



## Home and Community Based Services Recipient and Protection Related Rights

### I. Policy

Lakes Homes and Program Development, Inc must help the persons they serve exercise and protect their rights as identified in Minnesota Statutes, section 245D.04.

### II. Procedures

- A. Lakes Homes must provide each person served, or their legal representative, with a written notice that identifies the service recipient rights and an explanation of those rights within five working days of service initiation and annually thereafter.
- B. Lakes Homes must make reasonable accommodations to provide the information in a format or language as needed to facilitate understanding of these rights.
- C. Lakes Homes must maintain documentation that the person and/or legal representative received a copy and an explanation of the rights.
- D. Lakes Homes must ensure the exercise and protection of the person's rights in the services provided and as authorized in the coordinated services and support plan.
- E. Restrictions of a person's rights are allowed only if determined to be necessary to ensure the health, safety and well-being of the person. Any restrictions of those rights must be documented in the person's CSSP or CSSP addendum. The restriction must be implemented in the least restrictive alternative manner necessary to protect the person and provide support to reduce or eliminate the need for the restriction in the most integrated setting and inclusive manner.
- F. The documentation must include the following information:
  1. The justification for the restriction based on an assessment of the person's vulnerability related to exercising the right without restriction
  2. The objective measures set as conditions for ending the restrictions
  3. A schedule for reviewing the need for the restriction based on the conditions for ending the restriction to occur semi-annually from the date of the initial approval, at a minimum or more frequently if requested by the person, the person's legal representative, if any and case manager
  4. A signed and dated approval for the restriction from the person, or the person's legal representative, if any. A restriction may be implemented only when the required approval has been obtained. Approval may be withdrawn at any time. If the approval is withdrawn, the right must be immediately and fully restored, and evidenced in the person's file

5. Personal, financial, service, health, and medical information to be kept private, and the person, or the person's legal representative, if any be advised of disclosure of this information by Lakes Homes
  6. Accessible records and recorded information about the person in accordance with applicable state and federal law, regulation, or rule
- G. Recipient related rights:
1. Will be free from maltreatment
  2. Will be free from restraint, time out, seclusion, restrictive intervention, or other prohibited procedure, except for emergency use of manual restraint to protect the person from imminent danger to self or others according to the requirements in section 245D.061 or successor provisions, or the use of safety interventions as part of a positive support transition plan under section 245D.06, subd 8, or successor provisions
  3. Will receive services in a clean and safe environment
  4. Be treated with courtesy and respect and receive respectful treatment of the person's property
  5. Be allowed reasonable observance of cultural and ethnic practice and religion
  6. Be free from bias and harassment regarding race, gender, age, disability, spirituality, and sexual orientation
  7. Be informed of and use Lakes Homes' grievance policy and procedures, including knowing how to contact persons responsible for addressing problems and to appeal under section 256.045
  8. Know the name, telephone number and the web site, e-mail and street address of protection and advocacy services, including the appropriate state appointed ombudsman, and a brief description of how to file a complaint with these offices
  9. Assert these rights personally, or have them asserted by the person's family, authorized representative, or legal representative, without retaliation
  10. Give or withhold written informed consent to participate in any research or experimental treatment
  11. Associate with others of the person's choice
  12. Have personal privacy, including the right to use the lock on the person's bedroom or unit door
  13. Engage in chosen activities
  14. Have access to the person's possessions at any time, including financial resources
  15. Have daily, private access to and use of a non-coin operated telephone for local calls and long-distance calls made collect or paid for by the person
  16. Receive and send, without interference, uncensored, unopened mail or electronic correspondence or communication
  17. Have use of and free access to common areas in the residence and the freedom to come and go from the residence at will
  18. Choose the person's visitors and time of visits and have privacy for visits with the person's spouse, next of kin, legal counsel, religious adviser, or others, in accordance with the Human Rights Act, including privacy in the person's bedroom
  19. Have freedom and support to access food and potable water at any time
  20. Have freedom to furnish and decorate the person's bedroom or living unit
  21. Have a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin and insects
  22. Have a setting that is free from hazards that threaten the person's health or safety
  23. Have a setting that meets the definition of a dwelling unit within a residential

occupancy as defined in the State Fire Code

24. Take part in planning and evaluating the services that will be provided
25. Will be informed if I will be sharing a bedroom with another person
26. Have the right to refuse or stop services and be informed about what will happen if the person refuses or stops services
27. Know before the person starts to receive services from Lakes Homes, if the program has the skills and ability to meet the person's need for services and supports
28. Take part in activities that the person chooses, including seeking employment and to work in integrated competitive settings, and Lakes Homes will provide the person with services and activities that compliment work schedules
29. Lakes Homes will facilitate providing opportunities and support for the person to be fully included in the greater community, individually and in groups and to build community relationships as desired