

## **POLICY AND PROCEDURE PERTAINING TO SERVICE RECIPIENT RIGHTS AND RIGHTS RESTRICTIONS**

### **PURPOSE**

The purpose of Service Recipient Rights is to identify the rights of persons served in Minnesota's community residential facilities that are licensed as Home and Community Based Services. The values we have regarding our freedom to make decisions in our lives, to have control over what we participate in and what we agree to are extremely important to all people. This is no less true for the person served.

### **POLICY**

It is the policy of EON, Inc. to promote the freedom for service recipients, herein referred to as persons served, to exercise their rights and to ensure their rights are protected. Services should be based on individual interests and needs and be designed to preserve human dignity and to protect both civil and human rights. With the freedom to exercise rights, responsibilities of each right are equally important.

Restriction of a person's served rights is allowed only if determined necessary to ensure the person's served health, safety, and well-being. Any restriction of rights must be documented in the Support Plan (SP) or Support Plan Addendum (SPA) and the Rights Restriction form. The restriction must be implemented in the least restrictive alternative manner necessary to protect the person served and provide the person served support to reduce or eliminate the need for the restriction in the most integrated setting and inclusive manner.

### **PROCEDURE**

#### **I. Service Recipients Rights**

- A. Upon service initiation, EON, Inc. will provide each person served or their legal representative and case manager with a written notice that identifies the person's served rights under [Sec. 245D.04 MN Statutes](#):
1. An explanation of those rights within five working days of service initiation and annually thereafter.
  2. Reasonable accommodations will be made to provide this information in other formats or languages as needed to facilitate understanding of the rights by the person served and the person's served legal representative, if any.
  3. EON, Inc. will maintain documentation of the person's served or the person's served legal representative's receipt of a copy and an explanation of the rights.
  4. Ensure the exercise and protection of the person served rights.

#### **B. HOME and Community-Based Services – Service Recipient Rights**

1. EON, Inc. is licensed under Minnesota Statutes, Chapter 245D. EON, Inc. must help you exercise and protect your rights identified in Minnesota Statutes, section [245D.04](#). Any person served filing or wishing to file a grievance has the right to the assistance of an advocate. Refer to EON, Inc *Service Recipient Communicating Concerns and Grievance Policy* for additional contact information. When receiving services and supports from EON, Inc., I have the right to:

## 2. Service-Related Rights

- a. Take part in planning and evaluating the services that will be provided to me.
- b. Have services and supports provided to me in a way that respects me and considers my preferences, (including personal items in my bedroom).
- c. Refuse or stop services and be informed about what will happen if I refuse or stop services.
- d. Know, before I start to receive services from this program, if the program has the skills and ability to meet my need for services and supports.
- e. Know the conditions and terms governing the provision of services, including the program's admission criteria and policies and procedures related to temporary service suspension and service termination.
- f. Have the program help coordinate my care if I transfer to another provider to ensure continuity of care.
- g. Know what services this program provides and how much they cost, regardless of who will be paying for the services, and to be notified if those charges changes.
- h. Know, before I start to receive services, if the cost of my care will be paid for by insurance, government funding, or other sources, and be told of any charges I may have to pay.
- i. To have staff that is trained and qualified to meet my needs and support.

## 3. Protection-Related Rights

- a. Have my personal, financial, service, health, and medical information kept private and be notified if these records have been shared.
- b. Have access to my records and recorded information that the program has about me as allowed by state and federal law, regulation, or rule.
- c. Be free from abuse, neglect or financial exploitation by the program or its staff.
- d. Be free from staff trying to control my behavior by physically holding me or using a restraint to keep me from moving, giving me medication I don't want to take or that isn't prescribed for me, or putting me in time out or seclusion, restrictive intervention; except if and when manual restraint is needed in an emergency to protect me or others from physical harm.
- e. Receive services in a clean and safe location when the license holder is the owner, lessor, or tenant of the service site;
- f. Be treated with courtesy and respect, have access to and respectful treatment of my possessions at any time.
- g. Be allowed to reasonably follow my cultural and ethnic practices and religion.
- h. Be free from prejudice and harassment regarding my race, gender, age, disability, spirituality, and sexual orientation.
- i. Be told about and how to use the program's grievance policy and procedures, including knowing how to contact persons responsible for helping me to get my problems with the program fixed and how to file a social services appeal under the law.
- j. Know the names, addresses, phone numbers of people who can help me, including the Ombudsman, and to be given information about how to file a complaint with these offices.

- k. Exercise my rights on my own or have a family member or another person help me exercise my rights, without retaliation from the program.
  - l. Give or not give written informed consent to take part in any research or experimental treatment.
  - m. Choose my own friends and spend time with them, in the community.
  - n. Have personal privacy, including the right to use a lock on my bedroom door or unit door.
  - o. Take part in activities that I choose, and
  - p. Have access to my personal possessions at any time, including financial resources.
4. For a person served residing in a residential site licensed according to [Ch. 245A MN Statutes](#), or where the license holder is the owner, lessor, or tenant of the residential service site (out-of-home crisis respite, supported living services, foster care services in a foster care home or a community residential setting), have the right to:
- a. Have free, daily, private access to and use of a telephone for local calls, and long-distance calls made collect or paid for by me.
  - b. Receive and send mail and emails and not have them opened by anyone else unless I ask.
  - c. Use of and have free access to common areas and the freedom to come and go at will.
  - d. Choose who visits, when they visit and to have visits in private (including bedroom) with my spouse, family, legal counsel, religious advisor, or others allowed in Minnesota Human Services Rights Act, [Sec. 363A.09 MN Statutes](#) .
  - e. Have access to three nutritionally balanced meals and nutritious snacks between meals each day, including freedom and support to access food and potable water at any time;
  - f. Have freedom to furnish and decorate my bedroom or living unit;
  - g. Have a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin, and insects;
  - h. Have a setting that is free from hazards that threaten my health or safety; and
  - i. Have a setting that meets the definition of a dwelling unit within a residential occupancy as defined in the State Fire Code.

## II. Shared Living Agreement

- A. When living with others, the ultimate outcome is living together in harmony. Agreements between person's served are encouraged to be documented on the Shared Living Agreement Form.
- B. When an individual's choice conflicts with the group's choice, an effort will be made to accommodate both with creativity and flexibility. The person's served may use methods such as taking turns, negotiating, or voting to determine a course. Examples may include: where they would like to go out to eat, a reasonable time of day for quiet time, sleeping, visitor guidelines etc.
- C. Individual freedoms of choice, including choice of religion, consumption of alcohol, smoking and sexual relations etc. will be respected, but not to infringe other housemate's rights. Locations and supports for these freedoms are further detailed in the service recipient rights and more specifically outlined in reports, assessments, and programming as appropriate.
- D. Person served is encouraged to participate in the general care and maintenance of their living environment, including washing own laundry, taking turns cooking and cleaning.

### III. Rights Restrictions

- A. Before EON, Inc. may restrict a person's served rights in any way, EON, Inc. must document the following information:
1. The justification (meaning the reason) for the restriction based on an assessment of what makes the person served vulnerable to harm or maltreatment if he or she were allowed to exercise the right without a restriction;
  2. The objective measures set as conditions for ending the restriction (meaning EON, Inc. will clearly identify when everyone will know the restriction is no longer needed and it has to end);
  3. A schedule for reviewing the need for the restriction based on the conditions for ending the restriction to occur semiannually from the date of initial approval, at a minimum, or more frequently if requested by the person served, the person's served legal representative, if any, and case manager (meaning that at least every six months, more often if the person served wants, EON, Inc. will review with the person served and their authorized or legal representative and case manager, why the restriction is still needed and how the restriction should change to allow the person served as much freedom as possible to exercise the right being restricted); and
  4. Signed and dated approval for the restriction from the person served or their legal representative, if any.
- B. The **Only** Rights the Program May Restrict, after Documenting the Need, include:
1. Choose my own friends and spend time with them.
  2. Have personal privacy, including the right to use a lock on my bedroom door or unit door.
  3. Take part in activities that I choose, and
  4. Have access to my personal possessions at any time, including financial resources.
- C. For Recipients of Residential Supports and Services:
1. Have free, daily, private access to and use of a telephone for local calls, and long-distance calls made collect or paid for by me.
  2. Receive and send mail and emails and not have them opened by anyone else unless I ask.
  3. Use of and have free access to common areas and the freedom to come and go at will.
  4. Choose who visits, when they visit and to have visits in private (including bedroom) with my spouse, family, legal counsel, religious advisor, or others allowed in Minnesota Human Services Rights Act, [Sec. 363A.09 MN Statutes](#).
  5. Have access to three nutritionally balanced meals and nutritious snacks between meals each day, including freedom and support to access food and potable water at any time;
  6. Have freedom to furnish and decorate my bedroom or living unit;
  7. Have a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin, and insects;
  8. Have a setting that is free from hazards that threaten my health or safety; and
  9. Have a setting that meets the definition of a dwelling unit within a residential occupancy as defined in the State Fire Code.
- C. A person served or their legal representative may withdraw approval of the restriction of a right at any time. If approval is withdrawn, the right must be immediately and fully restored.

**REFERENCED POLICIES**

Service Recipient Communicating Concerns and Grievance Policy

**REFERENCED FORMS**

Support Plan (SP)

Support Plan Addendum (SPA)

Shared Living Agreement

Rights Restrictions