



**Mainstay Music Therapy, Inc.**

**Excerpt From  
Policies and Procedures Manual**

**April 2017**

## **RIGHTS OF AN INDIVIDUAL**

### **460 IAC 6-8-2 Constitutional and statutory rights**

Mainstay Music Therapy, Inc. shall ensure that an individual's rights are guaranteed by the Constitution of the United States and the Constitution of Indiana are not infringed upon. Mainstay Music Therapy, Inc. shall ensure that an individual's rights as set out in IC 12-27 are not infringed upon, and an individual has the ability to exercise those rights as provided in IC 12-27.

### **460 IAC 6-8-3 Promoting the exercise of rights**

Mainstay Music Therapy, Inc. will:

1. Provide an individual with humane care and protection from harm.
2. Provide services that:
  - a. Are meaningful and appropriate; and
  - b. Comply with:
    - i. Standards of professional practice;
    - ii. Guidelines established by the American Music Therapy Association; and
    - iii. Budgetary constraints;in a safe, secure, and supportive environment.
3. Obtain written consent from an individual, or the individual's legal representative, if applicable, before releasing information from the individual's records unless the person requesting release of the records is authorized by law to receive the records without consent.
4. Process and make decisions regarding complaints filed by an individual within two (2) weeks after Mainstay Music Therapy, Inc. receives the complaint.
5. Inform an individual, in writing and in the individual's usual mode of communication, of:
  - a. The individual's constitutional and statutory rights using a form approved by the BDDS; and
  - b. The complaint procedure established by Mainstay Music Therapy, Inc. for processing complaints.
6. Upon taking a new client, Mainstay Music Therapy, Inc. will provide a written copy of their Individual Rights to the client and/or their legal representative. Upon receipt, Mainstay Music Therapy, Inc. employee/subcontractor will explain them in the individual's own mode of communication. A signature will be obtained by the client/legal representative indicating their understanding of the Policy and Procedure. This will be kept in their Client File. (Appendix B)

## **PROTECTION OF AN INDIVIDUAL**

### **Rule 9.**

#### **460 IAC 6-9-2 Adoption of policies and procedures to protect individuals**

1. Mainstay Music Therapy, Inc. shall adopt written policies and procedures regarding the requirements of sections 3 and 4 of this rule.
2. Mainstay Music Therapy, Inc. shall require the provider's employees or agents to be familiar with and comply with the policies and procedures required by subsection (1).

3. Beginning on the date services for an individual commence and at least one (1) time per year thereafter, an employee of Mainstay Music Therapy, Inc. shall inform:
  - a. The individual, in writing and in the individual's usual mode of communication;
  - b. The individual's parent, if the individual is less than eighteen (18) years of age, or if the individual's parent is the individual's legal representative; and
  - c. The individual's legal representative if applicable; \_\_\_\_\_ of the policies and procedures adopted pursuant to this section.

#### **460 IAC 6-9-3 Prohibiting violations of individual rights**

Mainstay Music Therapy, Inc. shall not abuse, neglect, exploit, or mistreat an individual or violate an individual's rights. Mainstay Music Therapy, Inc. employees or agents shall also adopt policies and procedures that prohibit abuse, neglect, exploitation, or mistreatment of an individual or violation of an individual's rights.

Practices prohibited under this section include, but are not limited to, the following: Corporal punishment inflicted by the application of painful stimuli to the body, which includes forced physical activity, hitting; pinching, the application of painful or noxious stimuli, the use of electric shock, or the infliction of physical pain. It also includes seclusion by placing an individual alone in a room or other area from which exit is prevented, verbal abuse, including screaming, swearing, name-calling, belittling, or other verbal activity that may cause damage to an individual's self respect or dignity, and any practice that denies an individual any of the following without a physician's order such as, sleep, shelter, food, drink, physical movement for prolonged periods of time, medical care or treatment, or use of bathroom facilities. Mainstay Music Therapy, Inc. also prohibits work or chores benefiting others without pay unless the provider has obtained a certificate from the United States Department of Labor authorizing the employment of workers with a disability at special minimum wage rates, the services are being performed by an individual in the individual's own residence as a normal and customary part of housekeeping and maintenance duties, or an individual desires to perform volunteer work in the community.

#### **460 IAC 6-9-4 Systems for protecting individuals**

1. Except as specified in this section, this section applies to all providers of supported living services and supports.
2. As applicable, Mainstay Music Therapy, Inc. shall require that at regular intervals, as specified by the individual's ISP, the individual be informed of the following:
  - a. The risks of treatment.
  - b. The individual's right to refuse treatment.
3. Mainstay Music Therapy, Inc. will establish a system to ensure that an individual has the opportunity for personal privacy.
  - a. Mainstay Music Therapy, Inc. will encourage the individual's choice to participate in social, religious and community activities.
  - b. Mainstay Music Therapy, Inc. will allow the individual to retain and use appropriate personal possessions and clothing.
  - c. Neither Mainstay Music Therapy, Inc., nor its employees shall in any way be responsible for handling client funds.
  - d. Mainstay Music Therapy, Inc. will voluntarily participate in a legal investigation. All releases of confidential information must be either court ordered or be requested by the client by the submission of a release form.
  - e. Mainstay Music Therapy, Inc. shall establish a protocol specifying the responsibilities of the provider for:
    - i. conducting an investigation; or
    - ii. participating in an investigation;
 of an alleged violation of an individual's rights or a reportable incident. The system shall include taking all immediate necessary steps to protect an individual who has been the victim of abuse, neglect, exploitation, or mistreatment from further abuse, neglect, exploitation, or mistreatment.
  - f. Mainstay Music Therapy, Inc. shall establish a system providing for:
    - i. administrative action against;
    - ii. disciplinary action against; and
    - iii. dismissal of;

- an employee or agent of Mainstay Music Therapy, Inc., if the employee or agent is involved in the abuse, neglect, exploitation, or mistreatment of an individual or a violation of an individual's rights.
- g. Mainstay Music Therapy, Inc. shall establish a written procedure for employees or agents to report violations of the Mainstay's policies and procedures to the provider.
  - h. Mainstay Music Therapy, Inc. shall establish a written procedure for Mainstay or for an employee or agent of Mainstay Music Therapy, Inc. for informing:
    - i. adult protective services or child protection services, as applicable;
    - ii. an individual's legal representative, if applicable;
    - iii. any person designated by the individual; and
    - iv. the provider of case management services to the individual;of a situation involving the abuse, neglect, exploitation, mistreatment of an individual, or the violation of an individual's rights.
  - i. Mainstay Music Therapy, Inc. shall establish a written protocol for reporting reportable incidents to the BDDS as required by section 5 of this rule.

### **MANDATORY COMPONENTS OF AN INVESTIGATION**

Activities initiated by a provider that require mandated components include and internal review of the death of an individual receiving services, investigations into alleged abuse, neglect, or exploitation of an individual receiving services, investigations into significant injuries of unknown origin, as defined in the incident Reporting policy, and Investigations as otherwise requested by the DDRS director, or the BQIS Director.

#### **Mandated Components**

Mandatory components for investigations and reviews as addressed in this policy include;

1. A clear statement indicating why the investigation/review is being conducted along with the nature of the (alleged) allegation/event
2. A clear statement of the event or alleged event in a time line format including what, where and when the event happened or is alleged to have happened
3. Identification by name and title of all involved parties or alleged involved parties, including victim/alleged victim, all staff assigned to the alleged victim at the time of the incident, all alleged perpetrators, when indicated, and all actual or potential witness to the alleged event
4. Signed and dated statements from all involved parties, including all actual and potential witnesses to the event or alleged event
5. A statement describing all record and other document review associated with the alleged event
6. Copies of all records and other documents reviewed that provide evidence supporting the findings of the investigation or review
7. If there are any discrepancies/conflicts between the evidence gathered, the discrepancy is resolved and/or explained
8. A determination if rights have been violated, if services and/or care were not provided or were not appropriately provided, if agency policies and/or procedures were not followed, and/or if any state or federal regulations were not followed.
9. A clear statement of substantiation or non substantiation of any allegation that includes a description/summary of the evidence that resulted in the finding.
10. A definitive description of all corrective actions developed and implemented as a result of the investigation or review, including completion dates for each corrective action
11. The signature, name and title of the person completing the investigation
12. The date the investigation was completed.

#### **Additional requirement for reviews of death**

Reviews of the death of an individual shall include any additional components outlined in the current DDRS policy titled 'Mortality Review'

#### **Protection of the Individual**

It is the duty of all Mainstay Music Therapy, Inc. employees and subcontractors to annually inform their clients and their legal guardians, in their form of communication, of these rights and responsibilities. Clients will receive a copy of these rights, which will be explained to them by Mainstay Music Therapy, Inc.'s employee/subcontractor. Mainstay Music Therapy, Inc. and its employees and subcontractors shall not abuse,

neglect, exploit or mistreat an individual or violate an individual's rights. If employees feel there have been violations of any of these rights, they are required to immediately contact the Executive Director with the following information: Client name, date and location of incident, a thorough explanation of event, and names of others involved.

Privacy and HIPAA Compliance:

Mainstay Music Therapy, Inc. and all its employees/subcontractors is compliant with all HIPAA (Health Insurance Portability and Accountability Act)(Appendix I). Client health information is protected by this federal regulation. Each client may receive a copy of their files at their own expense. No one will be given copies of plans or reports without the client's written consent.

A written consent form will be provided by Mainstay Music Therapy, Inc. that includes: (See Appendix C)

1. Include the name of the individual's who's records are proposed to be released
2. The number of copies requested
3. Basis for request
4. The proposed date for release
5. The name, entity address and phone number of the person whom the records are proposed to be released
6. The name, address and phone number of the person or entity requesting the release of such records