

LEGAL ISSUES AND CONCERNS

1. Moccasin Bend specific codes or statutes and legal rules and regulation are used to determine who is and is not eligible through “Title 33 Tennessee Departure Mental Health and Developmental Disabilities Laws. Addition to Emergency Admissions, Judicial Commitments, Forensic Services, and Treatment Reviewer Committee.
2. Yes, there are there are specific statutes applied to certain individuals legally required are mandated to involve themselves with Moccasin Bend. Those admitted with 2 certificates of need for emergency admission; court ordered, 48 hour evaluations, Forensic pre-trial and post trial evaluations.
3. No, individuals do not have the right to refuse to participate if they are court ordered.
4. Yes, Moccasin Bend is licensed through TDMHDD, State Licensed, Federal Medical and Medicaid Certification has consistently maintained, and accredited by the Joint Commission of Accreditation of Healthcare Organization since 1973.
5. The outside agencies or organizations are authorized to interview staff about their practices and review the records kept by Moccasin Bend are the State, Federal Medical and Medicaid, and Joint Commission.
6. The legal consequences for a social worker who takes action that conflicts with or violates the agency’s written policy; first, a verbal or written warning; second, then there are specific human resource steps to correct behavior; third, terminate employment.
7. There are 231 LCSW and 171 Certified Master Social Worker at Moccasin Bend.
8. Yes, Moccasin Bend does have liability insurance.
9. Yes it does have limitations.
10. Some social workers pay for individual malpractice insurance; it is a personal choice not a requirement.
11. Yes, the agency or staff member been sued for wrongful death, negligent of care, abuse, and etc. It was settled out of court.

12. The types of clients are Mental Health and Substance Abuse patients. Suicidal individuals or those with medication complications.
13. The attorneys or law firms that represent Moccasin Bend are Central Office of Legal Counsel for the State and in house attorney also employed by the State.
14. Agency policies or procedures
 - a. *The client who appears to be a real threat to self:* Suicide Screening, Suicide Precautions, One to One staff supervision.
 - b. *The client who appears to a real threat to others:* Violence Precautions, One to One staff supervision, Seclusion and restricts.
 - c. *The client who may not be mentally competent to care for him or herself:* Recommend conservator-ship and treatment review committee to make decisions.
 - d. *The client who is a minor:* N/A
 - e. *The client who is injured while in your agency:* Incidents report completed medical attention in house or emergency treatment (ER).
 - f. *The client who insists on withdrawing from a treatment program or another agency:* Cannot leave unless a judge states the discharge.
 - g. *The client who threatens harm to a social worker or other agency staff member:* Violence Precautions and One to One staff supervision.
 - h. *The client who is suspected of or known to have committed a serious crime:* Check Felony Database and it is duty to report by law.
 - i. *The client who appears to need legal counsel or representation:* Suggest of possible attorneys or one will be appointed by the judge.
 - j. *The client who has been ordered by a court to receive certain services from your agency:* Forensic Services requirements by law conducted by forensic staff.
 - k. *The client who has clearly lied, withheld information, or falsified an application in order to become eligible for the benefits or services provided by your agency:* N/A

1. *The client who states he or she intends to bring a lawsuit against a social worker or the agency:* Refer them to patient rights Adviser and central office complaint departure.

15. Policies or Procedures you or others encounter

- a. *How to proceed when a client requests the opportunity to read or copy his or her records:* Need to complete request to read a copy records. Rules protect staff of information. Usually can not read unless treatment team approves.
- b. *How to obtain a client's permission to release his or her records to another agency or professional:* Complete release of information's
- c. *How to report suspected child or elder abuse and neglect:* Discuss situation with supervisor/ Moccasin Bend attorney and call Child and Adult Protective Services.
- d. *How to obtain a client's informed consent to participate in certain programs and services:* Services are involuntary or court ordered.
- e. *How to handle and record the receipt of gifts from a client or donation to Agency:* No gifts or donations received by clients, State Facility.
- f. *How to respond when one receives a subpoena for client records or other confidential information:* Subpoena is a request for a person records presence, but if there is not an actual order for material it may not be released.
- g. *How to respond when one receives a subpoena to be a witness in a trial or court action:* Typically the person attends unless they respond that they are not willing to attend, and then it maybe ordered for them to attend.