

## GUIDELINES FOR COMPLETING THE

### *MANDATORY DISCLOSURE FORM FOR HOME PROVIDER/ RESPITE WORKERS*

**WHAT IS THE PURPOSE OF THIS FORM?** A Vermont law was passed in May, 2002 to assure that home providers and day/overnight respite workers have relevant information about DDMHS consumers so that they can make an informed decision about whether to agree to provide care for a consumer in their own home. Specifically, the law states that designated and specialized service agencies are required to give home and day/overnight respite providers paid by the agency information about a person's history of violent behaviors, any potential predictors of violent behavior, and any medications they are taking. This must be done with the consumer's authorization, but the home/respite provider has the option of deciding to still care for the consumer even if the consumer refuses to disclose relevant information (see below).

This Mandatory Disclosure Form is meant only to comply with this new law. It does not preclude any information exchange that an agency already has in place to ensure quality care is being provided for consumers. In other words, this form is the minimum requirement for information that **MUST** be provided – more information can be provided through this or other mechanisms if deemed appropriate and with the consumer's authorization.

This mandatory disclosure of information also does not replace a mental health professional's Duty to Warn (Peck v. CSAC). In other words, the obligation to exercise reasonable care to protect identifiable potential victims when there is, or should be, knowledge that a consumer poses a serious risk of danger to him/her remains intact. The Duty to Warn is different from this mandatory information disclosure, and is not affected by it.

**WHO SHOULD COMPLETE THIS FORM?** The Mandatory Disclosure Form should be completed by the agency staff person who knows the consumer best, and who has access to the clinical records to assure that all known relevant information is included.

**WHO SHOULD GET THIS FORM?** The Mandatory Disclosure Form must be given to any home care provider or respite worker that your agency is attempting to contract with to provide care in his or her home for a consumer of your agency. (It is the responsibility of the home care providers to share relevant information with anyone that they directly contract with to provide respite.) Consumers and families who totally self manage their services or hire their own workers are not included in this mandatory disclosure law.

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**WHAT IS THE PROCESS FOR OBTAINING AUTHORIZATION?** Authorization from the consumer to disclose this information should be obtained by the designated or specialized service agency in writing, via the agency's routine confidentiality policies and authorization form. The Authorization Form must include notice that information disclosed to home providers will include medications and any relevant information concerning history of violent behavior. If the consumer does not agree to authorize the disclosure of any or all of the information required on this form, please write "*Consumer does not authorize the release of this information*" in each of the appropriate section(s) of the Form.

**WHAT ARE THE SOURCES OF INFORMATION FOR COMPLETING THE FORM?** Please write any information that you believe is relevant in the appropriate section. Obviously, if it comes from the consumer himself or herself or is in the consumer's record, it should be included. You should also include anecdotal or unsubstantiated information to the extent that you have concluded that it is relevant to a home care provider's services to protect the individual and others from harm. This information should be specifically presented on the form as unsubstantiated and should be described as fairly as possible.

**WHAT IF THERE IS NO KNOWN INFORMATION?** If there is absolutely no information available, please write, "*No information is known*" for each relevant section. **Do not leave a section blank.**