

12 Rights of Individuals Receiving Services

NAC 4-007.01

Madonna respects and abides by the legal rights and responsibilities guaranteed to all individuals under the federal and state constitutions and federal and state laws. These rights can only be modified or suspended according to state or federal law. In order to provide equal opportunities to all individuals, decisions at Madonna will be based on merit, qualifications, abilities, and relevance to Madonna's stated mission. Madonna does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law. The Madonna Board of Directors and administration, including the Director of Employment Services, take responsibility for ensuring and protecting the rights and responsibilities of individuals.

Madonna acknowledges and protects individuals' rights under **HIPAA** that include: the right to request restrictions on certain uses and disclosures of his / her Protected Health Information (PHI); the right to receive confidential communications of his / her PHI; the right to inspect and copy his / her PHI; the right to request an amendment to his / her PHI; the right to an accounting of disclosures of his / her PHI. Files with this information are kept in a secure location with access limited to those responsible for handling the information.

At no time will Madonna or any of its employees treat rights as a privilege. Madonna gives individuals who receive services the following rights without limitation:

1. To humane care and treatment;
2. To be free from harm in safe and sanitary conditions;
3. To services provided with the highest standards accepted in the care of adults with developmental disabilities;
4. To not participate in non-therapeutic labor, and to be paid for one's work;
5. To participate in or not participate in religious observances in exercising the religion of one's choice;
6. To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which the individual is informed insofar that person is capable of understanding;
7. To be treated with dignity as a human being;
8. To not be the subject of experimental research without prior written and informed consent or that of a parent, if the person is a minor, or guardian;
9. To decide not to participate or to withdraw from any research at any time for any reason;
10. To adequate medical and dental care in a timely manner and to have access to consultation with a private physician at the individual's expense;
11. To be evaluated, treated or habilitated in the least restrictive environment;
12. To a nourishing, well-balanced and varied diet, and to be fed in a comfortable, usually upright position;
13. To be free from verbal and physical abuse;
14. To wear one's own clothes and to keep and use one's personal possessions;
15. To keep and be allowed to spend a reasonable sum of one's own money for canteen expenses and small purchases, and to keep one's personal possessions without having them confiscated or removed, as long as the possessions are not: banned from Madonna's campus, a barrier to services rendered to self or others, a potential threat to self or others.

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16. To have visitors and to communicate by sealed mail or otherwise with persons, including agencies inside or outside the facility;
17. To receive visitors of one's own choosing at reasonable times;
18. To have reasonable access to a telephone to make and receive confidential calls;
19. To have access to one's own mental and medical records;
20. To have opportunities for physical exercise and outdoor recreation;
21. To have reasonable, prompt access to current newspapers, magazines and radio and television programming;
22. To life and liberty;
23. To receive services without regard to race, color, religion, disability, sex, marital status, national origin or age;
24. To receive due process in the handling of complaints or the modification or denial of rights (see above, Section 08);
25. To an individual support plan (ISP) to learn appropriate behaviors and skills, along with adequate staff to carry it out;
26. To freedom of speech (excludes speech that is abusive, bullying/threatening, or intended to incite others to action that is illegal or potentially puts oneself or others in harms way);
27. To receive reasonable accommodation as required by the Americans with Disabilities Act, including Title II;
28. To refuse treatment and participate in all decision-making processes;
29. To legal representation; including the right to seek legal representation advocating on behalf of the individual served or to issue a complaint or grievance with Madonna or outside agencies.
30. To privacy;
31. To receive treatment, including age appropriate services and assistance which present opportunities to increase independence, interdependence, productivity and integration into the community;
32. The right to receive instruction to learn appropriate behaviors, skills and supports to ultimately live, work and recreate with people who do not have disabilities.

At no time will Madonna or any of its employees retaliate against individuals served, nor withhold services and supports, due to the individual, family members, or legal representatives advocating on behalf of the individual served. This includes initiating a complaint with outside agencies.

Any proposed limitation of rights must be reviewed by the Madonna Human Rights Committee in conjunction with the ISP team. A person receiving services and/or the person's parents, guardian or authorized representative shall be informed of the person's rights in language that is easily understood. At the time of enrollment and annually Madonna will ensure the person and/or the person's parents, guardian or legal representative receive a written description of the person's rights and how to exercise them. Rights will be read and explained in the best format for the person understands based on the person's needs. If a person receiving services has complaints of abuse, neglect or violation or limitation of rights, the person, the person's parents, guardian or authorized legal representative may contact their service coordinator.

Procedural Requirements Regarding Rights:

Madonna ensures that Rights and responsibilities are specified and this specification does not conflict with Title 404. Each individual served, parent, or legal representative is informed of the individual's rights and responsibilities, as well as types of support given, at the start of services and if changes occur.

The individual and his or her family or guardian(s) are entitled to request an impartial hearing and an appeal of any decisions or actions taken by Madonna regarding the individual's identification, evaluation, program, or placement. The individual and his or her family/guardian(s) may take part in these proceedings and have an attorney represent them. The following details the procedures:

- i. If the individual and his or her family/guardian(s) disagree with the identification, evaluation, placement, or with the provisions of one's ISP, they may make a request for a hearing to Madonna's President, indicating the specific reason(s) for the request. Upon receipt of the request, the President shall appoint the hearing officer.
- ii. Madonna may initiate a hearing regarding the identification, evaluation, or placement of the individual or the provision of services for the individual. Madonna shall notify the involved parties of the specific reason(s) for the request.
- iii. Madonna shall conduct hearings within twenty (20) business days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to all involved.

The individual and his or her family/guardian(s) are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

- i. The individual or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the Madonna President and the opposing party within twenty (20) business days of the date the hearing officer's decision is received. Madonna must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) business days of the receipt of the petition to review, unless either party requests an extension of time.
- ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.

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- iv. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with a relevant regulatory agency. Changes in the law, including timelines for filing a complaint, may affect an individual's rights.

I hereby acknowledge I have reviewed and received the above policy for Rights of Individuals Receiving Services NAC 4-007.01:

Date :

Client Signature

Date :

Legal Guardian Signature