

Catholic Charities of Onondaga County Policy: Protection of Persons Served Developmental Disabilities Services

Reference: NYCRR 633, 624, 635 Fed Rep: 482.420

Applicable to: OPWDD MSC, Family Support Services, Respite

This policy applies to all persons with developmental disabilities admitted to Catholic Charities of Onondaga County, Developmental Disabilities Services.

POLICY: Persons with developmental disabilities have the same civil and legal rights as other citizens. It is the policy of this agency that no person will be deprived of any right because of race, religion, natural origin, creed, age, gender, cultural identity, ethnic background, developmental disability or other handicap, sexual orientation, or health condition, such as one tested for or diagnoses as having an HIV infection. There shall be no discrimination for these or any other reason.

The rights set forth in this section are intended to establish the living environment for individuals that protects them and contributes to providing an environment in keeping with the community at large, to the extent possible, given the degree of disability of the individuals. Rights that are self-initiated or involve privacy or sexuality issues may need to be adapted to meet the needs of individuals with the most severe handicap and/or persons whose need for protection, safety, and health care will justify such adaptations. It is the responsibility of the Program to ensure that individual rights are not arbitrarily denied. Limitation of individual rights must be on an individual client basis and for clinical purposes. The clinical justification and specific period of time the limitation is to remain in effect shall be contained in the individual's plan of care.

1. I have the right to comprehensive case management services regarding my spiritual, mental, emotional, physical, sexual, and cultural development.
2. I have the right to a written individualized plan of service and the opportunity to participate in the development and modification of this plan and to object to and appeal any of its provisions. The focus of this plan is on maximizing my ability to cope with the environment, foster social competence, and will include but not be limited to: meaningful recreation, productive activities, contact with the community and with non-disabled persons, and will enable me to live as independently as possible.
3. I shall be assured of confidentiality with regard to all information contained in my record and access to such information is subject to provisions of Article 33 of the Mental Hygiene Law. Further, the right to confidentiality relative to HIV related information will be maintained in accordance with the Public Health Law and Catholic Charities of Onondaga County policy. Information may only be released by written consent of myself, my guardian/parent for specific time-limited requests or as stipulated in HIV Confidentiality Policy.
4. I will be free from discrimination, abuse, or any adverse action based on my status as one who is the subject of an HIV related test or who has been diagnosed as having the HIV infections, AIDS, or HIV related illness.
5. I, my parent (if I am a minor), or my legal guardian shall be informed of my rights and the rules of the facility and the guarantee that these rights shall not be abridged.

6. I, my parent, or my legal guardian shall be fully informed of my medical condition, developmental, and behavioral status, attendant risks of treatment, and I have the right to refuse treatment.
7. I have a right to room and board and all support services offered in a safe, sanitary environment.
8. I have the right to the utilization of all public rooms within the facility, as well as to equipment within the facility, unless to do so would be detrimental to me or an infringement on the rights of other residents. I understand that the denial of my right to use public rooms must be documented and discussed with me.
9. I shall be encouraged to invite my family and friends to the residence. Appropriate space conducive to the development of social relations shall be available for visiting. Parent and relatives, with my consent, shall be permitted to visit my room.
10. I may communicate, associate, and meet privately with persons of my choice, unless to do so would infringe upon the rights of other individuals in the residence or impair my health or well-being. I further understand that such meeting will be in accordance with this agency's policies and practices.
11. I shall have the assistance, guidance, and services from staff who are trained to administer services adequately, humanely, and skillfully with consideration, respect, and full recognition of my dignity, individuality, and personal integrity, as well as my religious and cultural identity, including privacy in treatment and in the care of my personal needs.
12. I may participate in activities of social, religious, and community groups at my discretion, unless contraindicated for reasons documented by a qualified mental retardation professional as inappropriate and so noted in my record.
13. I have the right to observe and participate in the religion of my choice, through the means of choice, including the choice not to participate.
14. I have a right to individually owned clothing which fits properly and is appropriate for age, season, and activity and the opportunity to be involved in the selection of that clothing.
15. I have a right to a reasonable amount of safe, clean, individual, accessible storage space for clothing and other personal belongings, used on a day to day basis.
16. I may send and receive personal mail unopened, unless contraindicated by the interdisciplinary team.
17. I have the right to the use of my personal finances and property, to assistance in the use of my own resources, and to regular notice of that financial status. I may manage my own finances or I may authorize the agency, in writing, to handle my personal financial affairs on my behalf.
18. I have the right to adequate, individually owned grooming and personal hygiene supplies.
19. I have a right to a balanced and nutritious diet, served at appropriate times and in a normal manner. My meals shall not be altered or denied for behavior management or disciplinary purposes.
20. I understand that common activities, such as meal time, clean up, laundry routines, shall be scheduled at a time convenient to the needs of the residents.
21. I have a right to the receipt of information on or prior admission, regarding supplies and series that the facility will provide or for which additional charges will be made, and timely notification of any changes after my admission.
22. I will be advised of all policies of the agency which affect my life.
23. I may be assured that I am free from physical, emotional, psychological abuse, corporal punishment, neglect, mistreatment, unnecessary mechanical restraining devices, and unnecessary

or excessive medications and protected from commercial or other exploitation. If the Interdisciplinary Team and/or program physician and psychiatrist feel that medication, in conjunction with a behavioral program to assist me in behavioral control, is indicated, a separate permission from my guardian will be sought before institution of such therapy. The plan would also include the use of active treatment to reduce dependency on drugs.

24. I have the right to be free from the use of aversive stimuli to control my behavior.
25. To the extent that I am capable, I have the right to the opportunity to register and vote and be educated in my civic responsibility.
26. I shall be encouraged and assisted to exercise my rights as a citizen and to this end may voice grievances and recommend change in policies and services to the facility staff and/or outside representative of my choice, free from restraint, interference, coercion, discrimination, or reprisal. I understand my right to due process and the grievance procedure of the agency in this regard.
27. I am not required to perform services for the facility, except those which are part of my developmental plan in which I am involved in skills training and development. I will be compensated at prevailing wages for work performed which is other than shared duties and domiciliary tasks.
28. I shall participate in the formulation of special guidelines and house rules which relate to the programs and activities of the residence, where possible.
29. I shall have access to telephones with privacy for incoming and outgoing local and long distance calls except as contraindicated by ability or other factors identified by the interdisciplinary team.
30. I shall have the right to access clinically sound instructions on the topic of sexuality and family planning services and information about these services. Access will be provided individually to me as needed and at a level I can understand.
31. I shall have the opportunity to make or have made on my behalf, an informed decision regarding cardiopulmonary resuscitation in the event of cardiac or respiratory arrest (until/unless this informed consent is made, each person is presumed to consent to the administration of cardiopulmonary resuscitation).
32. I shall have the opportunity to create a health care proxy.
33. I shall have the freedom of sexual expression as limited by my consensual ability to do so, provided such expression does not infringe on the rights of others. (The program has the right to reasonably limit the expression of sexuality including the time and location thereof, in accordance with a plan for effective house management and rights of others.)