

## FOOTHILLS GATEWAY, INC.

### Informed Consent - Rights Modifications

#### **PROCEDURE:**

Any Person in an HCBS setting whose rights are being modified (example: previous rights suspensions or restrictive procedures) the Case Manager must inform them of the proposed modification and obtain signed informed consent.

#### **Program Approved Service Agency (PASA):**

- Will develop an informed consent form to be used by their agency anytime a right is to be modified. The form will meet the expectations outlined in the HCBS settings rule.
- Will assure that all less restrictive options have been tried prior to seeking a rights modification. It is also best practice to talk with the person, advocate, legal guardian and Case Manager about the need for the rights modification before submitting the informed consent.
- The PASA will submit agency informed consent form, (through secured email), to the Case Manager, prior to implementation.

#### **Case Manager:**

- Will schedule a time to meet with the person to discuss the informed consent
- Will meet with the person and consult with the legal guardian to review proposed rights modification
- If the person agrees to the rights modification:
  - The form will be signed by the person and guardian
  - A copy of the form will be sent to the person and legal guardian
  - A secured electronic copy will be sent to the PASA
  - The original will be sent to file room to be entered into the master record/virtual file
  - Complete a log note in the BUS with the date the informed consent was signed.
  - Document in the HRC portion of the DD section that there is a rights modification in place.
- If the person or guardian does not agree with the rights modification, the Case Manager will:
  - Offer options including referral to another PASA or IRSS setting.
  - Contact the PASA immediately and tell them that the person does not want to sign the informed consent and the alternative options they are seeking.
  - Schedule an IDT meeting if necessary to review other options and timelines

**Other:**

- HRC will review rights modifications and informed consents if the modification falls into areas that need HRC review.

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