

POLICY ON RIGHTS OF THE INDIVIDUALS RECEIVING SUPPORT SERVICES

PURPOSE

To establish a policy on the rights of individuals receiving support services to ensure that their rights are protected at all times.

SCOPE

This policy applies to all the individuals receiving support services from LADD.

POLICY

It is the policy of LADD that the rights of the individuals receiving support services will be protected at all times as defined under Chapter 7 of the Mental Health Code. LADD will ensure that when people receiving support services have presenting challenges that require a medication, behavior treatment plan, or physical intervention that their rights will not be restricted by the use of any of the aforesaid.

DEFINITIONS

Rights of the people receiving support services

The following is a list of the legal rights of people who are receiving support services:

1. The right of the person/Guardian to be informed of their rights under the Mental Health Code.
2. The right to a safe, sanitary and humane living environment and support services suitable to the person's condition.
3. The right to receive the support services of a physician, psychiatrist or dentist of his choice for obtaining medical, psychiatric or dental services.
4. The right to receive comprehensive physical social and mental examination. Physical exams occur not less than annually.
5. The right to an individual written plan of service.
6. The right to be informed of their clinical status and progress.
7. The right to secure the support services of a private physician.
8. The right not to have surgery or electro-convulsive therapy without legal consents.
9. The right to be protected from physical, sexual, or verbal abuse.
10. The right not to be fingerprinted, photographed, audio taped or viewed using one-way glass without legal consent.
11. The right to unimpeded, private, and uncensored communication with others through mail, telephone, or visits.
12. The right to receive, possess, and use all personal property, including clothing except as indicated in 330.1728, Chapter 7 of the Mental Health Code.
13. The right to easy access to the money in his/her account and to spend or otherwise use the money.
14. The right to free public elementary and secondary education.
15. The right not to be placed in physical restraints except as indicated in 330.1740, Chapter 7 of the Mental Health Code.
16. The right not to be placed in seclusion.
17. The right to unrestricted freedom of movement. The freedom of movement of a person receiving support services shall not be restricted more than is necessary to provide support services, to prevent injury to him or her or to others, to prevent substantial property damage and except as defined under 330.1744 of Chapter 7 of the Mental Health Code.
18. The right to have a confidential treatment record that will not be opened to the public except with legal consent.

19. The right to protection under the Fair Labor Law of work performed. A person receiving support services may perform labor that contributes to the operation and maintenance of the facility only if the person agrees to perform the labor, performing labor would not be inconsistent with the Plan of Service and the amount of time to perform the labor would not be excessive. All rules addressed under 330.1736, Chapter 7 of the Mental Health Code apply.
20. The right to education regarding sterilization, contraception and abortion.
21. The right to treatment by spiritual means.
22. The right to live in the least restrictive environment.
23. The right to entertainment material, information and news.
24. The rights to receive information related to the use of psychotropic medications and have their use approved prior to the medication beginning.

The following rights are delineated through adult foster care licensing and must be protected for all people receiving support services from LADD.

25. The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, handicap, marital status, source of payment in the provision of support services and care.
26. The right to exercise his or her constitutional rights, including the right to vote, the right to practice the religion of his or her choice, the right to freedom of movement, and the right of freedom of association.
27. The right to refuse participation in religious practices.
28. The right to write send and receive uncensored and unopened mail at his or her own expense.
29. The right of reasonable access to a telephone for private communications. Similar access shall be granted for long distance collect calls and calls which otherwise are paid for by the person receiving support services. A licensee may charge the person for long distance and toll telephone calls. When pay telephones are provided for the people receiving support services, a reasonable amount of change shall be available for the people receiving support services to enable them to make change for calling purposes.
30. The right to voice grievances and present recommendations pertaining to the policies, support services and house rules of each work site if receiving residential support services without fear of retaliation. (Refer to posted Complaint Policy.) A complaint form is also posted for their use. Staff will assist the person in filling out the complaint form in whatever way is necessary,
31. The right to associate and have private communications and consultations with his or her attorney, or any other person of his or her choice.
32. The right to participate in the activities of social, religious, and community groups at his or her own discretion.
33. The right to use the services of advocacy agencies and to attend other community services of his or her choice.
34. The right to have contact with relatives and friends and receive visitors in their home or apartment if receiving residential support services at a reasonable time. Exceptions shall be covered in the person's assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.
35. The rights to consent to treatment, refuse, or change treatment and support services, including the taking of medication, and to be made aware of the consequences of that refusal.
36. The right to request and receive assistance from the responsible agency in relocating to another living situation.
37. The right of access to his or her room at his or her own discretion.
38. The right to confidentiality of records as stated in section 12(3) of the act.

PROCEDURE

All employees will treat the people we serve and their family members/guardians with dignity and respect, being sensitive to conduct that is offensive to other people.

1. All employees will ensure that the rights listed above are protected at all times.
2. If any individual, family member, parent, guardian, employee or any other person feels that a violation of a person's rights has occurred they may file a Recipient Rights Complaint and/or follow the LADD Complaint Policy.
3. Recipient Rights Complaint Forms and Confidential Complaint Forms are available at each work site or may be obtained by calling LADD corporate/regional office or by calling any contract agency office.
4. LADD Complaint Policy is available in the online LADD Directory, posted at each work site or office, and sent to each person/guardian with the LADD Information packet).
5. Issues related to violations of rights will be forwarded to the Office of Recipient Rights for investigation. (See Policy on Recipient Rights Reporting.)
6. For additional information please review the Recipient Rights Poster at each work site, Chapter 7 of the Mental Health Code and the section on Rights of the Individuals we serve in the Code of Conduct / Employee Handbook.
7. Specific, time-limited modifications of one or more of these rights can be made in a Person-Centered Plan approved by the Contract Agency, Human Rights Committee or in isolated emergency situations. Full documentation must be in an Incident Report.
8. Informed Consent will be obtained prior to implementation of any psychotropic medications or behavior treatment plans restricting rights.

