



RIGHTS OF INDIVIDUALS RECEIVING SERVICES POLICY

PURPOSE: To ensure individuals receiving services have and are aware of their rights and responsibilities.

CCR 25.5-10-218 through 231; 10 CCR 2505-10 8.604; 6 CCR 1011-1 Chap 08 9.1

It is the policy of Eastern Colorado Services (ECS) to ensure all persons receiving services have the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitutions and federal and state laws, including, but not limited to, those contained in Section 27-10 C.R.S., unless such rights have been modified pursuant to state or federal law. ECS will follow all due process requirements for rights limitations as stipulated in 10 CCR 2505-10 8.604.

Originally approved by the Board of Directors on: 08/1987

Revised and reviewed by the Board of Directors on: 4/2013, 8/2017

Board Approval:  _____ **Dated:** 8/21/2017

RIGHTS PROCEDURES

Eastern Colorado Services (ECS) will ensure those individuals receiving services will have, at a minimum; the rights contained in Section 25.5-10 218 through 231 C.R.S. ECS will ensure that all employees and contractors of ECS will be made aware of the rights of individuals receiving services.

The rights of individuals receiving services, as stated in Sections 25.5-10 218 through 231 C.R.S. are as follow:

1. Right to Individualized Plan
2. Right to Medical Care and Treatment
3. Right to Humane Treatment
4. Right to Religious Belief, Practice and Worship
5. Right to Communication and Visits
6. Right to Fair Employment Practices
7. Right to Vote
8. Right to Records, Confidentiality, and Information
9. Right to Personal Property
10. Right to Influence Policy
11. Right to Notification
12. Freedom from Discrimination
13. Sterilization Rights.

All individuals receiving services through ECS will receive a copy of "Rights" upon entry into services, and annually. ECS will ensure that the individual, guardian(s) and/or authorized representative sign the "Acknowledgement Form" upon receipt of this information.

When rights are presented annually at the Individual Service Plan (ISP) meeting, ECS staff will discuss the information with the individual in a way that is best understood by himself/herself. This information may be delivered in one or more of the following manners: verbally, in writing, in their native language or by other means of communication that may enable the individual to better understand what is being presented. Ongoing instruction and assistance to the individual in how to exercise their rights and responsibilities shall be provided.

In the case where a rights limitation is warranted, ECS staff will ensure that the appropriate due process tasks are completed, as noted below.

When an individual comes into services, we will review any existing rights limitations. ECS will complete any due process tasks that we do not have proof were completed, and will update paperwork as needed to be in compliance with due process rules.

No person receiving services, his/her family members, guardians or authorized representatives will be retaliated against in their receipt of services or supports or otherwise as a result of attempts to advocate on their own behalf.

Safeguarding Rights

An individual's rights may be suspended only to protect the individual from endangering such them self, others or property. Rights of an adult person receiving services may only be suspended by a developmental disabilities professional in a manner which will promote the least restriction of the person's rights and in accordance with rules and regulations or by court order. A developmental disabilities professional shall be defined, as a person who has at least a bachelor's degree and a minimum of two years in the field of developmental disabilities, or a person with at least five years of experience in the field of developmental disabilities with competency in the area of rights and behavioral intervention strategies.

Suspension of Rights

1. Determination

- a. ECS will only suspend an individual's rights with evidence that such action is needed in order to protect the individual from endangering themselves, others or property.
- b. ECS will ensure the suspension imposed is the least restrictive possible while protecting the individual.
- c. The following rights may not be suspended for any reason:
 1. The right to an Individualized Service Plan (ISP)
 2. Appropriate medical and dental treatment
 3. Humane care and treatment
 4. To vote
 5. To a record
 6. Notification
 7. Freedom from discrimination

2. Before Implementation

- a. Explain suspension
 1. ECS staff will explain the suspension under consideration to the individual/guardian.
- b. ECS Executive Director or designee will complete the Notification of Action to be Taken form and which will include the following:
 1. Description of action(s) to be taken
 2. Reason for action(s) being taken
 3. What supports will be provided to assist the individual to the point where the suspension is no longer necessary.
 4. Person(s) notified
 5. Person completing form
- c. Provide notice
 1. ECS staff will ensure that the Notification of Action to be Taken form is delivered to the individual/guardian. A copy will be sent to the Case Manager and placed in the individuals program file.
- d. IDT meeting
 1. ECS will ensure the Interdisciplinary Team (IDT) is aware of the proposed suspension prior to implementation. Note: the implementation of a Suspension of Rights does not require consent from the individual /guardian or IDT.

3. After Implementation

a. Amend ISP

1. In the event a suspension is implemented, ECS will formally request that the Case Manager amend the ISP to include the following:
 1. The right(s) to be suspended
 2. A statement of what services/supports are needed
 3. Plans for implementing the services and supports in order to assist the person to the point that the suspension is no longer needed.

b. Invitation and notification of Human Rights Committee (HRC)

c. HRC Review

1. If the individual is not already being reviewed by the HRC, ECS will notify the Case Manager/CCB a suspension review is needed.
2. ECS will prepare HRC review(s) for the individual at the frequency requested by the HRC.

d. IDT Review

1. ECS will ensure the IDT meets at least every 6 months to discuss the continued need for the suspension.
2. IDT review shall include the original reason for suspension, current circumstances, success or failure of the programmatic intervention and the need for continued suspension or modification. Restoration of affected rights shall occur as soon as circumstances justify.

e. ISP Addendum

1. When the suspension is discontinued, ECS will formally request that the Case Manager amend the ISP to reflect the change.

Emergency Suspension of Rights

1. Determination

- a. Emergency action to suspend an individual's right(s) may be taken by the ECS Executive Director or designee if the action is imminently necessary to protect the health and safety of the individual, others or property.
- b. When such emergency action is necessary, the least intrusive means of suspension is to be used.
- c. ECS staff will ensure that the suspension is implemented as soon as possible and is explained to the individual/guardian.

2. After Implementation

- a. Notification of Case Manager within 24 hours of implementation.
- b. Provide Notice
 - i. The ECS Executive Director or designee will complete the Notification of Action to be Taken form, and will ensure that this is delivered to the individual/guardian within 24 hours of implementation.

3. Remainder of process

- a. ECS staff will ensure that all the other steps in the non-emergency suspension of rights process are completed, including:

- i. IDT meeting
- ii. ISP amendment
- iii. HRC review
- iv. IDT ongoing review

Suspension from Services and Supports

1. Determination
 - a. An individual may only be suspended from services and supports when the individual has demonstrated a serious physical threat to the health and/or safety to themselves, or others and such action is necessary to protect the health or safety of the individual or others.
 - b. ECS will not suspend services if doing so would place the person at risk of losing his/her residence.
2. Procedure
 - a. The IDT will meet to review the cause for the suspension and revise the ISP as necessary.
 - b. The suspension will be considered temporary in nature and may not be used to effect termination from services. Such action will be documented and be a part of the individuals record including provisions of when original services/supports will resume.
 - c. The case management agency will assist the individual to find modified services and supports in an alternative setting, and continue habilitation and planning to facilitate the individuals return to the original service and supports if appropriate.



NOTIFICATION OF ACTIONS TO BE TAKEN

Date:

To:

In accordance with the Department of Health Care Policy and Financing 10 CCR 2505-10, Regulation 8.604.1-3, notice that the following action(s) will be taken which affect the status of _____ in residential and/or day services provided through ECS.

- _____ Change in placement.
- _____ Programs/services are to be terminated.
- _____ Programs/services in the IP are to be reduced or denied.
- _____ Suspension of right(s).
- _____ Suspension from services/supports.

This action will be effective:

DESCRIPTION OF ACTION(S) TO BE TAKEN:

REASONS FOR ACTION(S) BEING TAKEN:

If you are in disagreement with the action(s) being taken, a dispute resolution procedure through which you may appeal the decision has been enclosed. Please contact Tona Felzien, at 970-522-7121, ext. 238 if you have questions, or require assistance to implement the procedure.

Signature

Date


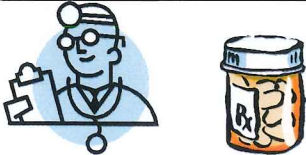








Title

cc: Guardian _____ Authorized Rep _____ Case Manager _____ Service Provider _____

RIGHTS OF INDIVIDUALS RECEIVING SERVICES

A person receiving services has the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitution and federal and state laws including unless such rights are modified pursuant to state and federal law.

Below is a summary of your rights and how to exercise them in accordance with 25.5-10-218 through 231 C.R.S.

 <p>Right to an individualized plan, participate in making your plan and choosing your providers. 25.5-10-219 C.R.S.</p>	 <p>Access to appropriate dental and medical care and treatment for any physical ailments and for the prevention of any illness or disability. 25.5-10-220 C.R.S.</p>	 <p>Humane treatment, free from mistreatment, abuse, neglect, exploitation and/or discrimination. 25.5-10-221 & 230 C.R.S.</p>
 <p>Right to religious beliefs, practice and worship. 25.5-10-222 C.R.S.</p>	 <p>Right to communicate freely and privately with others of your choice. 25.5-10-223 C.R.S.</p>	 <p>Right to fair employment practices. 25.5-10-224 C.R.S.</p>
 <p>Right to vote in all primary and general elections. 25.5-10-225 C.R.S.</p>	 <p>Records and confidentiality of information pertaining to eligible persons. 25.5-10-226 C.R.S.</p>	 <p>Right to personal property. Can possess and use your own belongs, clothing and personal effects. 25.5-10-227 C.R.S.</p>
 <p>Right to participate in conversations and influence policies, rules and services. 25.5-10-228 C.R.S.</p>	 <p>Right to read or have explained to you, any rules that pertain to you. Notice of a rights suspension. 25.5-10-229 C.R.S.</p>	 <p>Informed consent over what happens to your body. 25.5-10-231 C.R.S.</p>

These rights should be limited or changed only to the extent necessary to be helpful to you and then only with “due process”. Due Process as outlined in, 10 CCR 2505-10 8.604.1-3 shall include your Individualized Plan, the Human Rights Committee, and/or legal process. If you would like assistance in exercising your rights, you can select a friend, a family member, and agency staff person, a Case Manager, the Arc or any other person to support you.