



BROADSTEP ACADEMY – ILLINOIS

POLICY AND PROCEDURE

SECTION:	Policy and Procedure	Executive Director:	_____	<u>10/13/2016</u>
	For Operations	Council Approval:	_____	<u>04/2006</u>
SUBSECTION:	Clinical/Case	U/R Committee:	_____	<u>8/7/2007</u>
	Management	Board of Directors:	_____	<u>8/7/2007</u>
SUBJECT:	Rights of Persons	Implementation date:	_____	<u>8/7/2007</u>
	Served	Last revision date:	<u>10/2015, 10/13/2016, 2/13/1712/19/17</u> <u>2/1/18</u>	

POLICY

This document is implemented to set forth our policy on the rights and corresponding responsibilities of those accepted for placement at Broadstep Academy Illinois, to insure individual rights are protected, and that all services provided to the participant comply with laws cited under the DHSDDD Code [405 ILCS 5]. Broadstep Academy Illinois ensures that individual rights are protected as defined by Chapter 2 of the DHSDDD [740 ILCS 11] Confidentiality Act, and Section 119.235 of the DHS Title 59 Illinois Administrative Code.

Broadstep Academy Illinois exists because our individuals have fundamental rights to receive treatment appropriate to their disability or impairment. Broadstep Academy - IL and its staff are dedicated to providing the best possible care and treatment for the individual, regardless of sex, race, creed, socio-economic status or national origin. The facilitators of the admission process shall ensure that no one is rejected for any of these reasons and that any person who is accepted is appropriate (see Admissions Policy), and can reasonably be expected to benefit from our program.

In providing care, we will consider not only the psychological needs, but also physical, social and spiritual needs as well. Broadstep Academy - IL recognizes the individual's inherent right to individuality, dignity and to equitable, humane treatment, as well as all rights guaranteed by the United States Constitution. To protect the rights of all individual s, and especially those who are unable to speak for themselves or communicate, the assigned Treatment Team members are to serve as primary advocates for individuals.

All complaint or allegation of abuse or violation of rights shall be directed to the Quality Assurance Department. Broadstep Academy - IL Quality Assurance Department and Administrators pledge that all staff will be held responsible for assuring individual's rights as outlined in policy. The Administrators shall coordinate any investigations, documentation, and communication and make recommendations for corrective actions.

All individual s, parents, and/or guardians shall be informed of their rights in writing prior to or upon the commencement of services, or as soon thereafter as the condition of the recipient permits, and explained in a language the individual /parent/guardian understands. Broadstep Academy - IL will assist you if you should request assistance from the Equip for Equality (CEE) advocacy group.

PROCEDURE

The following rights are those of each Broadstep Academy - IL individual, unless where consent is needed of a court-appointed guardian or parent, or if the individual is under the age of 18 years and the parent/guardian is acting upon the behalf of such individual.

Your Rights to Safety and Quality Care:

1. You shall be free from corporal punishment, seclusion, abuse, neglect and/or exploitation, coercion and restraint, unless restraint is approved by a physician and guardian for emergency use to prevent imminent danger of physical harm to self and/or others.
2. Humane, prompt adequate care shall be provided to you in the least restrictive environment possible.
3. You shall not be denied services or be treated differently because of your age, sex, race, religious belief, ethnic origin, marital status, physical or mental disability, or criminal record unrelated to present dangerousness.
4. You shall be treated with dignity and respect, and free from verbal, physical, mental, sexual abuse, and/or neglect.
5. A Behavioral Management Plan shall not be used to punish or discipline an individual, may only be used in a humane and therapeutic manner as part of a therapeutic measure ordered in writing by a supervising physician, clinical social worker, or registered nurse, with application done by trained personnel with specific time, review, and reporting constraints. Broadstep Academy - IL does not utilize mechanical restraints or seclusion rooms.
6. Broadstep Academy - IL, you and/or your guardian, the Broadstep Academy - IL Clinical and Executive Directors, any designated person, and designated advocate organization shall be notified, with justification, of any individual right restrictions by the professional responsible for overseeing their implementation.
7. A file shall be kept by Broadstep Academy - IL of all approved individual rights restriction.
8. You must not be given unnecessary medication or excessive medications; a physician for each individual shall review psychotropic medication at least every ninety days.
9. Psychotropic medications intended to change your mood or how you think may be administered only with your and/or legal guardian's permission, and only as part of an overall medication reduction plan designed to change or remove the problems for which the medications are given.
10. Broadstep Academy - IL will make reasonable arrangements to meet your needs and choices.

Your Rights to participate in your own care:

11. You and/or parent and/or Legal Guardian shall be given the opportunity to refuse mental health services.
12. You and your guardian shall be allowed to participate in the planning of your treatment and care. You and/or parent and/or Legal Guardian shall participate in the individualized planning of your treatment and be informed of what services Broadstep Academy - IL will provide, what you are expected to do, and service alternatives.
13. If you use assistive technology devices, you have the right to continue to do so. If you are in need of assistive technology for your physical well-being and with consent of your guardian, you will receive an assessment from a licensed healthcare provider and assistive devices will be purchased as ordered.
14. You have the right to choose your own private Physician, and other Mental Health and Developmental Disability Professionals of your choice; this choice will be documented in your

- service plan; you will have to pay the doctor and other related expenses (such as extended travel) yourself, unless Medicaid or your insurance plan will pay these expenses.
15. You are in charge of your own medications if your individual plan says that you are able to do so.
 16. You have the right to complete information about your medical, developmental, and behavioral condition and all treatments in a language you understand.
 17. You have the right to refuse treatment. If you refuse treatment or services, Broadstep Academy - IL will assist in providing alternative treatments, unless mandated by law. Refusal of such services could result in various actions, up to and including discharge. Each case must be considered individually and Broadstep Academy - IL must provide you information regarding what actions may be taken because of your refusal.
 18. You have the right to make a living will or a Durable Power of Attorney for Health Care and to participate in obtaining a legal guardian, so that Broadstep Academy - IL will know your wishes if you can no longer speak for yourself.
 19. You may refuse to participate in any experimental treatment, any unusual, hazardous, or experimental services, or psychosurgery without personal consent. For minors, court appointed guardian and/or parental written and informed consent are required.
 20. You are permitted to see your case file upon request and be provided information in a reasonable amount of time (see confidentiality rights).
 21. You cannot be made to work without pay except for personal household chores and must be paid at least monthly wages if there is any consequential economic benefit to the provider.
 22. You have the right to move out of Broadstep Academy - IL after you, your guardian or if minor, your parent gives your PAS agent, Broadstep Academy - IL Clinical Director, qualified mental retardation professional (QMRP), nurse, or doctor written notice that you plan to move.

Your Right to Privacy:

23. Your Medical and Personal Cases are private. Broadstep Academy - IL employees will respect your privacy when you are being examined or given care, unless care is provided to you by Broadstep Academy - IL, as stated in your Individual Service Plan.
24. Broadstep Academy - IL staff must knock before entering your room.
25. Broadstep Academy - IL may not give information about you or your care to unauthorized persons without your permission, unless you are being transferred to a hospital or another health care facility.
26. You have the right to have private visits at any reasonable hour; this includes visits with family, close friends, legal guardians and advocates. The only exception is if your interdisciplinary team finds that the visit would be wrong for you.
27. You shall have unimpeded, private and uncensored communication with persons of choice by telephone and visitation. Any arrangements, which are necessary for making communication available, shall be convenient and reasonable. Unless otherwise dictated by your service plan.
28. You have the rights to private and unrestrictive communications, to send mail sealed, and to unopened correspondence; no individual's incoming or outgoing correspondence shall be opened, delayed, held or censored without your permission. Unless otherwise dictated by your service plan.
29. Broadstep Academy - IL must assist you in answering letters and phone calls from your family and friends, and encourage them to visit you, unless you do not want these communications or visits or your interdisciplinary team decides that they would be wrong for you.
30. You may ask any visitor to leave your personal living area.
31. You must be given opportunity to exercise and to go outside regularly and frequently.

Your Rights regarding your money:

32. You have the right to manage your own money and use your money as you choose, and to receive training to improve your ability to manage your money, including depositing it in your name with a

financial institution or a service provider, unless you are a minor prohibited by court order or your interdisciplinary team has determined it would be wrong for you.

33. You must be informed of any cost of care to you and your guardian.
34. Broadstep Academy - IL shall not be made a representative payee without you or legal guardian's informed consent. Broadstep Academy - IL may spend your money with only you or your guardian's consent.
35. Broadstep Academy - IL must provide an itemized written statement of your account transactions once every three months, and a record of all money put in or taken out of your account if you, or your parent (if you are under the age of 18) or guardian asks for such a statement.
36. Broadstep Academy - IL must put your money in a bank account that earns interest for you if you have more than \$100 in your account.
37. All personally owned money shall be returned to you upon discharge; if you die, all monies must be given to your family, or whoever is in charge of distributing your property. A final accounting will be given of all money left in any account managed for you by Broadstep Academy - IL.

E. Your Personal Property Rights:

38. Unless restricted to prevent harm to self or others, you shall be permitted to receive, possess, and use personal property with the provision of reasonable storage.
39. You have the right to keep and wear your own appropriate clothing and participate in choosing new clothing.
40. Broadstep will provide a safe place where you can keep small valuables, which you can get to daily.
41. Broadstep Academy - IL will strive to keep your property from being lost or stolen. If your property is missing, Broadstep Academy - IL will attempt to find and recover it; however the agency does not assume responsibility for lost or stolen items.
42. All of your personal property shall be returned to you upon discharge.

F. Your Rights in paying for your care and receiving Medicaid funding:

43. You have the right to apply for Medicaid to help pay for your care. Broadstep Academy - IL will assist you in applying for these benefits.
44. If you receive Medicaid, the facility may not make you pay for anything that is paid for by Medicaid. Broadstep Academy - IL must give you a written list of what items and services Medicaid pays for, and those for which you could be charged, upon your request.

G. Your rights to stay at Broadstep Academy - IL:

42. You have the right to live at Broadstep Academy - IL and receive training to meet your needs, as stated in your Individual Service Plan (ISP). Once you no longer need the services of this facility, you may not need to live in this facility any longer.
43. You have the right to keep living at Broadstep Academy - IL, unless the agency requires you to move because you are dangerous to yourself or others, for medical reasons, because you no longer meet the criteria for placement, are no longer eligible for funding, or because your facility closes.
44. You cannot be required to leave Broadstep Academy - IL because you are applying for or are on Medicaid.
45. If Broadstep Academy - IL requires you to move against your will, you must be given a written notice 21 days before the day it expects you to move. The notice must tell you why the agency wants you to move and how you, your guardian or your parent, if you are under 18 years of age, can appeal to the Illinois Department of Human Services.
46. Broadstep Academy - IL must give you the forms you need to appeal, and a stamped, addressed envelope for you to use to mail your appeal to the Illinois Department of Human Services.

47. You have the right to ask Equip for Equality, which is the federally mandated and Governor-designated Protection and Advocacy System for people with physical and mental disabilities in Illinois, for self-advocacy assistance in appealing the agency's requiring you to move. Call 1-800-537-2632 (Voice) or 1-800-610-2779 (TTY).
48. If you appeal to the Department of Human Services, usually the agency cannot make you leave until the appeal is decided.
49. Before Broadstep Academy - IL can transfer or discharge you, it must provide preparation and orientation to be sure that your discharge is safe.
50. You must be allowed to return to placement at Broadstep Academy - IL after you are hospitalized or go home for a therapeutic home visit, unless the agency gives you written notice as described above.
51. Broadstep Academy - IL must let you see reports of all inspections by the Illinois Departments of Human Services and Children and Family Services from the last 5 years.
52. You do not lose your rights as a citizen of Illinois and the United States because you live at Broadstep Academy - IL.
53. If a court of law has appointed a legal guardian for you, your guardian will exercise your rights for you.
54. If you have named an agent under a Durable Power of Attorney for HealthCare, your agent may exercise your rights for you.
55. You have freedom of religion. At your request, Broadstep Academy - IL must make arrangements for you to attend religious services of your choice. The agency may not force you to follow any religious beliefs or practices and cannot require you to attend any religious services.
56. You have the right to vote for the candidates of your choice, if you are eligible and registered to vote. You have the right to register to vote if you are eligible by law and, if so, your Case Manager must assist you in this process.
57. You have the right to participate in social and community activities.
58. You have the right to participate with other individuals in the Individual Council. Your facility must respond to concerns raised by the council.
59. You have the right to meet with a representative from Equip for Equality, community organizations, social service groups, legal advocates, and members of the general public who come to your facility. Representatives of these groups may come to Broadstep Academy - IL to provide you with services, tell you about your rights, or help you assert your rights.
60. You shall be informed of Broadstep Academy - IL grievance procedures, and have the right to present grievances and to get a prompt response. Broadstep Academy - IL employees may not threaten or punish you in any way for asserting your rights or presenting grievances.
61. You have the right to present grievances to the Human Rights and Advocacy Committee and Licensing Specialist as appropriate. Outside organizations and advocates including the following agencies:

The Guardianship and Advocacy Commission & Human Rights Authority
Northwest Regional Authority
4302 North Main Street
Rockford, IL 61103-5202
for intake, contact our toll-free 1-866-274-8023

Illinois Department of Children & Family Services
Hotline for reports of Abuse/Neglect of Children
1 - 800 - 252-2873 (ABUSE)

Office of Inspector General

**Hotline for reports of Abuse/Neglect
1 - 800 - 368 - 1463**

**Equip for Equality, Inc.
235 South 5th Street
P.O. Box 276
Springfield, Illinois 62705
800-758-0464 or 217-544-0464/FAX 217-523-0720**

**Illinois Department of Public Health at
1-800-252-4343 (Voice) or 1-800-547-0466 (TTY)**

62. You will not be excluded, suspended, or discharged from program services at Broadstep Academy – Illinois, and services will not be reduced, for exercising any of your rights.

Related Policies: DHSDDD [740 ILCS 11] Confidentiality Act, Code [405ILCS 5], Licensing Reference Section 119.235



BROADSTEP ACADEMY – ILLINOIS

**INDIVIDUAL AND GUARDIAN RECEIPT
OF
INDIVIDUAL RIGHTS AND CONFIDENTIALTY
POLICY AND PROCEDURES**

I _____ have hereby been given a copy of and/or have had it read to me a statement of my rights as defined by [740 ILCS 11] Confidentiality Act, chapter 2 of the DHSDDD Mental Health Code. I understand that if any of my rights are restricted, I will be informed, and my parents/guardian will be contacted, and provided with written documentation upon request for written documentation. Should I have concerns, I understand that I will not be prohibited from filing a complaint according to the Grievance Procedure explained upon admission in accordance with the DHSDDD Code [405 ILCS 5]. I understand that a record of any complaints and responses will be kept in my file. I further understand that my services will not be denied, reduced, suspended, or terminated if I exercise any of my rights.

I have read the policy statement or have had it read and explained to me in a language which I understand.

This consent is valid up to one year of this _____ date, and will be updated annually.

Individual Name Printed Individual Signature Date of Birth

Parent/Guardian Signature Date

Witness Signature Date