

<b>WOODFORDS FAMILY SERVICES</b>		<b>Subject:</b> Consumers' Rights	
<b>Effective Date:</b>	5/27/2008	<b>Manual:</b>	Operations
<b>Approval Date:</b>	5/28/2008	<b>Chapter:</b>	Chapter 10
<b>Approved By:</b>	Board of Trustees	<b>Supersedes:</b>	
<b>Origin:</b>	Program Services	<b>Review Date (s)</b>	1/12/11,4/11/16, 2/20/19, 8/16/22

## Policy

The children and adults served by Woodfords Family Services shall be treated with dignity and respect at all times. Woodfords staff members shall facilitate an ongoing process (regularly and upon request) of informing, affirming and protecting the rights of each person served, encouraging the involvement of parents/ guardians/advocates throughout the process. The exercise of rights shall not be limited when an individual has a guardian or interested family member.

## Regulations and Procedures

Persons served in Woodfords Family Services programs and their guardians (if appropriate) shall be informed of their rights, communicated in a manner that is understandable to the individual (in terms of format, language, etc.). For individuals served at Woodfords Family Services who cannot cognitively understand this information, staff members shall communicate their rights to them as clearly as possible based on each individual's needs. The written information is also available in an easy-to-read format (See Notification of Rights).

Individuals served shall receive support in understanding their options, how to make choices and how to exercise their rights and responsibilities

The following individual rights shall be protected and assured in all areas of the organization:

### General

- the right to exercise their civil, human and legal rights as citizens of the United States and residents of Maine, including the right to vote (if of legal age), file complaints and the right to due process, to the best of their ability;
- the right to file a grievance challenging possible violations of rights or any questionable practice, the right to have any grievance answered in writing, and the right to appeal any decision (see Policy and Procedure on Consumer Grievances);
- the right to refuse services or treatment, unless his/her guardian has consented, there is an emergency or a special hearing has occurred;
- the right to be informed of all possible risks and anticipated benefits of all services and treatment, including medications;
- the right to have a clean, safe place to live and a lifestyle like others without disabilities;

- the right to exercise religious freedom and participate in pastoral services of choice, or to choose not to practice any religion;
- the right to receive and send unopened correspondence and, upon request, to obtain assistance in the writing and reading of such correspondence;
- the right to have private visitations and telephone conversations during reasonable hours without prior notice, but without infringing on the privacy of others;
- the right to have opportunities for interaction with others, regardless of gender;
- the right to the confidential handling of personal and medical issues, including the right to have all records kept private, unless the individual and/or his/her legal guardian consents to allow someone else to see them;
- the right to review his/her personal, clinical and medical records and add written comments to clarify information he/she believes inaccurate or incomplete;
- the right to have free use of all common living areas within the home without infringing on the privacy of others;
- the right to be treated with personal dignity and respect for personal privacy (including during treatment and care of personal needs, etc.);
- the right to guardianship services, if they are needed;
- the right to appoint a personal representative of his/her choice to assist in understanding rights, protecting rights or developing an individualized plan and to have access to this representative upon request;
- the right to have personal property, including the possession and use of money, clothing and other personal effects (and a place to put these things that no one else may use);
- the right to have diet modified in accordance with religious or other practices;
- the right to participate and decline to participate in research projects;
- the right to have a voice in matters that effect the individual and to engage in an appeal process when dissatisfied with a Woodfords Family Services decision;
- the right to participate in a self-advocacy group of choice;
- the right to a reasonable schedule concerning the hours he/she rises in the morning or retires in the evening, according to choice and developmental level;

## **Healthcare**

- the right to be informed of health condition and to be able to contact his/her physician, as well as be informed of his/her developmental and behavioral status, risks of treatment, and of the right to refuse treatment (and the right to be informed of the consequences of that refusal);
- the right to be free from unnecessary medical tests or treatment;
- the right to receive regular medical, dental, and nursing care in order to stay in good health, to receive prompt treatment of any health problem, and a “Preventive Health Program,” designed by a physician to help avoid serious illnesses;
- the right to have opportunities for appropriate physical exercise and practice personal healthcare;
- the right to a nutritionally-balanced diet with food of good quality and in adequate quantities;

### **Behavior Management**

- the right to humane and well-documented behavior programs (refer to Woodfords Family Services' Policy and Procedure for Behavioral Interventions and Support for further information) with any restrictions fully explained and evaluated for their effectiveness;
- the right to be free from any restrictions of appropriate movement or behavior;
- the right to be free from physical restraint or from being isolated unless in an emergency;
- the right to be free from physical punishment;

### **Residential/Educational/Vocational (and Employment) and Related Programming**

- the right to a written, individualized plan based on his/her needs and goals and specifying the responsibilities of team members, the time frames to meet the goals, and the means by which goal attainment will be measured;
- the right to participate in the development and implementation of his/her individual program plan;
- the right to have regular educational instruction (if between the ages of 3 and 21) and to participate in learning and recreational activities at any age;
- the right to receive special therapy services, if they will help;
- the right to receive fair compensation based upon prevailing wages, commensurate with abilities, for labor in compliance with state and federal wage and hour laws;
- the right to use the community for recreation, education, shopping and employment and to participate in social, religious or community groups of his/her choice;

- the right to an active social and recreation program consistent with individual interest and capabilities; and
- the right to request release from a program or transfer to another program.

Any restrictions on the above rights must be approved in advance by the guardian, the planning and support team and the Office of Aging and Disability Services Review Committee (The Review Team). Any such restrictions must be fully documented in the individual's record. Such documentation shall include a specific timeframe when the restrictions can be lessened or eliminated, and any restrictions shall be reviewed not less than quarterly.

For children served in Woodfords Early Childhood Programs, any restrictions of the above rights must be approved in advance by the guardian and the planning team. Educational placement is specified as part of each child's IEP and is reviewed annually

Woodfords Family Services staff will review and provide an easy-to-read summary of these rights (Notification of Rights) to each person upon admission to the program. Upon admission, each individual and/or guardian shall sign a copy of the Notification of Rights confirming receipt and understanding of this information. A copy of the signed Notification shall be placed in the individual's record.

The staff members working with each individual shall be aware of these rights and shall ensure that they are observed routinely.

## **References**

Maine State Agency Rules [Title 14-197 Chapter 5](#), Regulations Governing Behavioral Support, Modification and Management for People with Intellectual Disabilities or Autism in Maine

Maine Department of Substance Abuse and Mental Health Services, Rights of Recipients of Mental Health Services

Maine Department of Child and Family Services, Rights of Recipients of Mental Health Services who are Children in Need of Treatment

## **Related Policies and Procedures**

Woodfords Family Services Consumer Incident Reporting

Woodfords Family Services Behavioral Intervention and Support for Children-School Based Services

Woodfords Family Services Behavioral Intervention and Support for Adults with ID and or Autism

Woodfords Family Services Behavioral Intervention for Children-Foster Care, Children's Case Management, RCS Non SB

## **Forms**

Woodfords Family Services Notification of Rights