

Policy and Procedure on Program Participant Rights

PURPOSE

The purpose of this policy is to outline the rights guaranteed to participants of services, and ensure that all program participants and staff are fully informed of program participant rights.

POLICY

PHASE is committed to protecting the health and safety of persons served and employees. It is the policy of PHASE to assure the rights, health and safety, and persons served are protected and promoted throughout the organization and that these are in accordance with all applicable Federal, State and local laws. Each individual shall be guaranteed all rights set forth in the BILL OF RIGHTS in addition to all civil rights afforded by law. All individuals will be provided with the assistance, support, or advocacy they need to exercise their rights to the fullest of their capabilities.

PROCEDURE

- A. All staff will read, become familiar with, and implement individual rights as stated in the PROGRAM PARTICIPANT RIGHTS.

- B. Prior to or on the day of service initiation, the Program Manager will, in good faith and according to state and federal law:
 1. Discuss the terms of service initiation to include, but not be limited to, a current CSSP, IAPP and completed authorizations;
 2. Inform the individual or their legal representative of the limits to service availability and charges for services, regardless of the payment source;
 3. Distribute a copy of the services offered under the per diem rate. Any changes to services will be discussed, as they occur, with the person or their legal representative. The person or their legal representative will be notified upon request of any changes in service related charges;
 4. Inform the person or their legal representative of the payment source(s) for services and of any charges to them or other private parties. Changes in service payment sources will be discussed, as they occur, with the individual or their legal representative;
 5. Provide orientation to the individual and his or her legal representative on company policies and procedures regarding individual rights, the grievance procedure, and the reporting of maltreatment;
 6. Provide orientation to the individual's CSSP;
 7. Document the receipt of the above information and retain this in the individual's file.

- C. During continued service, the Program Manager will:
 1. Monitor that individual rights are not limited, except with the when limitations are necessary to protect the individual or others, are agreed upon by the interdisciplinary team, documented in the CSSP, and steps are identified to assist the person in learning to exercise his or her rights;
 2. Provide direct service staff with ongoing training in regards to rights and conditions of limitation of rights;
 3. Review rights with the individual and/or legal representative at least annually.

- D. Changes in policies and procedures affecting program participants' service related or

protection related rights protected under 245D.04 will be shared with the person or the person's legal representative and case manager 30 days prior to implementing the revised policy and procedure. The notice must explain the revision that was made and include a copy of the revised policy and procedure. If a 30 day notice is not able to be given, the reason for not providing the notice at least 30 days before implementing the revisions will be documented.

- E. Annually all individuals or the individuals' legal guardian and case managers will be notified of any revised policies and procedures required for 245 D licensing.
- F. All employees will be informed of revised policies and procedures before revised policies and procedures are implemented and will be trained on its implementation.
- G. Results of satisfaction surveys will be shared with individuals receiving services and/or their legal representative. This information may be shared via newsletter, letter, telephone contact, or face to face contact, depending on the preference of the person receiving the information.
- H. There may be occasions where an individual may need limits or greater assistance to exercise his or her rights, or occasions where an individual may be at a greater risk for harm or harm to others without some parameters. The interdisciplinary team may limit an individual's rights for those reasons, provided that risk factors are identified and documented, and steps to assist the individual in developing skills are identified and documented.

Program participant Bill of Rights:

The Program participant has the right to:

- Participate in the development and evaluation of the services provided to the person;
- Have services identified in the service plan provided in a manner that respects and takes into consideration the person's preferences;
- Refuse or terminate services and be informed of the consequences of refusing or terminating services;
- Know, in advance, limits to the services available from the license holder;
- Know conditions and terms governing the provision of services, including those related to initiation and termination;
- Know what the charges are for services, regardless of who will be paying for the services, and be notified, upon request, of changes in those charges;
- Know, in advance, whether services are covered by insurance, government funding, or other sources, and be told of any charges the program participant or other private party may have to pay;
- Receive licensed services from individuals who are competent and trained, who have professional certification or licensure, as required, and who meet additional qualifications identified in the individual service plan;
- Have personal, financial, services, and medical information kept private, and be advised of the license holder's policies and procedures regarding disclosure of such information;
- Access records and recorded information;
- Be free from maltreatment;
- Be free from restraint or seclusion used for a purpose other than to protect the person from imminent danger to self or others;
- Receive services in a clean and safe environment;

- Be treated with courtesy and respect for the program participant's individuality, mode of communication, and culture, religion and receive respectful treatment of the program participant's property;
- Be free from bias and harassment regarding race, gender, age, disability, spirituality and sexual orientation;
- Voice grievances, know the contact persons responsible for addressing problems and how to contact those persons;
- Any procedure for grievance or complaint resolution and the right to appeal under section 256.045 (Administrative and Judicial Review of Human Service Matters);
- Know the name, telephone number, Web site, e-mail and address of the state, county, or advocacy or protection agency to contact for additional information for assistance and to have a brief description of how to file a complaint with these offices;
- Assert these rights personally, or have them asserted by the program participant's family or legal representative, without retaliation;
- Give or withhold written informed consent to participate in any research or experimental treatment;
- Associate with other persons of the program participant's choice;
- Personal privacy; and
- Engage in chosen activities.

It is the purpose and intent of PHASE to promote the interest and well-being of program participants. PHASE shall encourage and assist program participants in the full exercise of their rights at all times. Should the participant's Support Team determine it necessary to place restrictions upon these rights they may do so only to ensure the health, safety, and well-being of the individual. Following such a determination the rights restriction must be documented in the service plan. Furthermore this documentation must include the following information:

1. The justification for the restriction based upon an assessment of the person's vulnerability related to exercising the right without restriction.
2. The objective measures set as conditions for ending the restrictions.
3. A schedule for reviewing the restriction based on the conditions for ending the restriction. At a minimum, this will occur semiannually. These reviews will occur in the timeframe described from the date of initial approval.
4. Signed and dated approval for the restriction from the participant or their legal representation.

A restriction may only be implemented when the required approval has been obtained. Approval may be withdrawn at any time. If approval is withdrawn, the right must be immediately and fully restored.