



Policy Number:

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Effective: May 1, 2008

Revised: April 19, 2010,  
October 16, 2017. April 9, 2020

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Subject: Client Rights

## **PURPOSE:**

Camden County Developmental Disability Resources (CCDDR) shall have a policy to support and protect the fundamental human, constitutional, and statutory rights of clients served by CCDDR. Individual rights as citizens are not limited except through legal proceedings such as guardianship when an individual is posing an immediate danger to themselves or others, or if the planning team has agreed to a limitation of rights and a due process procedure has been followed.

## **POLICY:**

All clients are to be treated with dignity and respect at all times by CCDDR staff and contracted agency staff. The clients' right to privacy is protected.

CCDDR protects the rights of clients served in accordance with the State of Missouri Statutes (RSMo 630.110 and 630.115) and Division of Developmental Disabilities (DDD) Rules and Regulations, specifically DDD Directive 4.200 and the DDD publication, "Individual Rights of Persons Receiving Services from the Division of Developmental Disabilities."

Consent for services is obtained from all clients served by CCDDR and is included in the client record. If the client is a minor or is not legally competent to give informed consent, the person legally able to give consent does so, and it is documented in the client record.

Prior to the beginning of service delivery and/or at the initiation of service delivery at the initial Person-Centered Plan meeting and annually thereafter, each client served by CCDDR and/or their legal representative is provided with a copy of CCDDR's Client Rights Form, and a signature page is obtained. The explanation of rights shall be in a form that can be understood by the client, and in a media form that takes into account any physical challenges (i.e., an audio media for visually impaired, etc.). This explanation of rights and procedures is documented in the client's record by obtaining the signature page of the Client Rights Form from the client/guardian. Clients will have their rights reviewed annually and documented in their client record. In addition, each client will be given a copy of the CCDDR Client/Family Handbook, further explaining rights and grievance/complaint processes.

A restriction to a client's rights shall only be considered by the planning team after all other less restrictive alternatives have been attempted to address the issue, including the use of Positive Behavioral Supports, Functional Analysis of Behavior, etc. No client's rights shall be limited by the planning team without due process as defined by state regulations, including the guardian's written consent for the limitation and approval by the DDD Due Process Review Committee.

If it is deemed necessary to propose any limitation of rights to an individual served by CCDDR, the following procedure and appeal process will be followed:

1. The Support Coordinator will contact the agency QDDP, the client, the DDD Regional Satellite Office, the client's family, the client's guardian, or the client's advocate to meet as a team to determine if a rights restriction is warranted in lieu of or in conjunction with positive behavioral supports.
2. The client and/or the client's guardian, if applicable, shall receive written notification of the rights restriction to include specific rights which will be limited, the length of time they will be limited, how frequently the limitation will be reviewed, the actions the person must demonstrate or eliminate in order to no longer have these limitations, and the process for appealing the decision.
3. Signed documentation is available that the client and/or client's guardian was involved with the decision to limit rights.
4. The Support Coordinator shall make every effort to make sure the client is aware of the proposed limitation of the client's rights. The Support Coordinator shall use communicational aides to ensure the client can comprehend to the best of the client's abilities, the proposed limitation of the clients's rights. The number for the Department of Mental Health (DMH) Constituent Services shall be provided to the client as part of the process.
5. The client, client's guardian, and/or client's advocate may meet with a review panel to present the client's response to the proposed limitation of rights. The review panel, as needed, will utilize available resources, such as an attorney, People First Chapter, DMH Constituent Services (800-364-9687), MO Protection & Advocacy, etc. for in-service training or for additional information.
6. In the event the client, client's guardian, and/or client's advocate disagree with the proposed limitation of rights and cannot reach a resolution with the review panel, they may appeal in writing to request a meeting with the agency management. The agency will assist the client, client's guardian, and/or client's advocate with any questions pertaining to the appeal and inform them as to when and where their appeal will be reviewed.
7. If applicable, the client's guardian must provide consent of the rights limitation by signature on the appropriate document(s).
8. The length of time on limiting the rights of any client shall be reviewed by the DDD Due Process Review Committee and communicated to the CCDDR Support Coordinator when a review is needed.
9. Rights restrictions are to be reviewed periodically, but no less than annually, by the DDD Due Process Review Committee.
10. At least annually, the State Quality Enhancement (QE) Team will review information from all Due Process Review Committees as part of an ongoing Quality Assurance Process. The State QE Team will provide technical assistance as needed.

All limitations of client's rights approved in this manner shall be documented in each client's Person-Centered Plan and shall include a provision as to how the restriction may be removed and Outcomes needed to remove the restriction as well as the phone number of the outside advocate for DMH.

**REFERENCES:**

- Section 630.110 and 630.115 RSMo
- CARF Standards Manual
- DDD Publication: “Individual Rights of Persons Receiving Services From the Division of Developmental Disabilities”
- DDD Directive 4.200
- 9 CSR 45-3.030