



Policy Number:

8

Effective: May 1, 2008

Revised: April 19, 2010

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Subject: Consumer Rights

## **POLICY:**

It is the policy of Camden County Developmental Disability Resources (CCDDR) to support and protect the fundamental human, constitutional, and statutory rights of consumers 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.

## **PROCEDURES:**

- I. All consumers are to be treated with dignity and respect at all times by CCDDR staff and contracted agency staff. The consumers' right to privacy is protected.
- II. CCDDR protects the rights of consumers served in accordance with State of Missouri Statutes (RSMo 630.110 and 630.115) and Division of Mental Retardation & Developmental Disabilities Rules and Regulations, specifically "Individual Rights of Persons Receiving Services From The Division of Mental Retardation & Developmental Disabilities".
  - A. Consent for services is obtained from all consumers served by CCDDR and is included in the clinical record. If the consumer 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 clinical record.
  - B. Prior to the beginning of service delivery and/or at initiation of service delivery at the initial Person Centered Plan meeting, and then annually thereafter, each consumer served by CCDDR and/or their legal representative is provided with a copy of CCDDR's Consumer Rights & Responsibilities form, and a signature page is obtained. The explanation of rights shall be in a form that can be understood by the consumer, and in a media form that takes into account any physical challenges the consumer has (i.e. audio CD for visually impaired, etc.). This explanation of rights and procedures is documented in the consumer's record by obtaining the signature page of the Consumer Rights Form from the consumer/guardian. Consumers will have their rights reviewed annually and documented in their clinical record. In addition, each consumer will be given a copy of the CCDDR Consumer/Family Handbook, further explaining rights and grievance/complaint processes.

- C. A restriction to a consumer's rights shall only be considered by the planning team after all other less restrictive alternatives have been attempted to address the issue, including use of Positive Behavioral Supports, Functional Analysis of Behavior, etc. No consumer'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 Rolla Regional Office PMAG (Human Rights) Committee.
- D. 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 Service Coordinator will contact the agency QDDP, the consumer, the Regional Center, the person's family, guardian, or 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 individual and their guardian 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 individual was involved with the decision to limit rights.
  4. The Service Coordinator shall make every effort to make sure the individual is aware of the proposed limitation of his/her rights. The Service Coordinator shall use communicational aides to ensure the individual can comprehend to the best of their abilities, the proposed limitation of their rights. The number for the DMH Client Rights Monitor shall be provided to the consumer as part of the process.
  5. Within seven (7) working days after notification of the proposed limitations, the consumer may meet with a review panel to present their response to the proposed limitation of rights. The review panel, as needed will utilize available resources, such as an attorney, People First Chapter, DMH Client Rights Monitor (800-364- 9687), MO Protection & Advocacy, etc for in-service training or for additional information.
  6. In the event the consumer and their 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 individual and their advocate with any questions pertaining to the appeal and inform them as to when and where their appeal will be reviewed.
  7. The guardian must provide consent to the rights limitation with their signature on the Rolla Regional Office Personal Plan Systems & Funding page.
  8. The length of time on limiting the rights of any individual shall be reviewed by the Rolla Regional Office PMAG Committee, and communicated to the CCDDR Service Coordinator when review is needed.
  9. Rights restrictions are to be reviewed at least annually by the Rolla Regional Office PMAG Committee at the time of the plan due date.

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

**REFERENCES:**

- Section 630.110 and 630.115 RSMo
- CARF Standards Manual, Section 1D
- Brochure: "Individual Rights of Persons Receiving Services From the Division of Mental Retardation & Developmental Disabilities"
- Division of DD Certification Principles
- 9 CSR 45-3.030