  - Employees, volunteers, and students may refer to the *Harassment and Discrimination* policy
3. MyndHeal staff, volunteers, and students may also refer to the *Discriminatory Requests for Service* policy for guidance in addressing clients or community members who make such requests.

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<b>Policy Name and Number:</b>	<b>1.2 Client Rights &amp; Responsibilities</b>
Date last reviewed:	11/9/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

**POLICY**

Individuals receiving service at MyndHeal have both rights and responsibilities. Clients and participants will be educated about their rights and responsibilities in a variety of ways (e.g., notices on the website, in written form through secure messaging, and by staff through the intake and assessment process).

**SCOPE**

This policy applies to staff of MyndHeal who serve clients and participants in any manner and method.

**LIMITATIONS**

Clients have the right to ask for a change of worker however, the request will only be granted when it is reasonable, and an alternative exists. Requests that are discriminatory in nature will not be granted.

**PROCEDURES**

1. Staff will explain to clients their rights and responsibilities as a regular part of the intake and assessment process.
2. Staff will ensure the client rights and responsibilities statement is available in written form to clients and participants and in the client's preferred language.
3. Staff will ensure they are familiar with MyndHeal privacy policies and procedures so that they can answer client's questions and assist clients in exercising their rights regarding their record.

<b>Policy Name and Number:</b>	<b>1.6 Consumer &amp; Community Complaint Process</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

**PREAMBLE**

MyndHeal values and encourages the feedback of consumers and community members about the programs and practices of the organization. Complaints can provide important opportunities for improving service. A complaint may be defined as an expression of dissatisfaction or unmet expectation. A complaint can be made by the consumer with support if necessary. The complaint can relate to any aspect of the organization's programs and services. A consumer who believes they have experienced discrimination at MyndHeal can file a claim with the California Department of Consumer Affairs. Information about the complaint process is available at [www.dca.ca.gov/consumers/complaints/consumer.shtml](http://www.dca.ca.gov/consumers/complaints/consumer.shtml).

**NOTICE TO CLIENTS.** The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice of (marriage and family therapists, licensed educational psychologists, clinical social workers, or professional clinical counselors). You may contact the board online at [www.bbs.ca.gov](http://www.bbs.ca.gov), or by calling (916) 574-7830.

**POLICY**

MyndHeal is committed to listening to consumer complaints and responding in a fair, timely, and respectful manner. All complaints will be given due consideration without reprisal or discrimination. Language support for non-English speaking consumers will be reasonably provided. MyndHeal actively informs consumers of their right to register complaints (verbal or written) and seek resolution. This information is accessible and publicized in *MyndHeal Client Rights and Responsibilities Statement*. Consumers who speak languages other than those covered

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by the latter documents or who have reading difficulties are encouraged to have this policy explained to them by an MyndHeal staff person or the counselor at the beginning of service. MyndHeal will assist persons with disabilities to register their complaints and seek resolution.

All aspects of a complaint will be handled in confidence. However, if the complaint involves allegations of illegal or unethical behavior, information may need to be shared with external authorities. All complaints are documented. The maintenance of complaint files is the responsibility of department managers. Complaints deemed a risk to the organization are brought forward to the board of directors by the Executive Director. Complaints related to the violation of board governance policies are reviewed by the board. Directors will provide information about complaints to the Executive Director's office so that a summary report can be created and submitted to the board annually. Clients with questions, comments, or complaints about MyndHeal privacy policies and procedures or about the collection, use or disclosure of their personal information will be directed to the Privacy Officer.

### **SCOPE**

The *Consumer and Community Member Complaint* policy applies to all MyndHeal programs and services.

### **PROCEDURES**

As the goal of MyndHeal is to give sufficient local authority to meet consumer needs, complainants will be encouraged, but not required to work through the lines of authority within the organization.

To provide maximum support to the staff-consumer and community member relationship, the complaint resolution process begins with the involvement of the staff person who provided service, unless there is a safety risk to any of the parties involved.

#### **STEP 1: Receiving a Complaint**

- a. If the person providing service receives the complaint, the consumer should be offered the earliest opportunity to discuss their concern(s).
- b. If the complaint is received by any staff member or volunteer of the organization other than the person providing service, the consumer should be directed to the person providing service with an explanation of MyndHeal policy. If the complainant is reluctant to speak directly to the person providing service, they should be referred to that person's immediate manager. The person providing service should be alerted to the existence of the complaint.
- c. In hearing a complaint, the person providing service may decide to involve or consult their manager at any stage. This option should be taken if the consumer brings a friend or advisor.
- d. If the complaint is handled to the mutual satisfaction of the complainant and the person providing service, the complaint and resolution is documented on the *Complaint Form* and a copy is forwarded to the manager of the person providing service and the department director.

#### **STEP 2: Discussion with a Manager**

- a. If the person providing service is unable to resolve a complaint, the client is offered the opportunity to speak with the manager.
- b. The preferred method is to have the manager call the consumer. This affords the staff the opportunity to discuss the matter with the manager prior to any further action or outreach to the complainant.
- c. The manager calls the consumer as soon as possible after consulting with the person who provided the service.
- d. If a consumer calls a manager to complain about the person providing the service or about a service provided, the manager should hear the complaint, but offer no action without discussing the matter with the staff person.
- e. From the point a manager takes a call from a consumer or calls a complainant about a complaint, a meeting between the manager and complainant should be offered within five working days.
- f. The staff person(s) and manager should jointly plan the response to the consumer's complaint. Whenever possible the plan should support the integrity of the consumer/staff relationship and unless clearly contraindicated, the staff person will be present at any meeting between the manager and complainant.

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- g. The role of the manager is to resolve the matter to the satisfaction of the consumer and staff person(s) or to inform the client of their right to seek resolution through a meeting with the Director.
- h. A letter must be sent to the consumer within two weeks of the meeting. The Director of Programs and Services is informed of the complaint and the resolution or lack of resolution.

**STEP 3: Meeting the Department Director**

- a. If the consumer is not satisfied with the response from the manager, the initiative for carrying the complaint to the Director rests with the complainant.
- b. The consumer should be informed of the name and phone number of the Director if she/he wishes to pursue the complaint. The Director is alerted immediately if a call is anticipated and a copy of the completed *Complaint Form* is provided.
- c. If requested, the Director will meet with the client within two weeks of receiving the request.
- d. Prior to this the Director will contact the manager and the staff person and seek any necessary consultation. Whenever possible the Director will attempt to involve the staff and manager in the planning process and may invite one or both to the meeting.
- e. The Director will attempt to resolve the problem with the consumer. Whatever the outcome, the Director will inform the complainant by mail not more than two weeks after the meeting.
- f. The Director will inform the Executive Director of the meeting with the consumer or community member and the outcome.

**STEP 4: Meeting the Executive Director**

- a. If the consumer is not satisfied with the response from the Director, the complainant may take the complaint to the Executive Director and should be informed of the name and phone number of the Executive Director.
- b. The Executive Director should be alerted immediately if a call is anticipated and a copy of the completed *Complaint Form* should be provided.
- c. If requested, the Executive Director or their designate will meet with the consumer within two weeks and attempt to resolve the matter.
- d. Prior to this, the Executive Director will inform the Director, manager, and the staff person(s) of the approach and seek any necessary consultation.
- e. Whenever possible the Executive Director will involve the staff person(s) and manager in the planning process and may invite one or all of them to the meeting.
- f. Prior to the meeting the Director will ensure that a letter bearing their signature is sent to both the consumer and the Executive Director outlining the complaint and all the steps taken to resolve the complaint.
- g. Within two weeks of meeting the consumer, the Executive Director or their designate will send a letter to the complainant setting out any agreement reached, or failing this, the Executive Director's decision regarding the complaint. The person(s) providing the service and those at the first level of authority will be kept informed throughout all attempts to resolve complaints. In instances where there is an allegation of criminal or serious ethical breach of conduct by MyndHeal personnel, the Executive Director may waive the requirement to inform personnel until legal and/or police advice is sought and may continue to refrain from informing the person during the course of an investigation providing there is no breach of a legal or contractual standard. While every attempt should be made to achieve a positive resolution with the complainant, the integrity of MyndHeal policies and the integrity and safety of MyndHeal personnel and other consumers must be maintained.

**Documentation**

All complaints received from a consumer or community member are initially documented by the staff person who received the complaint using the *Complaint Form*. A flag noting that a complaint has been received is placed in the client's record. A copy of the complaint is forwarded to the staff person's manager.

The complaint file (includes all documentation, correspondence, resolution and follow up) is maintained separately from the consumer's client record in the appropriate director's office.

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A record of the complaint will be made available to the complainant upon request except in the case where the confidentiality of another consumer or community member may be breached. These records will be retained for the same period as the client or community member record.

<b>Policy Name and Number:</b>	<b>1.7 Consent for Service</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

### POLICY

To be valid, consent must be:

- Voluntarily given, without any coercion, misrepresentation, or fraud
- Given by a person who can make service decisions
- Informed (meaning the person has been given sufficient information about the service and any implications of giving the consent)

MyndHeal programs and services are voluntary, unless mandated by a Court order. Participation in service is considered consent for service since clients are at liberty to withdraw from service at any time. MyndHeal does not work with any client who does not consent to service.

MyndHeal services and policies are first explained verbally at intake. At the first appointment all clients will receive written information describing the service, relevant MyndHeal policies, and client's rights. The client will be asked to read the information and sign a form indicating that they understand the policies and consent to service. In some situations, signed consent may not be possible. In such cases, staff will explain the contents of the document and obtain verbal consent. Verbal consent and the reason why written consent was not obtained will be documented in the assessment.

### SCOPE

This policy applies to all MyndHeal programs and services.

### DEFINITIONS

- **Expressed consent** is verbal or written consent for service.
- **Implied consent** is consent that is implied either by the words or the behavior of the client or by the circumstances under which service is given. For example, where a client arranges an appointment, attends that appointment, and participates in service, consent can generally be implied.

Consent can be given by the client or the client's legally authorized representative (such as a legal guardian or a person having a power of attorney).

### PROCEDURES

#### 1. Written Information

- 1.1 MyndHeal will ensure that written information describing the service, relevant MyndHeal policies and client's rights is available in the most common languages of service. The information will include a brief description of MyndHeal services, eligibility for service, policies on confidentiality and access to records, fees, clients' rights and responsibilities, and procedures for complaints.
- 1.2 The written information is provided to all new clients at their first appointment or as soon as is practical. Clients will be asked to review the information.
- 1.3 Staff will provide help if needed (e.g., help to address challenges due to literacy, fluency in English, disability, or lack of familiarity with the concepts).

#### 2. Written Consent

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- 2.1 Staff will answer any questions about the written information or direct the client to an appropriate supervisor or manager who can answer those questions.
- 2.2 The client will be asked to sign a form acknowledging that the client understands the information and consents to service.
- 2.3 Once assured of the client's willful consent and acknowledgement, staff will file the consent form and indicate that consent has been received in the client record.
- 2.4 In exceptional circumstances, the client may be asked to sign the consent form as soon as practical and/or verbal consent will be obtained and documented in the client record.

### 3. Acknowledgement and Consent for Minors

- 3.1 Consent issues related to children under the age of 12 are addressed in the *Consent and Information Sharing Regarding Children* policy. Individuals 12 years of age and older are deemed able to give consent.

### 4. Client Withdrawal of Consent

- 4.1 A client may choose not to participate in a MyndHeal program at any time.
- 4.2 Staff will document the client's withdrawal of consent in the client file and close the file.

<b>Policy Name and Number:</b>	<b>1.8 Client Privacy, Confidentiality &amp; Release of Information</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

### POLICY

While delivering its services and programs, MyndHeal collects personal information from its clients. Personal information means any information that could be used on its own, or with other information, to establish the identity of a client, the client's service provider or the client's substitute decision maker. Personal information also includes any other information about a client including information that is contained in a client record.

MyndHeal collects, uses, and shares client's personal information for the following purposes:

- Providing quality programs and services to clients
- Providing information to other people or organizations with client consent (for example, making a referral for service)
- Contacting clients, funding sources, and members to evaluate MyndHeal service and work
- Conducting research to understand the kinds of issues our clients are facing
- Reviewing client files to ensure high quality of service and documentation

MyndHeal may collect, use, and share personal information with consent or as permitted/required by law.

MyndHeal is committed to protecting the privacy of its clients and ensuring that:

- the personal information it receives from clients is kept safe, secure, confidential, accurate, and up to date
- clients understand why their personal information is collected by MyndHeal
- MyndHeal obtains client consent before collecting, using, sharing, or releasing client information, except as set out in this policy or permitted or required by law
- only the personal information necessary for the purposes listed above is collected from clients, unless otherwise consented to by the client or permitted or required by law
- access to client information is limited to the MyndHeal employees, volunteers, and students involved in delivering services to clients
- any external agents to whom MyndHeal releases information have a need to know and only use and disclose client information for the purposes for which it was originally provided
- clients can withdraw their consent at any time to the collection, use, and disclosure of their personal information

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- clients have access to their record, except where MyndHeal is entitled to refuse an access request, and can copy or correct their record and ask questions about MyndHeal privacy policies and procedures
- complaints about MyndHeal privacy policies and procedures are handled efficiently and effectively
- all legal and regulatory requirements regarding client information are met and maintained

Only a person who provides a provincially funded health resource to an individual may require the individual to produce their health card. MyndHeal personnel may ask clients to voluntarily provide their health card number to facilitate referrals to provincially funded health resources.

### **SCOPE**

This policy applies to all MyndHeal employees, students, and volunteers.

### **PROCEDURES**

#### **1. Obtaining Consent**

- 1.1 As MyndHeal services often involve collaboration and consultation among employees, MyndHeal employees will discuss the following with new clients:
  - the nature and extent of consultation and collaboration in the MyndHeal program or service which the new client is accessing
  - the personal information that MyndHeal may collect
  - the purposes for which MyndHeal collects, uses, and shares personal information, as listed above
- 1.2 Client's rights and responsibilities including rights related to keeping client's personal information private will be reviewed with all new clients at their first appointment following intake
- 1.3 Clients will be asked to use a form indicating that the organization's privacy policies (including the client's HIPAA rights) have been discussed and that the client consents to the collection use and sharing of personal information for the purposes listed in this policy.
- 1.4 The signed forms will be maintained by the program (e.g., in the client's paper record, filed centrally within the program and in a secure electronic format through the telehealth platform Simplepractice.com). A note will be made in the client's electronic record that the form has been signed.
- 1.5 In cases where it is not possible or practicable to obtain the client's written acknowledgment (e.g., telephone only service), verbal acknowledgment that the organization's privacy practices have been explained to, and accepted by, the client and the reason why no client signature was obtained will be recorded in an activity note in the client's record.
- 1.6 Consent will be that of the individual and must be knowledgeable, relate to the personal information and not be obtained through deception or coercion. A consent to the collection, use or sharing of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use and/or disclosure, as the case may be; and (b) that the individual may give or withhold consent.
- 1.7 If employees are concerned that a client does not have the capacity to consent to the collection, use and disclosure of their personal information, employees should:
  - Consider whether the client understands the decision they are being asked to make
  - Question whether the person understands the reasonably foreseeable consequences of the decision or lack of decision
  - Consult with their supervisor

#### **2. Client Withholding, Limiting or Withdrawing Consent**

- 2.1 Clients have the right to stipulate who will have access to their personal information. This means that they can withhold, limit, or withdraw their consent to the collection, use or disclosure of personal information. The request may cover all or a specific part of a client's record. When this happens, staff will implement the following "lock-box" procedure.
- 2.2 Electronic records: The MyndHeal employee receiving the client's request to withhold, limit or withdraw their consent will:
  - Record the verbal instructions by the client in an activity note in the client's electronic record
  - Scan any written instructions by the client into the client's electronic record

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- Notify the Information Technology (IT) Department of the client's instructions and the IT Department will limit access to the electronic record in compliance with the client's request (e.g., closing access to the record; limiting access to the individuals specified by the client to be allowed access).
- 2.3 Paper records: If the client also has a paper file:
- The client's file (either in whole or in part depending on the client's instructions) to which access is to be limited will be placed inside an envelope that will be sealed with the instructions from the client stapled to the outside of the file. If the client's request is to withdraw consent, the file will be safeguarded by MyndHeal Privacy Officer. If the client's request is to withhold or limit consent, the supervisor responsible for the program will determine how best to comply with the client's request.
- 2.4 In cases where the withholding, limiting or withdrawal of consent will limit or prevent MyndHeal from continuing to deliver services, employees will discuss with the client the consequences of their withholding, limiting or withdrawal of consent.

### 3. Higher Levels of Confidentiality (Use of Aliases)

- 3.1 MyndHeal serves clients periodically that require a higher level of confidentiality. For example: public figures; victims of crime, law enforcement personnel or any other community member who may not wish it to be known that they are accessing MyndHeal services.
- 3.2 In such situations, programs will provide clients an opportunity to select and use an alias. The alias will be used in the client record and in the client's interactions with MyndHeal.
- 3.3 A list of the aliases, clients' real names and file numbers will be confidentiality maintained by a designated person in each department with a copy to the MyndHeal Privacy Officer.
- 3.4 A higher level of confidentiality designation does not invalidate the normal legal limits to confidentiality, which includes subpoenas, search warrants and the right of government funders to audit client records. Clients must be informed of these limitations on confidentiality.
- 3.5 The Human Resources Department will provide names of new staff members, volunteers, and students to the MyndHeal Privacy Officer so that a check of the client database can be completed. If the individual has received service from MyndHeal in past, an alias will be assigned to the record to maintain the privacy of the new staff member, volunteer, or student.

### 4. Disclosure without Consent Including Responding to Summons/Subpoenas/Court Orders and Requests from Police

- 4.1 MyndHeal will not disclose the personal information of clients without their consent, except where:
- It is believed the client or someone else is in imminent danger of serious physical harm (see *Duty to Warn* policy)
  - A child under the age of 18 is at risk of or has been abused or neglected (see *Mandated Child Abuse Reporting and Documentation* policy)
  - An elderly person or a dependent adult is at risk of or has been abused or neglected (see *Mandated Reporting and Documentation* policy)
  - MyndHeal is subpoenaed or is otherwise served with a court order, summons, warrant or a similar requirement issued by a person, including the client and/or the client's legal representative, who has jurisdiction to compel the production of information in a proceeding
  - It is otherwise permitted or required by law.
- 4.2 If MyndHeal employee, student or volunteer is served with a warrant, summons, subpoena, order or similar requirement issued in a proceeding, the individual must immediately notify their supervisor, who will provide advice and direction as to how to respond. MyndHeal employees, students or volunteers should follow the same procedure in response to requests by police officers for client information.
- 4.3 In general, where an order, summons, warrant, subpoena, or other requirement to produce documents has been served on MyndHeal, MyndHeal will:
- Make every attempt to respond in a way that is respectful of the order or other requirement, while at the same time taking steps to preserve the client's right to confidentiality
  - Make an exact copy of the file to remain at MyndHeal and deliver the documents to the court or other proceeding in a sealed enveloped marked "private and confidential".



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4.4 Where MyndHeal discloses personal information without the client's consent, the client will be notified of such disclosure as soon as reasonable, practical, safe and/or legally possible in the circumstances.

**5. Release of Information with Client Consent**

5.1 Subject to Section 4, personal information, whether all or part of a client record, will not be released to third parties without the written consent of the client or the client's substitute decision maker, where applicable. Clients are required to complete the MyndHeal *Authorization to Request or Release Information* Form, depending on the nature of the request. Consents provided on these forms are valid for one year, unless otherwise limited or withdrawn by the client in advance of that date. MyndHeal may disclose a client's personal information, provided that the disclosure, to the best of MyndHeal knowledge, is for a lawful purpose.

5.2 Reports from third parties contained in a client record may not be released without the written consent of the third party. Clients will be encouraged to pursue access to this information directly with the third party.

5.3 In exceptional circumstances, where written consent is not possible, the oral consent of the client to the release of personal information will be accepted and will be recorded in the client's file.

5.4 In response to requests to release information to third parties, the MyndHeal service provider will ensure that the client understands the purpose for which the information is being released and to whom the information is being released. The MyndHeal service provider will also explain that MyndHeal cannot guarantee the confidentiality of the information once it has been released.

**6. Safeguarding of Personal Information**

6.1 Client information stored electronically is protected by password. Access to the MyndHeal electronic database in Simplepractice.com is limited on a need to know basis for added security.

6.2 Client information collected in hard copy form is stored in locked cabinets accessible only by the counselors or other MyndHeal employees, students and volunteers providing service to the client, and the relevant program managers.

6.3 Access to client information will be limited to those who need to know the information for the purposes set out in the client's consent or as otherwise permitted or required by law.

6.4 MyndHeal employees will never leave client personal information, in paper or electronic form, unattended or exposed to anyone other than the client.

6.5 MyndHeal will not send confidential personal information to clients by email without the client's prior consent. Personal information sent to clients or about clients will employ secure email. (Note that secure e-mail ensures messages are encrypted.)

6.6 Web-based counselling will use an encrypted website Simplepractice.com to protect client privacy and confidentiality.

6.7 In the case that MyndHeal requires external agents, such as third-party auditors, to maintain the confidentiality of client information and to refrain from using client information for any purpose other than the purposes for which consent was provided by the client. Where appropriate and necessary, MyndHeal will obtain the consent of the client to disclosure of information to external agents. (External agents are persons or companies with which MyndHeal has contracts and that may come into contact with personal information.)

6.8 When disposal is permitted or required, records of client personal information will be disposed of in a secure manner such that reconstruction of the records is not reasonably foreseeable in the circumstances.

**7. Notice to Clients of Theft, Loss, Unauthorized Access, Use or Disclosure of Personal Information**

7.1 Employees are required to report to their supervisor and to the MyndHeal Privacy Officer any theft, loss, unauthorized access, use or disclosure of personal information of MyndHeal clients. Programs managers will file a serious occurrence report in this situation.

7.2 In the event of such theft, loss, unauthorized access, use or disclosure of personal information of a MyndHeal client, MyndHeal will notify the client as soon as possible.

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- 7.3 Oral contact with the clients will be logged in the client record and will be followed up by a letter, which will be included in the client record.
- 7.4 In the case of former clients, contact will be made orally, if possible, and in writing, at the last known address for the client recorded in MyndHeal database.

**8. Client Access to and Correction of Personal Information**

- 8.1 Clients wishing to review their records should submit a written request to the MyndHeal service provider, relevant program manager or Privacy Officer.
- 8.2 Within 5 working days from the receipt of any such request, an appointment will be made for the client to review their personal information in a confidential manner on MyndHeal premises, in the presence of a MyndHeal employee, unless MyndHeal is entitled to refuse the request, if allowed by law, in which case written notice will be given. Clients may bring a support person to this appointment if they wish.
- 8.3 Clients wishing to request a copy of their records should submit a written request to the MyndHeal service provider, relevant program manager or Privacy Officer.
- 8.4 Within 15 working days from the receipt of any such request, a MyndHeal employee will provide a copy of the records and charge the client for copying and/or printing costs, not to exceed twenty-five cent (\$.25) per page or fifty cents (\$.50) per page for records that are copied, and any additional reasonable clerical costs incurred in making the records available. Additionally, MyndHeal may charge a "reasonable fee" based on actual time and cost for preparation of a summary pursuant to a patient's request for access to their records. Under certain legal mandates and ethical considerations, MyndHeal is entitled to refuse the request, in which case written notice will be given with the basis for the denial and information on the rights of the client to designate another clinician of their choice to inspect the records, and information on the right to file a complaint with the Department of Health and Human Services Office for Civil Rights.
- 8.5 MyndHeal may offer to provide clients with a summary of their records in lieu of copies. Clients who wish to accept a summary of their records may contact their MyndHeal service provider, the relevant program manager, or the MyndHeal Privacy Officer. Within 15 working days from the receipt of any such request, a MyndHeal employee will provide a summary of the records and charge the client for copying and/or printing costs, not to exceed twenty-five cent (\$.25) per page, and any additional reasonable clerical costs incurred in making the records available. Additionally, MyndHeal may charge a "reasonable fee" based on actual time and cost for preparation of a summary pursuant to a patient's request for access to their records.
- 8.6 Clients will not be permitted to access third party records without the consent of the third party. In such cases, the MyndHeal service provider will direct the client to obtain the requested information directly from the third party.
- 8.7 If a client is a minor, under the age of 18 years old, a parent is not entitled to inspect or obtain copies of a minor's records if the minor client is authorized by law to consent to medical treatment. Also, a parent is not entitled access to a minor's records if the provider determines that access to the records as requested by the parent would have a detrimental effect on the provider's professional relationship with the minor or the minor's physical safety or psychological well-being.
- 8.8 Clients wishing to amend information in their file shall provide the amendment and the reason for the amendment in writing to MyndHeal. The written amendment will be included in the client's record and, within 60 days of receipt, MyndHeal will notify the client of its response to the amendment. The service provider can have a 30-day extension if the provider gives the client a written statement of the reasons for the delay and the date by which action will be completed.
- 8.9 If MyndHeal agrees to amend client's records, the provider will notify the client you that the amendment has been made and obtain client's consent to inform others who have received the records in question.
- 8.10 MyndHeal can deny a client's request for amendment if the provider believes that the record is accurate and complete. MyndHeal can also deny a client's request for amendment if the provider did not create the record in question, or the provider does not have the record in question, or the client does not have a right of access to the record. If MyndHeal denies the client's request for amendment

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of the records, the provider will notify the client of the denial in writing. The response will include the reason for the denial, the client’s right to submit a statement, in no more than 250 words, disagreeing with the denial, and how to submit the statement, notification that the client can request the provider to submit the request for amendment, and the provider’s denial together with any future disclosures of the records, and a description of how to file a complaint with the provider or with the Department of Health and Human Services Office for Civil Rights.

**9. Appointment of Privacy Officer**

- 9.1 The Privacy Officer for MyndHeal is Manmohit Atwal.
- 9.2 The name and contact information for the Privacy Officer is available on the MyndHeal website, in the *Client Rights and Responsibilities Statement* and in the MyndHeal Employees Directory.
- 9.3 The duties of the Privacy Officer include:
  - Maintaining knowledge of privacy legislation and regulations
  - Ensuring that all employees and volunteers have training on the privacy policy
  - Monitoring employee compliance with MyndHeal privacy policy
  - Responding to privacy-related complaints and concerns
  - Responding to requests for access and correction
  - Responding to inquiries from the public about MyndHeal privacy practices
  - Liaising with other organizations, the public and government on privacy-related issues

**10. Inquiries and Complaints**

- 10.1 Questions, comments, or complaints about the MyndHeal privacy policies and procedures or about the collection, use or disclosure of personal information will be directed to the Privacy Officer.
- 10.2 The Privacy Officer will follow the procedures set out in the *Consumer and Community Member Complaints* policy in responding to, resolving, and recording privacy-related complaints.
- 10.3 If the client is not satisfied with the response provided by the Privacy Officer, the client may contact the Department of Health and Human Services Office for Civil Rights.

<b>Policy Name and Number:</b>	<b>1.9 Consent &amp; Information Sharing- Children</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

**POLICY**

California law deems individuals 12 years of age and older capable of consenting to mental health service. Information about the service provided to individuals 12 years of age and older will not be released to a parent or any other person without the consent of the young person.

Service to children under the age of 12 will be provided with the consent of a parent or guardian who has the right to make decisions about the care of the child or children. Children will only be released to a parent or guardian who has custody of the child(ren) or on the instruction of the parent/guardian with such rights, to another individual. Information about service provided to children under age 12 will only be provided to a parent or guardian who has the right to have access to this information.

MyndHeal staff are neutral unbiased third parties who do not take the side of either parent but work to focus on the child's best interests.

**SCOPE**

This policy applies to all MyndHeal staff, volunteers, and students providing service to children and youth.

**PROCEDURES**

**1. Establishing Who Has the Right to Make Decisions**

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- 1.1 MyndHeal will examine the legal arrangements regarding custody, access, and decision-making for all children for whom a service request is made or to whom MyndHeal delivers services.
- 1.2 The legal designation of parenting arrangements (whether legally agreed-upon in a custody arrangement, by de-facto agreement or by court order) is first identified at intake. The information about who makes decisions on behalf of the child is recorded in the service request form (as reported by the person requesting service). Other issues related to decision-making, notably if there are difficulties with enforcement or if there is a parenting plan that is under review, will also be noted here.
- 1.3 If the parent/guardian making the service request has the right to make decisions, MyndHeal will accept the request for service directly for children.
- 1.4 The right of the parent/guardian to make decisions should be confirmed at the time of the first appointment and in an ongoing fashion (notably if there is a conflict situation).
- 1.5 MyndHeal will seek to involve the appropriate parent/guardian and as many parent/guardians as possible in service related to the child in accordance with the best interests of the child standard and being mindful of any issues related to the safety of the child and/or parent. MyndHeal will work with the parents to discern the current family situation, and to determine the best way to provide service and share decision-making and information.
- 1.6 If a parent is entitled to access the child, this parent also has the right to make inquiries and to be given information as to the health, education, and welfare of the child. MyndHeal must document the access rights of all parents involved and record this information in the client record.
- 1.7 If no parenting plan or formal arrangement exists, staff will explain *de facto* custody and status quo and its implications as well as refer clients to independent legal counsel where appropriate.
- 1.8 If there is any reason for concern or ambiguity about rights, MyndHeal will strive to ensure that the organization has accurate and up-to-date information.

### 2. Sharing Information

- 2.1. In family situations with relatively open communications and positive relations, staff will ask the parent who requested the service for permission to contact the other parent(s). The parent's agreement will be noted in the client record.
- 2.2. In difficult or conflict family situations, employees will consider Court orders or legal arrangements for guidance about contacting or informing the other parent(s). If this communication is not in the best interests of the child and safe for everyone involved, any concerns will be noted in the client record and serve to determine the course of action. If the employee identifies a risk of imminent harm to the parent or the child exists, action steps in Section 3 below will be followed.
- 2.3. If the parent who requested service does not want to share information with another parent who has access to the child:
  - Employees will work with that parent to understand their viewpoint and assess whether there is any risk of harm to the child or to the parent.
  - If there is no danger of imminent harm, MyndHeal will explain the organization's obligation to give information and will provide the information to the other parent as per their legal rights.
  - If the employee identifies a risk of imminent harm to the parent or the child exists, action steps in Section 3 below will be followed.
- 2.4. If the parent who requested service does not want to share information with another parent who does not have access to the child MyndHeal will accept this decision as long as there is legal documentation to support this information.

### 3. Acting when there is a Risk of Harm

- 3.1. If there is reason to suspect that a child or a parent is at risk of harm (e.g., in danger of being abducted by a parent, risk of abuse), employees have a duty to alert all parties of the risk of imminent harm. Staff will follow the **Duty to Warn** policy in such situations.
- 3.2. If there is reason to suspect the child(ren) has been abused, staff will follow the **Child Abuse Reporting and Documentation** policy.

### DEFINITIONS

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**Best interests of child:** As defined in California Family Code – Division 8. Custody of Children [3000 - 3465]  
 Part 1. Definitions and General Provisions [3000 - 3011] Chapter 2. General Provisions [3010 - 3012]

3011. In making a determination of the best interests of the child in a proceeding described in Section 3021, the court shall, among any other factors it finds relevant, and consistent with Section 3020, consider all of the following:

- (a) The health, safety, and welfare of the child.
- (b) (1) Any history of abuse by one parent or any other person seeking custody against any of the following:
  - (A) A child to whom he or she is related by blood or affinity or with whom he or she has had a caretaking relationship, no matter how temporary.
  - (B) The other parent.
  - (C) A parent, current spouse, or cohabitant, of the parent or person seeking custody, or a person with whom the parent or person seeking custody has a dating or engagement relationship.
- (2) As a prerequisite to considering allegations of abuse, the court may require independent corroboration, including, but not limited to, written reports by law enforcement agencies, child protective services or other social welfare agencies, courts, medical facilities, or other public agencies or private non-profit organizations providing services to victims of sexual assault or domestic violence. As used in this subdivision, “abuse against a child” means “child abuse” as defined in Section 11165.6 of the Penal Code and abuse against any of the other persons described in paragraph (2) or (3) means “abuse” as defined in Section 6203.
- (c) The nature and amount of contact with both parents, except as provided in Section 3046.
- (d) The habitual or continual illegal use of controlled substances, the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances by either parent. Before considering these allegations, the court may first require independent corroboration, including, but not limited to, written reports from law enforcement agencies, courts, probation departments, social welfare agencies, medical facilities, rehabilitation facilities, or other public agencies or non-profit organizations providing drug and alcohol abuse services. As used in this subdivision, “controlled substances” has the same meaning as defined in the California Uniform Controlled Substances Act, Division 10 (commencing with Section 11000) of the Health and Safety Code.
- (e) (1) When allegations about a parent pursuant to subdivision (b) or (d) have been brought to the attention of the court in the current proceeding, and the court makes an order for sole or joint custody to that parent, the court shall state its reasons in writing or on the record. In these circumstances, the court shall ensure that any order regarding custody or visitation is specific as to time, day, place, and manner of transfer of the child as set forth in subdivision (c) of Section 6323.
- (2) This subdivision shall not apply if the parties stipulate in writing or on the record regarding custody or visitation. (Amended by Stats. 2018, Ch. 941, Sec. 1. (AB 2044) Effective January 1, 2019.)

**De-facto custody:**

If an adult is taking care of a child who is a declared dependent of juvenile court, you may be a de facto parent if:

- The child is a dependent of the juvenile court.
- The adult is taking care of the child every day.
- The adult is acting as the child’s parent.
- The adult is meeting (or have met) the child’s needs for food, shelter, clothing, as well as the child’s needs for care and affection.

No law says exactly what a “de facto parent” needs to be. Judges make this decision based on other court cases and on rule 5.502(10) of the California Rules of Court. You can learn more about the rights of de facto parent by reading rule 5.534(e) of the California Rules of Court.

<b>Policy Name and Number:</b>	<b>1.10 Discriminatory Requests for Service</b>
Date last reviewed:	11/09/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

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### POLICY

All clients have the right to expect professional, non-judgmental service that is sensitive and appropriate to their needs and consistent with MyndHeal *Equity and Inclusion* policy. These values also guide the organization in dealing with a service request that is discriminatory towards our staff, students, volunteers, or other clients.

Clients or referral sources who insist on being served by a certain type of provider or refuse certain types of providers (e.g., a person of a certain culture, race, or sexual orientation) will be evaluated carefully. Requests that are deemed discriminatory and/or counter to MyndHeal policy will be denied.

MyndHeal recognizes that people can encounter systemic barriers to full access and participation in the broader community based on their ability, ethnicity, gender, race, and sexual orientation. These barriers may lead a client or referral source to make a specific request to allow for full access and participation. MyndHeal is committed to balancing the inequities and increasing access to services while still maintaining its values.

### SCOPE

This policy applies to all MyndHeal programs, services, and clients.

### LIMITATIONS

MyndHeal ability to respond to client requests may be limited by:

- available resources
- organizational policies and procedures

### PROCEDURES

1. Requests for service by a potential client or referral source which seem to be discriminatory in nature will be reviewed carefully by the manager of the program where service is being requested.
2. When a service request is discriminatory, for example, the client or referral source will not accept an appointment with an employee from a different racial or ethnic background or sexual orientation, the request will not be honored.
  - 2.1 Staff will explain the refusal and MyndHeal *Equity and Inclusion* policy.
  - 2.2 If the client changes their mind and is open to service, staff will offer the first available appointment and encourage the potential client to meet with this assigned counselor.
  - 2.3 If the potential client or referral source continues to refuse the assigned counselor (e.g., says does not want someone with a foreign-sounding name), they will be deemed to have refused MyndHeal services.
3. At any point in service, client concerns about MyndHeal staff or practices will be handled using the established complaints protocol. At any point in service, MyndHeal employees, students, or volunteers can involve their manager if they feel they are being affected by discrimination. A decision will then be made about the most appropriate outcome (e.g., termination of service, assignment to a new staff member).

<b>Policy Name and Number:</b>	<b>1.11 Assessment &amp; Service Planning</b>
Date last reviewed:	11/11/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

### POLICY

Assessment and service planning is an ongoing, collaborative, and continuous process at MyndHeal. This process is a mutual exploration of the client's issues and strengths, complemented by the staff's professional perspective, and recommendations resulting in a jointly created plan with mutually agreed on goals.

### SCOPE

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This policy applies to all MyndHeal employees involved in direct service.

### PROCEDURES

1. Assessment begins in the initial interview and builds on the information and presenting issues gathered during intake.
2. The initial assessment seeks to gather basic information, to explore client strengths and issues, and determine the client's desired outcomes. Based on the assessment, staff will work with the client to jointly create a service plan with mutually agreed on goals which is documented in the client record.
3. Contextual information is gathered, as relevant and appropriate to the nature of the issues, and outcomes desired, such as:
  - the client's presenting issue
  - history of the issues
  - client's strengths and resources
  - safety issues (e.g., abuse, current risk of self-harm, previous suicide attempts)
  - physical and mental health issues
  - social and environmental context (e.g., social supports, work situation, income, living situation, neighborhood, family background)
  - formulation of the problem/issue
4. The service provider and client will agree on the service goals to be achieved, the expected length of service, and any potential interventions that may be required to achieve the stated goals. Staff will summarize or formulate the issues to the client in a way the client can understand for their consideration.
5. This plan for the service will be documented in the assessment. The assessment will be documented for each client receiving service in their client record within five working days of the assessment interview.
6. Safety issues must be explored as appropriate. If there are any concerns, staff should follow the appropriate policy (e.g., child abuse, adult abuse, dealing with child custody situations, client suicide, and harm to others). Where there is a risk of imminent harm, the assessment of risk, and the development of a safety plan takes precedence over all other activities.
7. If more than one service provider is involved, staff should clarify who is ensuring service coordination, if needed, along with a clear direction from the client about the nature of communication among service providers. If needed, consents for the release of information should be obtained.
8. The fee will be confirmed along with the payment expectations.

### Fee Schedule

1)	Initial Visit – Intake Assessment	\$150-\$250
2)	Ongoing Individual Counseling	\$100-\$150 per session
3)	Couples Counseling	\$75-\$150 per session per person
4)	Parent Education Classes	\$75-\$150 per session per person
5)	Domestic Violence Prevention/Treatment Classes	\$75-\$150 per session per person
6)	Court Letter	\$25 (includes copy and certified mailing fees)
7)	Written Summary	\$150-\$250 (includes copy and certified mailing fees)
8)	Written Biopsychosocial Assessment	\$250-\$500 (includes copy and certified mailing fees)
10)	Telephone consultation for more than 10 minutes	\$50-\$150
11)	Crisis Intervention	\$250 per incident per hour

\*Sliding Scale Fees available upon verification of low-income utility bill

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Clients are expected to pay for sessions upon service delivery. Clients with past due account balances will be expected to pay prior to receiving further treatment.

Please note that we require at least 48 hours notice for any cancelled appointments or requests to reschedule. **We will charge the full session price for no shows and appointments cancelled within 48 hours.**

Acceptable forms of payment are:

Credit Card\*  
Debit Card\*  
Zelle Money Transfer

\*card processing fee of 2.95% + \$0.30 will be applied

<b>Policy Name and Number:</b>	<b>1.12 Referrals to Community Services</b>
Date last reviewed:	11/11/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

#### **POLICY**

MyndHeal creates and maintains linkages and relationships with other service providers, organizations, and professionals in the community to ensure clients have the opportunity to access the most effective, coordinated, and comprehensive services available. MyndHeal, with the informed consent and participation of the client, may make referrals to another service within MyndHeal or to external resources, at any time in service delivery (i.e., prior to offering service, while service is ongoing or when service is being terminated).

#### **SCOPE**

This policy applies to all MyndHeal personnel (employees, students, and volunteers).

#### **PROCEDURES**

##### **1. Internal Referrals – Within Programs**

- 1.1 If staff determine that clients would be better served by another team member or where it is indicated that more than one counselor is needed (i.e., to work with a couple separately), staff negotiate this with other staff and ensure that they have the informed consent of the client. The manager must be informed prior to discussing the transfer with the client.
- 1.2 Once this new arrangement has been made staff must be notified and asked to book the appointment or the staff members must negotiate who will call the client to establish the first interview.

##### **2. Internal Referrals – Between Programs**

- 2.1 Generally, internal referrals are made between programs to a worker or program that offers specialized expertise.
- 2.2 The appropriateness of the referral and the availability of the service will be discussed between staff.
- 2.3 The client will be provided information on the expected waiting time, plans for follow-up, and the type of service to make an informed decision.
- 2.4 The program should be notified of the internal referral. Upon receipt of the referral, the program staff create an attention message with the information in the client database and waits for the client to request the new service. If asked by the counselor, staff may open a case for the client in the new program.
- 2.5 Staff will advise the program to which the client is referred of the referral.
- 2.6 The client will be asked to phone staff to request the service from the second worker or program. Staff may offer greater support to facilitate the referral if needed.



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2.7 When service is currently being provided by two or more MyndHeal programs, service co-ordination must be provided. In the situation of one program referring a client to another program, the referring person will assume the responsibility of co-ordination. If the client has initiated receiving the second service, then staff should negotiate the service co-ordination in the interests of the client and with the client's involvement.

### 3. External Referrals

3.1 The referral of an ongoing client to a service outside of the organization involves an active role for staff as a service coordinator.

3.2 The following guidelines apply to external referrals:

- Make a careful assessment of the client's expressed needs and the staff's perception of that need considering the work as well in progress at that time.
- Ensure the client's involvement in the process as well as in the decision made, including suggesting possibilities, and alternatives.
- Support the referring staff member's active participation either through direct contact with the selected service or through encouraging the client's initiation of service.
- Ensure referring staff member's continued contact with the client and other service providers, as necessary, including plans for ongoing MyndHeal involvement, follow-up, and the necessary steps to support the process.
- Make sure that there is a clear and documented approach to service co-ordination.
- Check that the necessary documents are signed with regards to ensure informed consent to share information between service providers throughout the referral and service delivery process and/or verbal consent to do so is documented in the client record.

3.3 When referring to private practitioners, wherever possible, provide clients a minimum of three appropriate referral resources. If it is not possible to satisfy this minimum requirement, the client must be informed as to why and this information must be documented in the client record.

### 4. Referrals to MyndHeal

4.1 MyndHeal asks that clients book an appointment via the online new client portal requesting service for themselves as much as possible.

4.2 Where it is not possible for a client to use the online client portal requesting service, another professional or persons with legal authority may call the general phone number requesting service on behalf of a client. The client's informed consent must be obtained before services will be provided by MyndHeal.

4.3 MyndHeal does not typically follow-up with referring agents to advise them that the person they referred has not called and arranged for service. The exceptions are referrals into MyndHeal mandated programs and programs where this is required by a court order. In such situations, the referral source will be notified by telephone that the client has not followed up on the referral and that the file will be closed within a certain period of time to allow the referral agent to contact the individual.

4.4 At times, professionals initiating the referral may have questions about MyndHeal services. The professionals may request an update if there is a signed release of information from the client on file. MyndHeal will only provide information regarding the dates of contact and overall service delivery.

4.5 The role of the referral sources should be addressed early in the process of service delivery. Clients should be made aware of these discussions and provide informed consent for decisions made regarding the coordination of services.

4.6 Follow-up with referral sources may be contracted with client involvement and informed consent. Releases of information must be signed and entered into the client file.

<b>Policy Name and Number:</b>	<b>1.13 Urgent Service</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

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### POLICY

MyndHeal strives to provide immediate service to clients experiencing acute emotional distress during office hours. Recognizing that MyndHeal has limited capacity to respond to such emergencies, staff will involve community resources (e.g., 911, mental health outreach teams) as required and will clearly communicate the limitations of MyndHeal resources.

### DEFINITIONS

**Urgent Service:** At this time, MyndHeal does not offer support after-hours (including holidays) although clients are referred to the MyndHeal.com resource page for after-hours referrals to 24/7 community resources.

### SCOPE

This policy applies to all program and service employees.

### PROCEDURES

#### 1. Assessing the urgency of the situation and calling the manager

- 1.1. When a client is upset and requests immediate consultation with a counselor, the staff involved will evaluate from the client's voice, appearance, or the content of the communication whether the situation is of an immediate serious nature. If it is apparent that a client is at risk of harming themselves or others, please refer to the *Duty to Warn* policy for guidance on how to proceed.
- 1.2. If there is any doubt about the severity of the situation, the counselor should be called.
- 1.3. If the situation does not appear urgent, the employee will advise the client that no counselor is available at that moment. The employee may ask the client if the situation can wait until a counselor is free or if they would like an alternative resource.
- 1.4. If the client insists on talking to a counselor, or the support staff is convinced by the client's voice, appearance, or the content of the communication that the situation is of an immediate serious nature, a counselor must be involved as soon as possible.

#### 2. Finding emergency support if the counselor is unavailable

- 2.1. If the counselor is busy or out of the office, please call 911 in collaboration with the client and explain the need for immediate mental health intervention from appropriate authorities.

<b>Policy Name and Number:</b>	<b>1.14 Collecting &amp; Storing Client Data</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

### POLICY

MyndHeal maintains an electronic database of information regarding clients and the services provided locally as well as with the platform Simplepractice.com. Client and service data is collected, summarized and analyzed in order to report to funders, monitor, and evaluate MyndHeal work to understand who MyndHeal is providing a service to and the nature of the services being provided, and advocate for funding. Employees involved in providing direct service or supporting direct service are responsible for ensuring that client and service data is complete, accurate and up to date. Sensitive and private identifying client information will never be reported unless authorized by the client for a specific purpose which benefits the clients directly (i.e. to health insurance company).

### SCOPE

This policy applies to employees, students, and volunteers who provide direct service or support the provision of direct service.

### PROCEDURES

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1. Employees, students, and volunteers responsible for providing direct service to clients will enter complete, accurate and up to date information about the client and/or service provided into the electronic database as soon as possible after the service event/information is collected and no later than five working days after the service event/information is collected. This includes client demographics, assessments, activity notes, record of community initiatives, etc.
2. Employees, students, and volunteers must ensure that client appointments are entered into the client and service database prior to clients being seen to ensure accurate records of client service.
3. Employees, students, and volunteers supporting direct service will ensure that information that they are responsible for collecting is complete and timely (e.g., client demographics).
4. Direct service employees, students, and volunteers as well as relevant managers and support staff will monitor the information in the electronic database about clients and services to ensure that information is complete and timely.

<b>Policy Name and Number:</b>	<b>1.17 Duty to Warn/Report/Protect</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

**PREAMBLE**

Tarasoff vs. Regents of the University of California stipulates that an individual's personal information may be released without consent for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or a group of persons.

**POLICY**

MyndHeal protects the confidentiality of information related to clients within limits. These limits are discussed with all clients prior to beginning service and clients are asked to sign a document acknowledging that they have had the limits explained to them. This document also outlines the types of situations in which MyndHeal may breach confidentiality. MyndHeal reserves the right to breach confidentiality to notify the person(s) who is the intended target for harm, appropriate authorities, persons who know the client, and/or persons who are at risk of harm in situations where the individual presents a significant and imminent risk of harm to himself/herself or others. This right is known as "duty to warn".

- A counselor is required to breach confidentiality if clients pose an imminent threat to either themselves, the counseling, or any identifiable third party or parties.
- The necessary information must be reported to law enforcement local to the intended victim and/or the client making the threat.
- Immediately notify the person who is in danger and anyone who can assist with protecting the intended victim.

**SCOPE**

This policy covers all employees, students, and volunteers who provide service to clients.

**PROCEDURES**

1. The criteria for determining whether a disclosure of information is warranted should be based on the following guidelines:
  - there is a clear risk to an identifiable person or group of persons
  - there is a risk of serious bodily harm or death
  - the danger is imminent

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**2. Suicidal Clients**

- 2.1. Wherever possible, staff will obtain the client’s voluntary agreement to seek medical assistance.
- 2.2. When a client is not willing to seek assistance, staff have a duty to disclose a client’s active suicidal ideation, and/or plan to commit suicide. The employee’s disclosure may include, without being limited to:
  - immediately reporting the suicidal intent to a MyndHeal manager and/ or director
  - notifying a family member, or other appropriate person who can ensure the safety of the client
  - contacting the police and a mental health crisis team with a request to escort the person to a hospital for a psychiatric examination (i.e., a voluntary or involuntary assessment).
- 2.3. Employees should proceed according to MyndHeal policy on *Suicidal Behavior*.

**3. Clients who present a risk of violence or harm to others**

- 3.1. Staff have a duty to warn the intended potential victims of threatened violence.
- 3.2. Employees should immediately report the threat to a manager or director.
- 3.3. The threat should be reported to the police that is local to the intended victim and the person making the threat. The police will determine the most appropriate next steps, including whether there are grounds to detain the client for an involuntary assessment. Cooperate with police’s decision and provide all necessary information that is needed to ensure the safety of all parties involved.

**4. Clients who threaten or present a risk of violence to MyndHeal staff or property**

- Employees should proceed according to the policy on *Dealing with Aggressive or Threatening Behavior* if they encounter a client who threatens or presents a risk of violence towards MyndHeal staff or property.

**5. Assaultive Partners**

- 5.1. When abusers are referred by Domestic Violence Courts or by probation officers, MyndHeal is required to initiate contact with their partners in accordance with the conditions set out in the contract.
- 5.2. Abusers entering the program must consent to partner contact as a condition of entering the program to satisfy the requirements of informed consent.
- 5.3. Written consent is the expectation; however, there may be occasions when verbal consent is acceptable (e.g., literacy issues, language issues). Documentation of this verbal consent and the reason why written consent cannot be obtained must be recorded in the file.
- 5.4. Contact with the partner is limited to:
  - conveying information re: potential risk by the abuser
  - providing assistance with safety planning
  - informing the partner of available community supports or other services
- 5.5. Should consent be revoked by the abuser, MyndHeal services will be terminated.
- 5.6. The duty to warn will have precedence in guiding the worker's actions regarding informing the partner of this termination.
- 5.7. Persons who are assaultive may be seen on a voluntary basis. Consent for partner contact must be obtained. MyndHeal remains obligated to initiate contact with the partner (or others threatened) where there is a risk of imminent harm to the partner.

- 6. In all situations, staff should document the situation, including their assessment of the risk of harm or death, the information on which their assessment is based, and any actions taken, in the client file.

<b>Policy Name and Number:</b>	<b>1.18 Child Abuse Reporting/Documentation</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

**POLICY**

All persons performing professional or official duties at MyndHeal have a duty to report a child’s need for protection, in compliance with the Child Abuse and Neglect Reporting Act (CANRA).

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The duty to report child in need of protection is outlined in the CANRA, and states that when there is suspicion of child abuse and/or neglect, that a child may be in need of protection, the person must immediately report their suspicions and the information on which the concern is based to the child abuse hotline which is local to the area of the child's residence. In cases where there is doubt or ambiguity, the child abuse hotline should be consulted.

The duty to report takes precedence over all MyndHeal policies. The professional's duty to report overrides the provisions of any other laws, specifically those provisions of confidentiality laws that would otherwise prohibit disclosure by the professional.

Failure to report is a criminal offence under CANRA. Any professional who fails to report their suspicion of a child abuse/neglect is liable on conviction to a fine and/or imprisonment as determined by law. All staff working for MyndHeal is required to take the mandated reporter training for mental health professionals through [mandatedreporter.ca.com](http://mandatedreporter.ca.com) in the first 30 days of employment.

### SCOPE

All MyndHeal employees, volunteers and students are covered by this policy.

### LIMITATIONS

Duty to report is a legal mandate and cannot be delegated to another (e.g., manager or director cannot report on behalf of an employee, rather the employee must make the report directly). However, the report can be made with the support and in the presence of the manager.

### PROCEDURES

#### 1. 1 Informing the client about the limits of confidentiality and the duty to report

- 1.1. All clients must be informed of the limits of confidentiality and the legal requirement to report child abuse or neglect at intake and during sessions when clinically appropriate.
- 1.2. At the first face-to-face appointment, employees will inform clients of the limits of confidentiality and the duty to report child abuse. Clients must sign a form which states that they are aware of these limits.

#### 2. Acting on a suspicion of child abuse or neglect

- 2.1. If child abuse is suspected, determine from the client record if there is an existing child welfare authority involved with the family.
  - **If yes**, call the currently child welfare authority AND call the child protection hotline that services the area where the child resides.
  - **If no**, all personnel are encouraged to discuss the situation with their supervisor/manager to determine the best way to proceed (e.g., whether to inform the client prior to making the call to child protective services).
- 2.2. Every reasonable effort will be made to first inform the client (both adult and child) in a sensitive manner of the intention to report, prior to contacting child protective services.
- 2.3. However, staff may choose not to notify the parent and/or child if this may put the child at greater risk of abuse/neglect, or there is pre-existing directive from the current child welfare authority not to inform the parent and/or child.
- 2.4. The fact that the parent or guardian reports the child abuse does not relieve the staff person of their duty to report.
- 2.5. Document the conversation about the intent to report with the client in the file.

#### 3. Reporting to the Child Abuse Hotline

- 3.1. Any MyndHeal staff must inform their immediate supervisor of any abuse allegations they have reported at the first possible opportunity.
- 3.2. The person who suspects that a child needs protection must immediately report to the child abuse hotline that is local to the residence of the child and follow up with a written Suspected Child Abuse

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Report (SCAR) within 36 hours of the call. A report to the law enforcement that is local to the residence of the child may also be required. The duty to report cannot be delegated.

- 3.3. Staff will maintain contact with the child welfare authorities as appropriate, whether to facilitate the investigation or ensure that the report is addressed.
- 3.4. Management and other team members will support the staff who is making the report.
- 3.5. During the course of a child welfare investigation, personnel will ask the authorities for guidance on how to discuss the matter with the client (e.g., whether to discuss the investigation) and follow that direction as much as possible.

**4. 4 Documenting and reporting**

- 4.1. Staff reporting child abuse/neglect must document the following information in the client record:
  - Date and time of the report
  - Name of the person reporting the abuse and relationship to the child
  - Name and telephone number of the child welfare authority who received the report
  - Name and age or date of birth (if known) of the child
  - Nature and known details of the suspected abuse
  - Name or identity of the alleged abuser
  - Content and outcome of discussion with the adult client (parent/guardian)
  - Child welfare authority’s response and follow-up to the report
  - Revised service plan, if any
  - Any further follow-up or contact with the child welfare authority.

<b>Policy Name and Number:</b>	<b>1.19 Elderly and Dependent Adult Abuse</b>
Date last reviewed:	11/11/2020
Reviewed by:	Ajita Gupta
Approved by:	Manmohit Singh Atwal

**PREAMBLE**

MyndHeal recognizes that abuse in elderly and dependent adult populations is a complex issue. Adult abuse also has significant impacts on children. MyndHeal also recognizes that some groups within society, such as people who are older, people living with a disability, immigrant communities and people who are members of the LGBTQ community are made more vulnerable to abuse due to a variety of intersecting oppressions. MyndHeal programs and services are based on the premise that violence is a systemic issue rooted in the inappropriate and coercive use of power and control in personal relationships. MyndHeal recognizes that the type and nature of personal relationships varies and can include abuse perpetrated by a partner, an adult child, close family friend, neighbor and/or another trusted person. The California Welfare Institutions Code discusses elderly and dependent adult abuse in Welfare and Institutions Code section 15610.07.

**POLICY**

MyndHeal adult abuse policy is founded on the following principles:

- All forms of abuse are unacceptable. MyndHeal adopts a zero-tolerance policy for abusive behavior.
- The safety and well-being of the abused individual is of primary concern in the delivery of services.
- MyndHeal services shall reflect a belief in the dignity and self-determination of all people.
- MyndHeal strives to provide culturally sensitive and respectful services which are responsive to the needs of all clients.
- Services to abused clients are provided within an equity and inclusion framework that recognizes and incorporates the impact of factors such as race, culture, age, gender, ability, sexual orientation and economic status into work with clients, and is sensitive to the power dynamic/hierarchy in the counseling relationship.
- Abuse is a societal and community issue. A comprehensive community response must be developed if abuse is to be reduced and ultimately stopped. Effective services to end violence must include public education, coordination, and networking amongst service delivery systems within and across sectors.

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- MyndHeal will intervene promptly if there is reason to suspect a client is incapable of protecting themselves and/or is at risk of suffering serious personal or financial harm.
- Services to adults will routinely include an assessment of the risk of abuse and neglect.

Failure to report elderly or dependent adult abuse/neglect is a criminal offence. Any professional who fails to report their suspicion of a such abuse/neglect is liable on conviction to a fine and/or imprisonment as determined by law. All staff working for MyndHeal is required to take the mandated reporter training for mental health professionals through the website [www.cdss.ca.gov/MandatedReporting/story\\_html5.html](http://www.cdss.ca.gov/MandatedReporting/story_html5.html) in the first 30 days of employment.

### **SCOPE**

This policy applies to all MyndHeal staff, students and volunteers who serve adult clients.

### **DEFINITION**

MyndHeal defines abuse as an expression of the misuse of power and control in a relationship. Abuse is any action or inaction that jeopardizes the health or wellbeing of an individual. This can include physical, emotional, psychological, financial/economic, sexual, spiritual or medication abuse, as well as passive or active neglect and denial of civil or human rights. Abuse is a deliberate act, neglect or withholding for which the perpetrator is responsible and accountable.

According to the Welfare Institutions Code, abuse of an elder or a dependent adult is abuse of:

- Someone 65 years old or older; or
- A dependent adult, who is someone between 18 and 64 that has certain mental or physical disabilities that keep them from being able to do normal activities or protect them self.

The law says elder or dependent adult abuse is:

- Physical abuse, neglect, financial abuse, abandonment, isolation, abduction (taking the person out of the state against their will), or other behavior that causes physical harm, pain, or mental suffering
- Deprivation by a caregiver of things or services that the elder or dependent adult needs to avoid physical harm or mental suffering.

### **PROCEDURES**

#### **1. Screening for risk of abuse**

- 1.1. Services to adults will routinely include an assessment of the risk of abuse as part of the intake screening process.

#### **2. When abuse is detected or suspected**

- 2.1. Staff will communicate to abused adults and/or the alleged perpetrators that abuse of any type is unacceptable behavior and that no one deserves to be treated this way.
- 2.2. Staff will call adult protective services, and/or law enforcement if necessary, to evaluate immediate safety concerns, local to area where the victim resides.
- 2.3. Staff working with abused adults will make every effort to connect them to the justice system should they wish to take legal action (e.g., pro bono attorneys or legal self-help centers).

#### **3. Safety planning**

- 3.1. When in contact with abused adults, the safety and well-being of the abused adult is of primary concern in the delivery of services. As such, staff will:
  - Evaluate the level of danger to the client and any other persons in the home and/or connected to the person being abused, if applicable.
  - Assist the client to plan for their safety and advise them that all safety planning will be kept confidential.
  - Inform the client of their right to police intervention.
  - Offer services designed to meet the client's needs.

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- Urge the client to contact MyndHeal staff should abuse recur and reiterate that their information will be kept confidential, within the confines of the law.
- Review the safety plan periodically and amend it as needed.
- Ensure that any issues of child abuse are dealt with in legal and ethical ways.
- Identify resources and community services available to the client.
- Liaise as necessary outside the organization to assist the client. If it is not possible to gain client consent for external consultation, anonymous consultations within and outside MyndHeal will be permitted on a limited basis.

3.2. The safety plan will include the following elements:

- Establishing how the client will know they are at risk.
- Establishing what a client will do in the situation (e.g., when s/he is able to leave home, when s/he should remain in the home).
- Identifying important keepsakes and documents the client might need to remain safe and/or to leave a situation (e.g., Social Insurance Number, health card, immigration documents, bank book, cheques, list of medications, name and phone number of doctor(s), name and phone number of pharmacy) and preparing an emergency supply of medications.
- Developing plans on how to safely leave a situation if this need arises (e.g., how to safely remove children from the home).
- Determining a way for the client to connect with the counselor should the situation change.

3.3. All safety planning discussions will be documented in the client's file and will include:

- The name of the alleged perpetrator if the client will provide it.
- A summary of the content of the discussion with the client.
- An assessment of the risk to the client.
- The safety plan that was developed.
- The name of the client's ongoing MyndHeal contact person.
- Any restrictions on follow up with the client.

**4. Supporting client choice**

- 4.1. Staff will work to support clients to empower themselves to make choices and control their lives to the full extent of their abilities.
- 4.2. Clients will be encouraged to make changes in their lives after reviewing the full range of options available to them. Staff will never insist on their own timetable for change unless the client is at imminent risk, at which point appropriate authorities will be contacted.
- 4.3. Staff will attempt to maintain connections with hesitant or resistant clients but, at the same time, will respect the wishes of the client as allowed by legal mandates.

**5. When dealing with clients involved in criminal proceedings:**

- 5.1. Staff working with perpetrators and alleged perpetrators will observe all relevant court orders where MyndHeal has been directly implicated, including but not limited to bail orders, restraining orders and terms of probation.
- 5.2. Staff working with abused adults will advise clients to observe all relevant court orders including bail orders, restraining orders and peace bonds.
- 5.3. Where needed and possible, staff will provide support to abused adults throughout the court process and/or connect clients to external resources.

**6. Participating in community initiatives**

- 6.1. 6.1 Staff will actively participate in initiatives addressing the abuse of adults and make linkages to other sectors and organizations working on these issues.
- 6.2. 6.2 Staff will work to encourage various levels of government to provide comprehensive funding to problem resolution and prevention services for individuals at risk of abuse or who are being abused.



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### 7. Dealing with homicide or serious injury caused by interpersonal violence

- 7.1. When a staff person learns that a MyndHeal client has been killed or seriously injured or that a client has committed such an offence the staff person will immediately notify their manager.
- 7.2. The manager will review the case with the staff person who provided service to the client involved. Together they will document the following in the case record:
  - history of service received
  - identification of risk factors
  - safety planning that took place in response to the identified risk
  - precipitating factors to the suicide or circumstances of the death
  - police or other legal involvement
  - follow-up plan
- 7.3. The director and Executive Director will be immediately notified of all preliminary information and kept informed throughout the process including follow-up.
- 7.4. The Manager of Communications will be informed that there has been an incident involving a MyndHeal client that may result in media calls. A plan is developed to deal with this contingency.
- 7.5. The director will support the local manager in ensuring that posttraumatic support is provided to staff, volunteers, students, and clients affected by a homicide or serious injury.

<b>Policy Name and Number:</b>	<b>1.21 Client Autonomy</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

### POLICY

Services provided by MyndHeal are client-directed. The service plan responds to a client's stated needs and is developed in consultation with them. As active partners in their service, clients have the right to make decisions regarding their well-being, to state their preferences and to refuse service. MyndHeal will respect the client's choice unless there is a concern that the client's ability to make decisions is impaired and that this decision will result in imminent harm to the client or others. In addition, MyndHeal reserves the right to refuse requests that are discriminatory (see *Discriminatory Requests for Service* policy).

### SCOPE

This policy applies to all MyndHeal staff, volunteers, and students.

### PROCEDURES

1. Clients have the right to state their preference to a service provider within the confines of available resources and the organization's service approach. MyndHeal will strive to match client preference to service provider within reasonable limits.
2. Staff will attempt to maintain connections with hesitant or resistant clients but, at the same time, will respect the wishes of the client.
3. If the client decides to end service within a session, this decision should be respected. If appropriate, the client should be asked if the counselor can follow up in the future.
4. When a client drops out of service, cancels or fails to show up for an appointment, staff will attempt to make direct contact with the client to clarify the situation. This should not be an attempt to persuade the client to

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return to service but to make it safe for the client to express their views and receive validation. This contact should include acceptance of any feedback that the work was not helpful in whole or in part.

5. If the client no longer wants the service or does not want a particular treatment that has been recommended by the provider, the discussion will be recorded in the client file.

<b>Policy Name and Number:</b>	<b>1.22 Concerns with Client Capacity</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

### POLICY

MyndHeal staff do not conduct capacity assessments. MyndHeal programs and services are largely voluntary and client participation implies consent. Client's will be asked to sign a form that confirms that the client consents to service and has seen and understood the organization's policies. In all cases, MyndHeal presumes the capacity of persons over 12 years of age to give or refuse consent to service (see *Consent and Information Sharing Regarding Children* policy).

Nevertheless, practice may reveal a concern about a client's capacity to make certain decisions (e.g., decisions about finances, living arrangements and personal care). If such concerns arise, employees or students may need to involve qualified health professionals to assess capacity or the person with Power of Attorney for Personal Care (if one exists) to make the ultimate decision.

It is imperative to remember an individual may not be capable of making certain types of decisions (e.g., financial decisions) but capable of making other types of decisions (e.g., health or treatment decisions) or vice versa. Even when there are concerns about capacity, MyndHeal will always strive to involve the client in all decision-making processes and discussions.

### SCOPE

This policy applies to all staff, volunteers, and students working directly with clients.

### DEFINITIONS

**Capacity:** A person is capable with respect to a treatment if the person is able to understand the information that is relevant to making a decision about the treatment, admission or personal assistance service, as the case may be, and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.

**Capacity assessment:** Capacity assessment is the formal assessment of a person's mental capacity to make decisions about property and personal care. Many situations require capacity assessments to be conducted by specially qualified assessors who must follow specific guidelines.

**Capacity assessors:** Regulated health professionals who are qualified carry out a capacity assessment. They include physicians, psychologists, nurses, social workers and occupational therapists who are trained and certified.

**Continuing Power of Attorney for Property:** A Continuing Power of Attorney is a legal document in which a person gives someone else the legal authority to make decisions about their finances if they become unable to make those decisions themselves. The person who is named as the attorney does not have to be a lawyer. The power of attorney is called "continuing" because it can be used after the person who gave it is no longer mentally capable.

**Evaluators:** Regulated health professionals may determine that an individual is incapable of giving informed consent and these evaluators are defined within the confines of the law.

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**Power of Attorney for Personal Care:** A Power of Attorney for Personal Care is a legal document in which one person gives another person the authority to make personal care decisions on their behalf if they become mentally incapable.

**PROCEDURES**

1. Employees will ensure that the client has signed the form indicating that they understand the policies relevant to their service. The signed form is placed in the client's file or filed centrally by program.
2. If capacity concerns arise at any point in the course of service, staff should:
  - consider whether the client understands the decision they are being asked to make
  - question whether the person understands the reasonably foreseeable consequences of the decision or lack of decision
  - consult with their supervisor
3. If the answer to either question is negative, staff will first determine if a Power of Attorney (whether for Personal Care or for Property) or some other legal guardian is named. Staff will tell the client that s/he is concerned about the client's capacity to make the requested decision and will request permission to speak to the appointed substitute decision-maker and see a copy of the power of attorney (if one exists).
4. If a Power of Attorney has been signed by the client, MyndHeal shall follow the terms, if any, of the Power of Attorney with respect to determining capacity and providing service to the client. Any conversations should strive to also involve the client to the greatest extent possible.
5. If no Power of Attorney has been signed by the client, staff will exercise extreme caution in advising the client on significant decisions prior to a capacity assessment of the client with a capacity assessor authorized in accordance with the laws.
  - 5.1.1. 6.1 Staff will explain the purpose of the capacity assessment to the client and offer to facilitate the assessment arrangement.
  - 5.1.2. 6.2 If there is family involvement and no Power of Attorney, staff will help the client identify a family member who is capable, available and willing to take that role and provide the information required.
  - 5.1.3. 6.3 If there are no relatives and there is a friend who is willing to take that role, staff will provide information regarding the capacity evaluator so that they can start the process.
  - 5.1.4. 6.5 If no one is willing and capable to take this responsibility or if there are concerns about abuse, staff will involve Adult Protective Services local to the residence of the client.
6. It must be noted in the client file that the assessment has been requested. Any document related to the assessment and its results should also be entered into file.
7. MyndHeal continues to provide service to the client, even while the capacity assessment is pending. Once the results of the capacity assessment are received (and potentially shared with MyndHeal) service will adhere to the results.

<b>Policy Name and Number:</b>	<b>1.23 Limiting, Refusing or Withdrawing Service</b>
Date last reviewed:	5/05/2020
Reviewed by:	Manmohit Atwal
Approved by:	Ajita Gupta

**POLICY**

MyndHeal has the responsibility and right to make judgments about the advisability of providing service and reserves the right to limit, refuse or withdraw service when:

- There is a perceived danger to staff, whether a risk to their personal safety or to their health

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- A client demonstrates a risk of harm or violence to self or others – behavior or situations of concern include when:
  - o There is or has been physical or verbal abuse including threatening or intimidating behavior by the client (e.g., record of criminal violence in client's history, previously recorded behavior)
  - o Behavior dangerous to self or others
  - o Illegal behavior by the client has been witnessed by staff
  - o There is concrete evidence (e.g., through a referral source) that demonstrates potential for high-risk behavior by the client
  - o Where the client's mental health status indicates services from MyndHeal would not be helpful
- A client breaks the trust of the organization (e.g., theft or vandalism of MyndHeal property)
- Staff cannot sustain a productive relationship with the client
- MyndHeal programs and services are no longer beneficial to the client
- Clients who can pay for services and choose not to pay fees for services where fees exist
- A client lives outside California or does not meet MyndHeal program and/or service eligibility requirements
- A client uses discriminatory or harassing language or exhibits discriminatory or harassing behavior, including the refusal to work with a counselor because of race, sexual orientation, creed, sex, gender identity, ethnic origin or any other grounds prohibited under the discriminatory policy
- The request for service is beyond the limits of MyndHeal resources

MyndHeal stands behind a staff decision to limit, refuse or withdraw service or to refer people to alternate community resources for safety reasons provided the circumstances are documented and the approved policies and procedures are followed.

### SCOPE

All staff, volunteers, and students are governed by this policy.

### DEFINITIONS

**Limit Service:** To restrict service to certain types, locations and hours of the day.

**Refuse Service:** To refuse service during initial contact with the client.

**Withdraw Service:** To terminate provision of service.

### LIMITATIONS

Staff will inform the appropriate program manager of any decision to limit, refuse or withdraw service.

### PROCEDURES

#### 1. Assessment at Intake on Limiting or Refusing Service

- 1.1. Staff conducting intake will advise the referral source and/or the potential client that service may be limited, refused or withdrawn if the client has a history of high-risk behavior or if MyndHeal is not able to provide the required service. If possible, referrals to other services will be made.
- 1.2. Staff conducting intake will raise concerns about the need to limit or refuse service during the intake process to the relevant program manager and flag the concern in the electronic client database.
- 1.3. The program manager receiving the notice of the concern will review the client's situation to determine whether service should be limited or refused.
- 1.4. Staff conducting intake may make the decision to refuse service in consultation with the appropriate manager. If service is refused at assessment, staff will attempt to refer the client to other resources that may suit their needs.
- 1.5. If a client record exists, the refusal and reasons for it will be indicated in the electronic client record.
- 1.6. A service alert to all staff may be activated in the electronic client database at this point for refused clients who present safety concerns. All service alerts will include an explanation of the reason for the refusal, limitation or withdrawal of service.

#### 2. Refusing Service

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- 2.1. Immediately after assessment and before service begins, staff may determine that MyndHeal cannot provide service to a client. If this situation arises, staff will discuss the refusal with their manager and document the decision in the client record. If possible, referrals to other services will be made.
- 2.2. A service alert to all staff may be activated in the electronic client database at this point for refused clients who present safety concerns. All service alerts will include an explanation of the reason for the refusal, limitation or withdrawal of service.
- 2.3. If service is refused, staff will explain the reasons for the refusal to the client and attempt to refer them to other resources that may suit their needs.

**2. Limiting or Withdrawing Service**

- 2.1. Staff with concerns about providing service may decide to temporarily limit or refuse service.
- 2.2. Any temporary limitation or withdrawal of service must be subsequently discussed with the immediate manager. The situation may also be brought to the program team to generate alternatives or ensure a consistent approach.
- 2.3. Ongoing limitation or withdrawal of service must be approved by the manager.
- 2.4. Behaviors such as intimidation, threats or verbal abuse are not to be tolerated by any staff person. If the staff person has concerns about threatening or intimidating behavior, these concerns should be reported to the manager and the police if necessary.

**4. Documentation and Notification**

- 4.1. The client record must include:
  - Description of the action taken and the reasons for action
  - Documentation of any contract with the client concerning their behavior
  - Documentation of consultation with immediate manager
  - Issuance of a service alert in cases of clients posing a potential risk to staff.
- 4.2. Whenever possible or advisable, the manager will contact the client to inform them that service may be limited or withdrawn if their behavior continues. Any phone or telehealth discussion with the client will cover the following points:
  - The manager was informed of the client's interaction with the counselor and understands the situation as ...
  - The manager understands the difficulty of the client's situation and would be pleased to assist the client in finding appropriate professional help.
  - If client exhibits high-risk or threatening behavior, the manager will remind the client of the MyndHeal policy on these matters is to request the client's cooperation in refraining from further high-risk/threatening behavior. If the client does not cooperate, MyndHeal will contact law enforcement and any other appropriate authorities for legal recourse.
- 4.3. The manager will inform the program director about any service restrictions. If the client is participating in several programs and one program makes the decision to withdraw service, the manager of other programs involved must be informed of the withdrawal decision and the reasons. Other concerned programs must consider whether some action is required of them as a result of the service restriction information.

**5. Reviewing Cases where Service is Limited, Refused or Withdrawn**

- 5.1. If a client for whom service has been refused, limited or withdrawn makes a new request for service or the client's situation changes, the staff member and manager will discuss the request, make a decision and document it in the client's file.