

<b>UTAH STATE DEVELOPMENTAL CENTER DIRECTIVES AND PROCEDURE MANUAL</b>		
<b>INDIVIDUAL RIGHTS</b>	DIRECTIVE #: 30.08	PAGE 1 OF 5
EFFECTIVE DATE: 1-05-2000	REVISION DATE 9/21/2010	APPROVED: 9/21/2010
REVIEWING ENTITY: Social Work Professional Leader		
AUTHORITY	42 CFR: 483.410	Utah Health Facility Licensure Rules, as in effect 09-01-2006:
REFERENCES:	483.420	R432-150, R432-152
	483.440	Division of Services for People With Disabilities: R539
	483.450	

***A summary of Individual Rights is also available for those who have already received a copy of the following.***

**I. DIRECTIVE**

Individuals are guaranteed specific rights as established in Federal and State laws and regulations. The Utah State Developmental Center ensures these rights as described herein to all enrolled individuals. All individuals are provided appropriate services with no discrimination on the basis of race, color, creed, sex, religion, national origin or disability. In compliance with the Americans With Disabilities Act (1990), we will strive to support people we serve to have full equality, full participation, independent living, and economic self-sufficiency.

**II. PROCEDURE**

Guaranteed Individuals' Rights: Upon admission, each individual and/or their legal guardian shall be:

- A. Informed of their rights while at the Utah State Developmental Center.
- B. Informed of the rules of the Utah State Developmental Center.
- C. Informed of the services available at the Utah State Developmental Center.

Rights Restrictions: Individuals living at the Utah State Developmental Center have certain rights that are protected. The following is a summary of those rights. Any individual we serve may have their rights limited or restricted, by following appropriate formal steps which are adequately documented and reviewed by the team (which includes the individual, parent or guardian), and the Human Rights Committee. (See *"Restriction of Rights and Resolution Plan" Procedure*)

**III. INDIVIDUAL RIGHTS:**

**Individuals residing at the Utah State Developmental Center have the right to:**

**1. Equal treatment as a citizen under the law, including the guarantee of privileges afforded under the Constitution of the United States.**

Process: The Utah State Developmental Center (USDC) will allow and encourage an individual to exercise her/his rights as an individual of the facility, and as a citizen of the United States, including the right to file complaints and the right to due process. Individuals will be afforded the opportunity to voice grievances and recommend changes in policies and procedures.

**2. Be personally and/or through parent (if a minor)/guardian informed of the individual rights they are afforded.**

Process: These rights shall be posted in areas accessible to individuals living at USDC. A copy of these rights will be explained and given to the individual/guardian by the Professional Leader of Social Work or designee. This will occur prior to or at the time of admission. Individuals and/or their guardian will be informed of rights on a routine basis. This process will be documented on an acknowledgment form (Attachment A), which is filed in the individual's record.

<b>UTAH STATE DEVELOPMENTAL CENTER DIRECTIVES AND PROCEDURE MANUAL</b>		
<b>INDIVIDUAL RIGHTS</b>	DIRECTIVE #: 30.08	PAGE 2 OF 5
EFFECTIVE DATE: 1/05/2000	REVISION DATE: 9/21/2010	APPROVED: Karen Clarke

**3. Request access to their records and can expect all protected health information to be kept confidential.**

Process: To access her/his records, the Individual and/or guardian, or agents authorized by them in writing, may make a request to the records department. Records and verbal disclosures of information are confidential/protected, and should be disclosed only with consent.

**4. Access attorneys and health professionals.**

Process: Individuals have access to both attorneys and health professionals. Staff may assist with setting appointments. Expense associated with professionals not employed by the Utah State Developmental Center will be the responsibility of the individual, or where appropriate, the parent/guardian.

**5. Receive or refuse services.**

Process: Individuals will be involved in and/or manage all decisions, whenever possible, which relate to their well-being. An individual's right to refuse treatment may be limited by court order, legal guardian, or medical necessity. If an individual desires to refuse treatment, the need for the treatment shall be documented and the Restriction of Rights Procedure initiated, and in specified cases followed with a review by the Human Rights Committee. If such refusal would not allow the services or supports deemed clinically necessary to preserve life or limb to provide the necessary treatment, placement with another provider may be an option.

**6. An Individualized Person Centered Plan including the right to support services and to have personal responsibility for all short and long-range life decisions.**

Process: Individuals and guardians are part of the support team. Teams will develop Person Centered Plans for each person in service at the Center. The plan will be developed according to best practice Person Centered Planning.

**7. Receive suitable educational services.**

Process: The Alpine School District provides educational services for those who live at the Center and are eligible by law. Other educational and learning needs will be assessed where applicable, and addressed as part of the Person Centered Planning process.

**8. Be free from intrusive and aversive procedures.**

Process: Programmatic and emergency interventions to manage inappropriate behavior shall be the least intrusive, effective method. The use of time-out and/or restraint is prohibited unless absolutely necessary to ensure the immediate physical safety of the individual or others. Time-out may only be used as part of a pre-approved Behavior Support Plan, and not as an emergency intervention. Medication (behavioral one time orders) may only be used with medical approval. Techniques to manage inappropriate behavior must not be used for disciplinary purposes, for the convenience of staff, as a substitute for an active treatment program, or in a manner that causes undue physical discomfort, harm, or pain to the individual. Quantities of medications must not interfere with services, treatment, or habilitation. Interventions to manage inappropriate behavior must be employed with sufficient safeguards and supervision to ensure that safety, welfare, and civil and human rights of individuals are adequately protected.

<b>UTAH STATE DEVELOPMENTAL CENTER DIRECTIVES AND PROCEDURE MANUAL</b>		
<b>INDIVIDUAL RIGHTS</b>	DIRECTIVE #: 30.08	PAGE 3 OF 5
EFFECTIVE DATE: 1/05/2000	REVISION DATE: 9/21/2010	APPROVED: Karen Clarke

**9. Participate in the development of any intervention specifically designed to modify behavior.**

Process: All Behavior Support Plans shall be implemented only after the individual and/or guardian gives consent and is approved by the team. Intrusive procedures must be approved by the Human Rights Committee, Peer Review Committee and/or the State Behavioral Review Committee. All Behavior Support Plans shall incorporate Positive Behavior Supports with the least intrusive, effective method designed to assist the individual in acquiring and maintaining skills, and preventing problems.

**10. Be free of physical, verbal, sexual, or psychological abuse, neglect and exploitation.**

Process: Staff are accountable to abide by the Employee Code of Conduct (Directive #11.17.05). Any witnessed or suspected abuse, neglect, or exploitation by law must be reported to the proper authority. Staff should immediately report witnessed or suspected incidents directly to the Abuse Hotline (763-4125) or submit an Incident Tracking System form to the Incident Reporting Drop Box located by the Bid Box on the Northwest side of the Human Resources (Heather) Building **or by switchboard in the Administration building.**

**11. Have sufficiently trained staff on duty to respond to injuries, symptoms of illness, emergencies, and the management and supervision of individuals in accordance with the Person Centered Plan, and where applicable, the Behavior Support Plan.**

**12. Be provided with timely notification of parent (if a minor or as authorized)/ guardian for significant incidents or changes in the individual's condition, including serious illness, accident, death, abuse, unauthorized absence or other events as requested by the parent/guardian.**

**13. Own/use personal property, and have personal storage space.**

Process: Individuals shall have access to their own personal possessions, and individuals will be assisted in keeping personal possessions neat, clean and in good repair.

**14. Be free from involuntary search of person or property and free of seizure of property except as authorized by law, when justified by reasonable suspicion or as prescribed in an approved support service plan. (Directive # 30.16)**

**15. Not be compelled to participate in publicity events, fund raising activities, movies, photographs, videos or anything that could exploit the individual or invade her/his privacy.**

**16. Not participate as subjects in research projects or be subjected to experimental treatments without their informed consent.**

Process: Research may be done with appropriate approval through the treatment team (including Individual/Guardian), Human Rights Committee, Research Committee, and the Superintendent.

**17. Be treated with full recognition of individuality, consideration, dignity, respect, and have the right to personal privacy.**

**18. Manage their personal hygiene and be provided with opportunity for personal and bodily privacy during treatment and care of personal needs.**

Process: Individuals shall be assisted as needed in learning normal grooming practices using the least intrusive methods possible.

<b>UTAH STATE DEVELOPMENTAL CENTER DIRECTIVES AND PROCEDURE MANUAL</b>		
<b>INDIVIDUAL RIGHTS</b>	DIRECTIVE #: 30.08	PAGE 4 OF 5
EFFECTIVE DATE: 1/05/2000	REVISION DATE: 9/21/2010	APPROVED: Karen Clarke

**19. Live in a humane physical environment that is comfortable, safe, sanitary, and that considers personal choice.**

Process: Individuals will live in environments that promote comfort, safety, dignity, and privacy to maximize independence and individuality. Environments shall be modified to meet individual needs and be accessible.

Process: The Utah State Developmental Center shall provide a healthy, safe and sanitary environment which complies with Federal, State and local laws and regulations, and which meets Title XIX standards for facility design and furnishings.

Process: The Utah State Developmental Center promotes opportunity through choice and outcome based support.

**20. Receive a well-balanced and nutritionally adequate diet that meets the individual's dietary needs and meets his/her religious preference. No meal or portion of a meal can be denied for disciplinary, programmatic or other reasons.**

**21. Be free from unnecessary or excessive medication.**

Process: Medication shall be reviewed by medical, pharmacy and nursing staff. Medication shall not be used as punishment, for the convenience of staff, as a substitute for programming, or interfere with the individual's treatment program. The Human Rights Committee will review all psychotropic medications. Psychotropic medication use requires the consent of the individual/guardian.

**22. Receive appropriate, best practice approved treatment per the American Medical Association and other discipline specific guidelines.**

Process: Individuals living at the Center shall receive prompt evaluation and treatment by medical and professional staff.

**23. Work and be compensated fairly for their labor.**

Process: Individuals may voluntarily perform labor on or off campus. They may engage in therapeutic labor as part of their Person Centered Plan as described in the plan and approved by the team. Individuals will be compensated for labor performed at the Center or off-campus work sites. Individuals may be asked to assist with personal housekeeping tasks, such as making their bed.

**24. Keep and be allowed to spend one's own money for personal and incidental needs.**

Process: Individuals have the opportunity to manage their own financial affairs to the extent of their capabilities, and receive training and support to do so.

**25. Private visitations, telephone communications, and send/receive sealed mail.**

Process: Individuals living at the Center may receive or refuse visitors authorized by the individual/guardian between the hours of 8:00 a.m. and 9:00 p.m. daily. Visitation and telephone communications will not be restricted unless the individual's support team recommends it, and the restriction is approved by the Human Rights Committee.

Process: Individuals will be allowed to send and receive sealed mail. Individuals who lack the capacity to do so independently may be offered assistance by assigned staff. Any rights restrictions will need Human

<b>UTAH STATE DEVELOPMENTAL CENTER DIRECTIVES AND PROCEDURE MANUAL</b>		
<b>INDIVIDUAL RIGHTS</b>	DIRECTIVE #: 30.08	PAGE 5 OF 5
EFFECTIVE DATE: 1/05/2000	REVISION DATE: 9/21/2010	APPROVED: Karen Clarke

Rights Committee approval.

**26. Participate in social and community activities. Socialize and develop relationships with persons of choice.**

Process: The Utah State Developmental Center shall provide opportunity and support for individuals to develop interpersonal relationships.

**27. Freedom to exercise religious beliefs and have access to religious services of their choice.**

Process: No individual shall be coerced to engage in any religious activities. Individuals may choose to engage in religious activities of any faith. The Utah State Developmental Center will work with individuals to facilitate their ability to attend services and activities related to their religious practice.

**28. Change residence only for good cause in the best interest of the individual and by due process.**

Process: The interdisciplinary support treatment team will hold a transition meeting with the new provider and will individualize the transition plan to allow for the most successful transition based on the individual's needs. Transition may be supported by shared staff and ongoing communication between the Center staff team and the new provider.

Process: The individual may be discharged or transferred only for good cause in the best interest of the individual and by prior notice of due process, except in medical **and/or behavioral** emergencies. **Any medical and/or behavioral transfers will follow the procedure outlined in Directive # 20.02 Individual Residential Change.** Such actions will **also** be documented in the individual's record.

**29. Express dissatisfaction and receive resolution through informal or formal grievance processes.**

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Karen Clarke, Superintendent

**UTAH STATE DEVELOPMENTAL CENTER**

**ACKNOWLEDGMENT**

**INFORMED OF INDIVIDUAL'S RIGHTS**

Individual's Name: \_\_\_\_\_ File # \_\_\_\_\_ DOB: \_\_\_\_\_

My signature below verifies that I, as an individual or as parent or legal guardian of an individual residing at the Utah State Developmental Center, have read, or have had read to me, and received a copy of, the Utah State Developmental Center Directive # 30.08 (Individual Rights). I understand and agree with the information as written.

Signature or Mark of Individual \_\_\_\_\_ Date \_\_\_\_\_

and/or

Signature of Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

Received by:

Signature of USDC Representative \_\_\_\_\_ Date \_\_\_\_\_

Committee Review Date:

Form #:USDC h:\

BOX#: