

HAMILTON CENTER, INC. OPERATIONS MANUAL

Section: **CONSUMER & FAMILY**

Policy No.: OP.09.01.00.00

Page 1 of 4

Policy: **RIGHTS OF SERVICE
RECIPIENTS**

Date Originated: 09/81

Last R/R Date: 04/21

BOD Approval Date: 08/12

Posted: 04/21

PURPOSE

The protection of individual rights and preservation of human dignity must be accorded to every individual who seeks services from Hamilton Center, Inc. (HCI).

POLICY

Each client's personal dignity shall be recognized and respected in the provision of all care and treatment. HCI provides services in a non-sectarian manner.

POLICY COMPONENTS

A. In its efforts to protect the rights of all service recipients and/or his/her authorized representative, HCI is guided by the following principles:

1. Be free from discrimination regardless of age, race, color, national origin, ethnicity, culture, religion, sex, gender, sexual orientation, gender identity expression, socioeconomic status and/or physical or mental disability.
2. Service recipients are entitled to considerate and respectful service that is free from abuse and neglect, financial and other exploitation, and retaliation and humiliation from all HCI staff.
3. All service recipients have a right to practice his/her religion.
4. All service recipients have a right of contact and consultation with legal counsel and private practitioners of the patient's choice at the patient's expense.
5. All service recipients shall be informed of the nature and objectives of the service in which they express interest and will be advised of program length, costs, fees and other pertinent matters prior to enrollment or participation in the service. Individuals enrolled as service recipients are entitled to full knowledge of their condition and prognosis, to examination of the client record, and to explanation of their service plan, procedures, prognosis, known effects of receiving and of not receiving treatment and the need for continued care or services. Individuals receiving inpatient and/or residential services are entitled to reasonable use of their own personal possessions, proper visitation with attorney and others, correspondence with others, observance of their own religion, and other rights as citizens such as voting and entering in contractual agreements, or any other legal rights as established by state and or federal law;.

6. A written statement delineating client rights shall be provided to all who seek services as well as a verbal explanation of his/her rights. Each program has written orientation procedures and a copy of Client Rights for that particular program. Each program unit has the responsibility for developing program procedures according to guidelines for client rights and for following these procedures with its clients.
7. Service recipients will give their informed consent when enrolled or admitted to any service or program, photographed, audio or video taped, or involved in any research activity.
8. Complete confidentiality in regard to all matters pertaining to the receipt of services will be observed. All service records will be handled in a confidential and professional manner respecting the recipient's right to privacy. Exceptions are handled according to the HCI policy on Release of Information from Consumer Records when Authorization is Not Required. HCI shall provide specific orientation for all new personnel in the principles of confidentiality and privacy as well as continuing training for all staff.
9. Any person who has received services and wishes to submit a critique, complaint, comment or complement about services is encouraged to do so without the fear of retaliation. Careful attention will be given to these responses from recipients and used to improve the quality of service provided by HCI. Consumer complaints are handled according to the HCI policy on Consumer Complaints. Recipient dissatisfaction is documented for review and follow-up. Recipients desiring further discussion of any complaint or grievance are directed to an appropriate staff member. This dialogue continues until the recipient is satisfied to the fullest extent possible.
10. Service recipients have the right to know who is providing the services they receive. Medical students and other student trainees involved in the provision of service, under the supervision and control of a physician or other certified staff, shall be identified to the recipient.
11. Service recipients who work for HCI will do so only under conditions detailed in each specific program procedures.

A. The following guidelines are established for the protection of client rights.

1. Be free from discrimination regardless of age, race, color, national origin, ethnicity, culture, religion, sex, gender, sexual orientation, gender identity expression, socioeconomic status and/or physical or mental disability.
2. Each client's personal dignity shall be recognized and respected in the provision of all care and treatment.
3. Each client shall have the right to receive all care in a safe setting free from all abuse, neglect or harassment, and financial or other exploitation, and retaliation or humiliation.
4. Each client shall have the right to participate in the development and implementation of his/her individualized treatment plan, which shall include the following:
 - a. the provision of adequate and humane service, regardless of the source(s) of financial support;
 - b. the provision of services within the least restrictive environment possible;
 - c. the provision of services outlined in the individual treatment plan;

- d. the periodic review of the treatment plan;
 - e. the active participation with his/her responsible parent(s), relatives, or guardians in planning for treatment; and
 - f. the provision of an adequate number of competent, qualified, and experienced professional clinical staff to supervise and implement the treatment plan.
5. Each client's personal privacy shall be assured and protected within the constraints of the individual treatment plan. When the client is receiving inpatient or residential services:
- a. The client has the right to have a family member or other representative notified promptly of his/her admission.
 - b. The client's family and significant others, regardless of their age, shall be allowed to visit the client unless such visits are clinically contraindicated;
 - c. Suitable areas shall be provided for patients to visit in private unless such privacy is contraindicated by the client's treatment plan;
 - d. Client shall be allowed to send and receive mail without hindrance;
 - e. Clients shall be allowed to conduct private telephone conversations with family and friends, unless clinically contraindicated;
 - f. If therapeutic indications necessitate restrictions on visitors, telephone calls, or other communications, those restrictions shall be evaluated for therapeutic effectiveness by the clinically responsible staff at least every seven days.
 - g. If limitations on visitors, telephone calls, or other communications are indicated, such limitations shall be determined with the participation of the client and the client's family. All such restrictions shall be fully explained to the client and the client's family.
 - h. There is a mechanism describing the process by which a person with mental retardation or other developmental disability may have access to a personal advocate.
6. Each client has the right to request the opinion of a consultant at his/her own expense or to request an in-house review of the individual treatment plan, as provided in specific procedures of the facility.
7. Each client shall be informed of his/her rights in a language s/he understands.
8. As appropriate, the client, the client's family, or the client's legal guardian shall be fully informed about the following:
- a. The rights of clients;
 - b. The professional staff members responsible for his/her care, their professional status, and their staff relationship;
 - c. The nature of care, procedures, and treatment that he/she will receive;
 - d. The current and future use and disposition of products of special observation and audiovisual techniques, such as one-way mirrors, tape recorders, television, movies, or photographs;
 - e. The risks, side effects, and benefits of all medications and treatment procedures used, especially those that are unusual or experimental;
 - f. The alternate treatment procedures that are available;
 - g. The right to refuse to participate in any research project without compromising his/her access to facility services;
 - h. The right, to the extent permitted by law, to refuse the specific medications or treatment procedures;

- i. The responsibility of the facility, when the client refuses treatment, to seek appropriate legal alternatives or orders of involuntary treatment, or, in accordance with professional standards, to terminate the relationship with the client upon reasonable notice;
 - j. As appropriate, the cost, itemized when possible of services rendered;
 - k. The source of the facility's reimbursement, and any limitations placed on duration of services;
 - l. The reasons for any proposed change in the professional staff responsible for the client or for any transfer of the client, either within or outside of the facility;
 - m. The rules and regulations of the facility applicable to his/her conduct;
 - n. The right to initiate a complaint or grievance procedure and the appropriate means of requesting a hearing or review of the complaint;
 - o. The discharge plan; and
 - p. The plans for meeting continuing mental and physical health requirements following discharge.
10. Persons receiving alcohol and drug treatment services have specific rights. The confidentiality of alcohol and drug abuse records as described in Code of Federal Regulations (42 CFR 2 .22) maintained by HCI is protected by this federal law and the corresponding regulations. HCI programs and services generally may not disclose that a client attends the program, nor disclose any information identifying a client as an alcohol or drug abuser unless:
- a. the client consents in writing;
 - b. the disclosure is allowed by a court order; or
 - c. the disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.
 - d. Violation of this Federal law and regulations is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.
 - e. Federal law and regulations do not protect any information about a crime committed by a client either at the program or against any person who works for the program or about any threat to commit such a crime.
 - f. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.
11. Each client who is receiving inpatient or residential services has the right to formulate advanced directives.
12. For each child receiving services protected by the Family Educational Rights and Privacy Act (FERPA), HCI will protect his/her student education records according to this federal law.
13. A written, dated, and signed informed consent form shall be obtained from the client, the client's family, or the client's legal guardian, as appropriate, for participation in any research project and for use or performance of the following:
- Surgical procedures;
 - Electroconvulsive therapy;
 - Unusual medications;
 - Hazardous assessment procedures;
 - Audiovisual equipment; and
 - Other procedures where consent is required by law.