

ABUSE AND NEGLECT	
Abuse Definitions	
Neglect Definitions	
Definitions of threaten, degrade	
CIVIL RIGHTS	
Recipient shall be allowed to conduct business affairs to maximum extent possible	
A violation of a Civil Right is a violation of recipient rights	
Recipients should be asked if they wish to participate in an election	
Recipients must be allowed to exercise the right to practice their religion	
Recipients shall have the right to NOT have a religion prescribed for them	
Recipients shall be presumed competent unless a guardian has been appointed	
Recipients shall not be subject to illegal search or seizure.	
CONFIDENTIALITY	
Information shall be kept confidential	
Information shall not be disclosed unless germane to authorized purpose	
Individuals receiving information shall disclose only to extent of authorized purpose	
After 3/28/96 all information shall be provided to adult without a guardian	
Information shared as necessary per HIPAA	
For recipients with a guardian and those under 18 information can be withheld determined by a physician to be detrimental.	
Explain the difference between mandatory disclosure, discretionary with consent and discretionary	
Discuss agency policy on Correction of Record (statement by recipient)	
Preferred method for answering the phone so as not to disclose information	
Agency protocol for inquiries by law enforcement (what happens when the police show up at the door)	
Under circumstances allowed in the Code language this right may be limited.	
MPAS can access a recipient's record	
Discuss privileged communications	
DIGNITY & RESPECT	
Discuss what it means to treat someone with dignity and respect.	
Provide definitions of dignity and respect (Use dictionary definitions or agency's definitions)	
FAMILY RIGHTS	
Providing family members an opportunity to request and receive educational information	
Receive information from or provide information to family members within the confidentiality.	

Discuss agency protocols regarding family members who want to provide information	
Be aware of the location of these materials	
Assure that family members are treated with dignity and respect	
FINGERPRINTS, PHOTOGRAPHS, AUDIO-RECORDINGS, USE OF ONE-WAY GLASS	
Prior written consent from the recipient, the recipient's guardian or a parent with legal and physical custody of a minor recipient must be obtained before	
Procedures above shall only be utilized in order to provide services (including research) to identify, recipient, or for education and training purposes.	
Photographs include still pictures, motion pictures and videotapes.	
Photographs may to be taken for purely personal or social purposes and must be treated as the recipient's personal property	
Fingerprints, photographs and audio-recordings and any copies of these are to be made part of the recipient record	
Fingerprints, photographs and audio-recordings and any copies of these are to be destroyed or returned to the recipient when no longer essential or upon discharge	
If fingerprints, photographs or audio-recordings are done and sent out to others to help determine the name of the recipient, the individual receiving the items must be informed that return is required for inclusion in the recipient record.	
FREEDOM OF MOVEMENT; LEAST RESTRICTIVE SETTING	
Mental health services shall be offered in the least restrictive setting that is appropriate and available	
The freedom of movement of a recipient shall not be restricted more than necessary to provide mental health services, to prevent injury to himself, herself or others, or to prevent substantial property damage	
Seclusion and restraint are prohibited	
Time out, defined as a VOLUNTARY response to a therapeutic suggestion to a recipient to remove himself or herself from a stressful situation to another area to regain control	
Physical management, defined as a technique used by staff as an emergency intervention to restrict the movement of a recipient by direct physical contact to prevent the recipient from harming himself, herself or others	
Physical management may only be used when a recipient is presenting an imminent risk of serious or non- serious physical harm to himself, herself or others and lesser restrictive interventions have been unsuccessful in reducing or eliminating an imminent risk of serious or non-serious physical harm.	
Physical management must not be included as a component of a behavior treatment plan	
Prone immobilization of a recipient for the purpose of behavioral control is prohibited	
This right can be limited but only as allowed in the individual plan of service (IPOS) following review and APPROVAL BY THE Behavior Treatment Committee	

INDIVIDUALIZED WRITTEN PLAN OF SERVICES	
The responsible mental health agency for each recipient shall ensure that a person-centered planning process is used to develop a written individual plan of services in partnership with the recipient.	
A preliminary plan shall be developed within 7 days of the commencement of services	
The individual plan of services shall consist of a treatment plan, a support plan, or both	
A treatment plan shall establish meaningful and measurable goals with the recipient.	
The individual plan of services shall address, as either desired or required by the recipient, the recipient's need for food, shelter, clothing, health care, employment opportunities, educational opportunities, legal services, transportation, and recreation.	
The plan shall be kept current and shall be modified when indicated	
If a recipient is not satisfied with his or her individual plan of services, the recipient, the person authorized by the recipient to make decisions regarding the individual plan of services, the guardian of the recipient, or the parent of a minor recipient may make a request for review to the designated individual in charge of implementing the plan. The review shall be completed within 30 days and shall be carried out in a manner approved by the appropriate governing body.	
An individual chosen or required by the recipient may be excluded from participation in the planning process only if inclusion of that individual would constitute a substantial risk of physical or emotional harm to the recipient or substantial disruption of the planning process	
SAFE, SANITARY, HUMANE, TREATMENT ENVIRONMENT	
Mental Health Code requires safe, sanitary, humane treatment environment	
Discuss how Adult Foster Care Licensing Rules apply	
Provide for resident health, hygiene and personal grooming including assistance and training in personal grooming practices, including bathing, tooth brushing, shampooing, hair grooming, shaving and care of nails	
Provider must supply toilet articles, toothbrush and dentifrice, opportunity to shower or bathe at least once every 2 days, regular services of a barber or beautician and the opportunity to shave daily (males)	
PERTAINING TO THE RECIPIENT RIGHTS SYSTEM	
Discuss the operation of the Rights Office	
What are the various roles: Prevention, Monitoring, Education, Complaint Resolution	
Discuss the complaint process	
What is your (staff) role in complaints	
Employee Rights (retaliation/harassment (1755 3), Whistleblowers (Civil Action), Bullard-Plawecki (by HR or waived): emphasis on non-retaliation & disciplinary action)	
Basics of rights appeals - What do staff need to know and be able to explain about appeals?	
Access by ORR to all evidence	
Preponderance of Evidence standard	
Discuss the role of the Advisory Committee	
Discuss the provision of required notice of rights; availability of complaints	

CONSENT AND INFORMED CONSENT	
Identify the four elements of informed consent	
SUITABLE SERVICES – FAMILY PLANNING	
Discuss how family planning issues are addressed in your agency	
SUITABLE SERVICES – MENTAL HEALTH SERVICES SUITED TO CONDITION	
Discuss the procedures for how this is accomplished in your agency	
SUITABLE SERVICES – CHOICE OF PHYSICIAN/MHP	
Discuss the procedures for how this is accomplished in your agency	
SUITABLE SERVICES – NOTICE OF CLINICAL STATUS	
Discuss the procedures for how this is accomplished in your agency	
SUITABLE SERVICES – SERVICES OF MENTAL HEALTH PROFESSIONAL	
Discuss the procedures for how this is accomplished in your agency	
SUITABLE SERVICES – PSYCHOTROPIC DRUG TREATMENT	
Discuss the specifics of this section with medical professionals and those who pass medication.	
COMMUNICATIONS AND VISITS	
Residents are allowed to use mail and telephone services	
These communications must not be censored; staff should not open mail for residents without authorization.	
If necessary, funds must be provided (in reasonable amounts) for postage, stationary, telephone.	
If house rules are to be established regarding telephone calls and visits, these must be reasonable and must be posted in conspicuous areas for residents, guardians, visitors and others to see. (Only for those homes which still fall under this requirement)	
Limitations can be made on these rights for individuals, but only as allowed in the individual plan of service (IPOS) following review and approval by the Behavior Treatment Plan Review Committee and the special consent of the resident or his/her legal representative.	
Communication by mail, telephone and the ability to have visitors shall not be limited if the communications are between a resident and his/her attorney or a court, or between a resident and <u>any other individuals</u> when the communication involves legal matters or may be the subject of legal inquiry	
ENTERTAINMENT MATERIALS, INFORMATION AND NEWS	
Provider must never prevent a resident from exercising this right for reasons of, or similar to, censorship	
Provider must establish written policies and procedures that provide for all of the following:	
<i>Any general program restrictions on access to material for reading, listening or viewing</i>	
<i>Determining a resident's interest in, and provide for, a daily newspaper</i>	