

 <p>Seniors and People with Disabilities</p> <p>State Operated Community Program (SOCP) Policies and Procedures</p>	Supersedes: July 1, 2004	Policy Number: 3.005
	Effective Date: March 1, 2005	
	Approval Signature:	
Subject: Rights		

REFERENCE:

OAR 411-325-0300; 411-325-0370; 411-325-0350; 411-345-0110 [2c]
 SOCP Policy #2.110 Day/Employment Services #2.007 (Abuse) #3.003
 (Confidentiality of Records) #3.007 (Informed Consent) #3.009 (Physical
 Restraint) #4.002 Food and Nutrition

POLICY:

SOCP will assure that the individuals living in the home will be able to exercise their rights as members of their home and communities unless they have been legally abridged by a court of law. An individual may need guidance and assistance which may occasionally modify or limit the choices he/she has in exercising certain rights; however, the individual's choices/rights may not be limited or modified without giving informed consent of the individual or persons acting on their behalf through the Individual Support Plan (ISP) process. Any modifications or limitations will be specific and reviewed each year at the annual ISP at a minimum.

SOCP will help the individuals living in the home access community health care, mental health resources, recreational/social activities, employment or other day activities. Services that promote independence, dignity and self-esteem, and are also appropriate to the age and preference of the individual will be used.

SOCP will protect the individual from abuse at all times. At no time will any employee violate the individual's rights of confidentiality in any aspect of their life.

The basic rights indicated in this policy will be reviewed with each individual when they initially move into a SOCP home and any time there are changes after the initial review (Attachment C). The information will be presented using language, format, and methods of communication that are appropriate to the person's needs and abilities. The parent, guardian or legal representative will also be provided a copy of this document for their information.

The following list of rights provide guidance of ways to support individuals in assuring they are exercising their rights as they live in a home supported by SOCP.

ADEQUATE FOOD, HOUSING, CLOTHING, MEDICAL AND HEALTH CARE, SUPPORTIVE SERVICES AND TRAINING

1. SOCP will assure that individual preferences will be taken into consideration and that well-balanced, appetizing, appealing meals are available three times per day.

2. Each home will be well maintained, clean, attractively furnished, and temperature controlled.
3. Medical and health care needs will be monitored both through the ISP and on an ongoing basis. Individuals will be assisted in obtaining services as needed.
4. Additional supportive services will be provided as identified through the ISP process to all individuals.
5. As a part of the ISP process each individual will work with their team to develop a support plan that reflects their hopes and dreams. As a part of this planning the team will assure that areas of independence (choice and control), integration (with other people without disabilities), and productivity (enhancement of one's live through work or helping others) are a part of daily life for each individual. Identified training will be set up to assure an increase quality of life.

VISITS WITH FAMILY MEMBERS, GUARDIANS, FRIENDS, ADVOCATES AND OTHERS OF THE INDIVIDUAL'S CHOOSING, LEGAL AND MEDICAL PROFESSIONALS

1. Each home in SOCP is considered the home of the individuals living in them. It is their right to have guests visit there, at any time, without prior notification to staff. The behavior of guests must meet the standards generally held within the home. In addition, the host must respect his/her housemate's rights while entertaining guests.
2. SOCP will support individuals in maintaining desired relationships with family members, friends, and advocates. This may include helping in whatever way is needed to schedule visits.
3. SOCP will facilitate visits to legal and medical professionals, and will assist participants, as requested, in obtaining desired services.

CONFIDENTIAL COMMUNICATION

1. Individuals have the right to send and receive unopened/uncensored mail. Staff will read and/or explain information, as necessary, to the individual and help with follow through.
2. Individuals may make and receive phone calls without censorship. Individuals will be assisted to budget long distance calls. The cost of long distance calls is the responsibility of the individual. When an individual receives a telephone call, staff will not listen in, eavesdrop, or question the individual regarding the call. Individuals are asked to respect the rights of their housemates when more than one person desires the use of the phone.
3. When an individual has a visitor at the home, their conversation should be respected in the same manner, as are telephone conversations.

PERSONAL PROPERTY

1. The program will insure that individuals have their own choices/selections in personal property and personal control and freedom regarding that property.

2. Each individual will have a Personal Property Record (Attachment A) completed upon entry into the home. The list will be updated annually thereafter. If desired, individuals will be assisted in saving money to purchase specific items.
3. SOCP employees will not use or borrow an item belonging to any individual living in the home for any reason.

PRIVACY

1. Each individual's room is his/her own personal space. Staff should not enter without receiving permission from the individual unless an emergency exists.
2. Staff should avoid going into individual's rooms when they are not home, but if this is necessary, it is imperative that staff respect the privacy of each individual. Looking through an individual's belongings is not acceptable.
3. Sensitivity to the need for privacy for the individual will be provided during care and treatment such as bathing, changing of Attends, etc.

FREEDOM FROM UNAUTHORIZED TRAINING, TREATMENT AND CHEMICAL/MECHANICAL/PHYSICAL RESTRAINTS

1. Individuals will be involved in every step of the process of the development of their ISP. The choice of what training programs will be included in the ISP will be based on the desired activities of the individual and training needed to improve independence. By actively involving the individual in the planning there should not be a problem with involuntary training. As needed and requested by the individual or the team supporting them, the ISP can be updated using the Addendum format during the year.
2. Psychotropic medication will only be used with informed consent in two circumstances:
 - a. In conjunction with a proactive Behavior Support Plan (BSP). Psychotropic medications may be used as a short-term aid to an overall comprehensive plan to deal with difficult behavior proactively.
 - b. When prescribed for a well documented mental illness for which medication has been proven to be effective.
3. All psychotropic medications must be prescribed and monitored by a physician or health care provider through a written order.
4. The individual must be monitored by the prescribing physician/health care provider and ISP team for desired responses and adverse consequences
5. A Balancing Test (Attachment B) will be completed when medication is first prescribed and annually thereafter.
6. Under no circumstances will medication be used as a substitute for a BSP or for the convenience of SOCP.
7. Individuals have the right to be free from physical restraints. Safety restraints such as helmets/splints will be used only with a physician's order and must be a part of the ISP process. Restraints used for used to assure the health/safety of individuals will follow the processes outlined in the Behavior Support policy (3.001).

RELIGIOUS ACTIVITY

1. Individuals are allowed to worship, or not worship, as they choose. SOCP will assist individuals, as requested, to attend religious services of their choice. SOCP will assure that the religious beliefs/practices of staff, other individuals, or persons within the community will not be forced upon any individual.
2. SOCP will respect the religious customs of the individuals and will help in whatever ways possible to ensure that those customs are met, as desired by the individual (e.g., pork will not be served to an individual whose faith prohibits its consumption).
3. SOCP will be sensitive to the cultural and ethnic values of individuals. Assistance will be provided to maintain their cultural/ethnic identity.
4. Individuals will not be required to say grace, voice a belief, or attend religious services against their will or for the convenience of the program.

VOTE

Individuals will be encouraged to be politically informed, active, and to vote if of legal age. Staff will assist individuals in all aspects of political involvement at whatever level is desired by the individual. Staff will not try to influence an individual's vote.

EXPRESSION OF SEXUALITY/MARRY AND HAVE CHILDREN

1. SOCP will assist individuals to develop and maintain meaningful personal relationships. Staff will assist in this process by helping to plan recreational activities that allow social contact, assisting in the transportation for dates, and having an open supportive attitude in regard to individual's needs in this area.
2. Individuals (over 18 years of age) desiring a sexual relationship with a consenting adult friend will be provided birth control, safe sexual practices and the responsibilities which come with a sexual relationship. Individuals residing in this program who wish to cultivate intimate and sexual relationships shall be counseled and/or assessed by the SOCP Clinical Services Manager or designee regarding issues of human sexuality (Sexuality Assessment Tool available from Clinical Services Manager).
3. Individuals' rights to privacy will be respected in this area. Individuals able to consent who desire a sexual relationship are expected to respect their housemates' rights to privacy as well (details may need to be negotiated).
4. If an individual wishes to marry, SOCP will assist in locating an appropriate agency to provide premarital counseling, if desired. SOCP will help with details regarding the marriage and services that may be needed or desired after the marriage. SOCP will also assist the individual in understanding the rights and responsibilities of marriage.
5. If after family planning services have been utilized, an individual wishes to have a child, SOCP will assist that person in obtaining counseling regarding this decision and parenting training, if desired. Since SOCP does not have the capacity to serve an individual with a child at this time, the individual's Service Coordinator will assist in locating any services that may be needed. The program will also assist the individual in understanding the rights and responsibilities associated with having a child.

ACCESS TO COMMUNITY RESOURCES

1. Staff will assist individuals in identifying desired recreational activities, schooling needs, and other agency services. Staff will assist in ensuring that they occur as desired by the individual. While this can be determined at any time, access to community resources will be a major component of discussion at the annual ISP for each individual. A primary emphasis will be placed on the individuals choice to participate in community based activities and what that looks like for that person.
2. SOCP will provide support for Day/Employment services for each individual as outlined in policy #2.001.
3. SOCP will help any individual under the age of 21 participate in school activities. A part of that planning will include a plan for attendance or refusal to attend school.

CHOICE/CONTROL OF PERSONAL AFFAIRS

1. SOCP will support individuals to be as independent as possible in the area of their personal affairs. This can include, but is not limited to:
 - a. How to spend or save money
 - b. What employment is best suited to the individual and their strengths/skills
 - c. Who become friends and where to hang out with them
 - d. What time to schedule appointments/meetings, etc. that best suits the individuals lifestyle
 - e. Where to live
 - f. Where to go on vacation
 - g. Where to be buried

CONSENT/REFUSE TREATMENT

SOCP will support an individuals right to consent to or refuse treatment. This process is delineated in policy #3.007 (Informed Consent).

TRANSFER OF INDIVIDUALS WITHIN SOCP

Occasionally an individual or the individual with his/her ISP team members may wish to transfer to another SOCP home. The request for transfer could be due to location of family members/significant others, a potential job in the community more suitable to the individual's skills or potential for greater peer compatibility/interest in another home. Such a transfer will be considered when there is a vacancy in the proposed transfer home or when there are two individuals who wish to trade homes. In both instances there must be consensus of the ISP team. Team members must assure that when a "trade" is considered, both parties are willing to move and understand that they may choose not to move.

Attachment A: Personal Property Record

Attachment B: Balancing Test

Attachment C: Client Rights Sign-Off

State Operated Community Program

■ See “Form Search Directions” at beginning of binder.
Check the “Forms Server” for the most current version as forms are updated regularly.

3.005 Rights: General (forms)

Attach	DHS #	Name:	Date	Mandatory/Tool
E	4632	Needs Meeting	01/10	Mandatory
D	4625	Relocation Plan		Mandatory
F	4631	Medical Home Support Service Assessment	06/07	Mandatory
C	4557	Client’s Rights Sign-Off		Mandatory
	2097	Disclosure of Protected Health Information	06/03	Tool
	2098	Authorization for Use and Disclosure Non-Health Information		Tool
	4555	Client Grievance Report	01/07	Mandatory
	4615	Client Monthly Summary Report	09/08	Mandatory
	4556	Client Demographic Form	01/07	Mandatory
A	4634	Personal Property Record		Mandatory
B	4554	Balancing Test	01/07	Mandatory
		Relocation Guidelines	?	