

POLICY & PROCEDURE CONCERNING RIGHTS OF INDIVIDUALS SERVED

I. PURPOSE:

The purpose of this procedure is to protect the rights of persons receiving agency services. This procedure is implemented in order to assure compliance with Regulations: Title 205 Chap. 4 012 and subheadings.

II. AUTHORITY:

This procedure has been implemented with the approval of the Governing Board and/or its designee.

III. PROCEDURAL DIRECTIVES:

Protection of Rights: Every individual is considered to be capable of exercising her/his own rights as allowed by law on her/his own or through a legal representative.

A. People Have the Right To:

- Receive services without regard to race, color, religion, disability, gender, marital status, national origin, or age.
- Privacy, of person, possessions, and information.
- Have personal possessions and funds and to have access to those possessions and funds.
- Communicate freely with others by sealed mail, telephone, or other forms of communication devices.
- Have confidential relationships with others of their choice.
- Be protected from exploitation when engaged in training and productive work and to be paid as staff when she/he performs functions as staff, or in a similar fashion as staff, in accordance with state and federal wage and hour labor laws.
- Legal counsel and representation.
- Safe environments including freedom from abuse, neglect, and harassment (physical, verbal, psychological, or sexual), and receiving services in safe, sanitary settings.
- Receive appropriate medical treatment in a timely manner.

- Receive an appropriate and nutritious diet.
- Be treated with dignity and respect.
- Develop and maintain personal relationships.
- Choose friends and select living companions.
- Freely access their community.
- Freely access their home.
- Receive services and supports which present opportunities to increase independence, interdependence, productivity, and integration, delivered in the least restrictive environment appropriate to the individual's age and culture.
- Learn skills based on personal choice.
- Actively participate in all decision-making processes which affect them.
- As often as possible, spend time in places where the majority of people do not have disabilities.
- Exercise the same civil rights as other citizens.
- Receive due process in the limiting, modification, or denial of rights.
- Receive reasonable accommodation as required by the Americans with Disabilities Act.
- Have access to a formal complaint mechanism regarding services.
- Receive sixty days written notice of service termination.

B. Awareness and Protection of Rights

1. Staff are to be aware of the rights of individuals and their responsibility to:
 - protect and respect those rights
 - assist individuals in being aware of their rights
 - assist individuals in exercising their rights.
2. Staff will receive training in individual rights, protection of rights, and due process.

3. Each area program will establish a list of advocacy contacts, including Nebraska Advocacy Services (800-422-6691) and staff will provide assistance if needed.
4. The agency will screen all prospective employees by completing Protective Services and criminal background checks.
5. Each individual will have their rights reviewed with them upon entry to services and annually at their Individual Program Plans meetings thereafter. The reviews will be documented on *Appendix A - Your Rights*. The rights reviewed with the individual will be written in language which is easily understood. There will be an opportunity for the individual to ask questions regarding the rights, protection of those rights, and exercising those rights.
6. Agency staff are responsible for providing opportunities for individuals to expand their experience and skill in self advocacy. These opportunities may be formal such as support programs/staff objectives or informal such as supporting individuals throughout the day. These opportunities must be varied and frequent.
7. Rights may not be limited, modified, or denied without due process and will not be used as an arbitrary punishment for behavior (see Section C).

Upon request, staff will provide the Policy and Procedure Concerning Complaint Mechanism to individuals.

8. Agency staff will support the individual in forming and maintaining relationships with family members and others who may assist the individual in asserting and protecting their rights.
9. Agency staff will be familiar with the *Policy and Procedure Concerning Guardianship and Conservatorship*, including the legal requirements to limit guardianship to the least authority needed. Agency staff will ensure that the protections specified in the guardianship procedure be utilized when guardianship or conservatorship is initiated.

C. Due Process

1. Rights may not be limited, modified, or denied without the consent of the IPP Team, including the individual and/or their legal representative.
2. Anytime a rights restriction is considered, the IPP Team must meet and discuss the following, which will be documented in the IPP and on the *Rights Restriction Form (Appendix B)*:
 - The specific right to be limited, modified or denied
 - The rationale for the limitation, modification, or denial of the right

- Other options of addressing the issue that do not involve limiting, modifying, or denying the right
 - Reason for eliminating the other options from consideration
 - A plan to reinstate each right limited, modified, or denied as quickly as possible
3. The IPP Team will also discuss the need for any associated staff objective/intervention plan/support program to address the rights restriction.
 4. The rights restriction must be reviewed by the Due Process Committee prior to implementation and annually thereafter. The information to be reviewed includes:
 - Rights Restriction Form
 - Documentation supporting the restriction
 - Any associated staff objective, intervention plan and/or support program
 - IPP authorizing the restriction
 5. The rights restriction must also be reviewed by the Human and Legal Rights Committee prior to implementation and annually thereafter. The information reviewed by the Due Process Committee will be forwarded to the Human and Legal Rights Committee.

NOTE: Proposed restrictions may receive interim approval from the Chairperson of both the Due Process Committee and the Human and Legal Rights Committee for implementation immediately upon consent of the individual and/or guardian. Interim approval will be given **only** in emergency instances when such action is needed to protect the safety of the individual and others. The Interim Approval will be documented on the Rights Restriction Form.

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