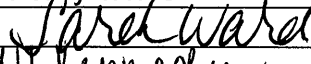



Managerial Policy

Subject: Client Rights	Serial No.: 1.1.3
Adopted: May 2024	Supersedes: 4-2020
Related Policies: Executive Policy 1.1.3; Executive Policy 1.1.15	
Director of Developmental Disabilities Signature: 	
Director of Quality and Assurance: 	

Purpose: In reference to Executive Policy 1.1.3 Client Rights the following managerial policy details more specific rights and responsibilities for individuals being served within the Day Programs and/or Residential sites.

- I. Participants and guardians shall be informed of their rights, including protection of abuse, neglect, and exploitation process for reporting to Office of Inspector General (OIG) and contact information for OIG upon admission, annually, and upon request. Information will be provided in writing (client right statement) and verbally to ensure that rights are understood.
 - A. Privacy Protection Procedures
 1. This agency supports all aspects of an individual's privacy. All individual rights modifications will be documented in the personal centered plan, implementation strategies, and approved by the Human Rights Committee (HRC). Rights will be explained in a language that the individual understands. If the individual is unable to read, rights will be read and explained to the person. All individuals are guaranteed their U.S. Constitutional Rights, in addition to these rights the following rights are guaranteed and recognized by ComWell for all individuals:
 - a. Right to services in the least restrictive environment.
 - b. Right to normalized living conditions.
 - c. Right to dignity and respect.
 - d. Right to freedom from discomfort and deprivation.
 - e. Right to appropriate clinical, medical and therapeutic services.
 - f. Right to vote.
 - g. Right to religious worship.
 - h. Right to private communication.
 - i. Right to free association.
 - j. Right to seasonal, clean, neat clothing.
 - k. Right to manage personal funds.
 - l. Right to bed, dresser, and storage area.
 - m. Right to privacy.
 - n. Right to access public media.

- o. Right to adequate nutrition.
 - p. Freedom from unnecessary medication and mechanical, chemical, or physical restraints.
 - q. Freedom from involuntary servitude and coercion.
 - r. Right to equal protection and due process.
 - s. Right to residency agreement for Community Independent Living Arrangement (CILA) clients which includes eviction policy and appeal rights.
 - t. Right to have their personal information kept private through the Health Insurance Portability and Accountability Act (HIPPA).
 - u. Right to sexual orientation.
2. In the residential setting the following specific privacy areas shall be addressed:
- a. All bedroom and bathroom doors shall be maintained in working order to assure privacy for the residents.
 - b. When at all possible one client shall be assigned to a bedroom, in cases of multiple assignments Individuals will be encouraged to identify choice of roommate. No more than two individuals shall be assigned to a bedroom. Clients have the right to choose paint color and furnishings for their rooms. If shared rooms, staff will work with clients to facilitate communication in order to reach resolution that both parties agree to.
 - c. All employees shall be required to knock before entering the bedroom of a client or bathroom if necessary.
 - d. No surveillance camera shall be used within the rooms of any resident.
 - e. No listening devices shall be used to listen to client conversations.
 - f. Clients shall be allowed to use the telephone in private.
 - g. Clients shall be allowed to visit with family/friends in private.
 - h. Bedroom door that is lockable from the inside and the outside if the home is shared with others not related to the individual that is lockable by the individual with only appropriate staff having access to bedroom.
 - i. Clients will be provided access (through keys, key fobs, codes, key cards and any other devices used to gain access through any door lock mechanism) to their bedroom and/or home.

- j. Access to the individual's home and bedroom should be limited to individuals who reside in the setting and identified staff, based on circumstances and/or purposes, described in the Personal Plan and Implementation Strategy.
- k. In an emergency, health, or safety situation, it may be appropriate for staff to enter an individual's locked room without permission.
- l. No additional locks may be placed inside the room (chain locks, slide bolts, hasps, and other locks that prevent emergency access from outside the room are prohibited).
- m. Individuals who receive residential waiver services have the same rights as those in their own homes, rental or otherwise. Therefore, this agency ensures people have the privacy they so desire.
- n. The team will assess an individual's abilities and document all individual rights modifications in the person-centered plan and implementation strategies that have been approved by the HRC.
- o. Staff are trained on a safety plan for use in an emergency situation if a person's bedroom or bathroom door is able to be locked.

3. Violation of Rights

- a. Clients shall be encouraged to report any violation or suspicion of a violation of their rights or privacy issues to the appropriate staff for assistance in resolving areas of concern. No client shall be excluded, suspended or discharged from services and services are not reduced for exercising any client rights. Reports are to be addressed to the Human Rights Committee for review and appropriate action if indicated.
- b. Clients may ask to report directly to the Program Manager, Director of Developmental Disabilities, or a staff member that they feel comfortable with. Executive Policy - Client Grievance 1.1.15 should be referred to should a client grievance be filed.
 - 1. Notification of a right to appeal any action to deny, modify, reduce or terminate services be given to the individual or guardian upon entry into the program.
 - 2. Written notice shall be given, 10 days in advance, of actions to deny, modify, reduce or terminate services.
 - 3. ComWell shall take no action until a final administrative decision is made;
 - 4. Time frames for notice of intent to appeal and the rendering of a final administrative decision;
 - 5. No one directly involved in the action or decisions being grieved or appealed shall be part of the review of that action or decision.

- c. The agency will have both initial and ongoing training for staff members in regard to confidentiality policies and practices, respect and dignity, client rights, abuse and neglect and privacy education. Staff will have initial and ongoing training in Home and Community Based Services (HCBS) setting policies as well.

4. Censorship of Mail

- a. In respecting client's right to privacy regarding incoming and outgoing mail the following is to be observed.
 - i. A client's mail is not to be opened or censored by staff. Exception to this may be made due to special circumstances, when there is reasonable suspicion of illegal materials or substance being sent through the mail.

5. Religious Rights

- a. Clients shall have the right to exercise their religious beliefs without fear of discrimination. To assist clients within the residential setting to attend the church or religious event of their choice, staff will provide transportation or clients may attend with family, friends or other community support persons.

6. Ethnic and Cultural Preferences

- a. Client shall have the right to exercise and participate in their ethnic and/or cultural heritage. This may be observed in neighborhood activities, or through special events at the individual's home.

7. Provision of Services Regardless of Residence

- a. Services cannot be refused due to residence, homelessness or lack of a permanent address. If a client resides more than one hour drive of the certified site, a waiver must be submitted to the Bureau of Accreditation, Licensure and Certification (BALC) for approval for a one-way trip that exceeds one hour.