

FOOTHILLS GATEWAY, INC.

Rights of Individuals

POLICY:

It is the policy of Foothills Gateway, Inc. to ensure adherence to the provisions of Colorado Revised Statutes (CRS-25.5-10-218 through and including CRS25.5-10-231; as amended) concerning the rights, benefits and privileges of persons funded in whole or part through the Health Care Policy and Financing (HCPF).

PROCEDURE:

Members have the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitutions and federal and state laws unless such rights are modified by court order. Rights may be modified as outlined in the rules and regulations of HCPF.

Every person has the right to receive the same consideration and treatment as anyone else regardless of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability.

No individual, their family members, Guardians, or other legally authorized representatives may be retaliated against in their receipt of Case Management services or supports of direct services and supports as a result of attempts to advocate on their own behalf.

Rights of Members:

1. The individual and/or the individual's legally authorized representative, as necessary, is full informed of the individual's rights and responsibilities.
2. Each individual and/or their legally authorized representatives participates in the development and approval of, and is provided a copy of, the individual's Person-Centered Support Plan (PCSP).
3. The individual and/or the individual's legally authorized representative selects service providers from among available qualified and willing providers.
4. The individual and/or the legally authorized representative has access to a uniform complaint system provided for all individuals served by the Case Management Agency.
5. The individual who applies for or receives publicly funded benefits and/or the individual's legally authorized representative has access to a uniform appeal process when benefits are denied or reduced, and the issue is appealable.
6. Each individual has the right to medical care and treatment. The Member must have access to appropriate dental and medical care and treatment for any physical ailments and for the prevention of any illness or disability.
7. Each individual will be protected from mistreatment, abuse, neglect, and exploitation. All service and support interventions will adhere to the guidelines established in the rules and regulations of HCPF.
8. Each individual has the right to practice the person's own religious beliefs.

- a. Opportunities for worship will not be limited to or arranged for the purpose of staff convenience or based on staff preferences.
 - b. No individual will be required to perform any act or be subject to any procedure whatsoever which is contrary to their religious belief.
5. Each individual will have the opportunity to communicate freely and privately with persons of the individual's choosing, including having reasonable access to a telephone both to make and receive calls in private.
6. Each individual is able to receive and send sealed, unopened correspondence or packages. No such correspondence or package will be opened, delayed, held, or censored by any person.
7. Each individual will be afforded reasonable and frequent opportunities to meet with visitors. Visits may be made at reasonable hours without prior notice but with consideration for roommates.
8. Each individual will be afforded suitable opportunities for interaction with other persons and the community at large.
9. Each individual has the right to sexual interaction based on the person's individual choice. Policies and procedures of provider agencies may not prohibit that right.
10. Each individual has the right to possession and use of their own clothing and personal effects.
11. Each individual has the right to manage their own fiscal affairs.
 - a. In general, each person is presumed able to manage their own funds unless the rights modification process has been followed.
 - b. Each person has the right to purchase property.
12. Each individual has the right to represent their interests and to attempt to influence the policies of the HCPF, Case Management Agency, Regional Center.
 - a. The Case Management Agency will assure that individuals have access to the Board of Directors or trustees to express interests and opinions on policies of the agency.
 - b. No person will be retaliated against in their receipt of services or otherwise as a result of attempts to advocate on their own behalf with the agency.
13. Each individual will have the right to read or have explained any rules or regulations adopted by HCPF and policies and procedures of the agency pertaining to such person's activities and supports, or to obtain copies of any of these documents at a reasonable cost.
 - a. Agencies will inform individuals, parents, guardians and/or authorized representative of the rights provided in CRS-25-5-10-218 through and including CRS 25-5-10-231; as amended.
 - b. Individuals, parents of minors, guardians and/or the person's authorized representative will be provided a written summary of rights and a description of how to exercise them at the time of eligibility determination, at the time of admission, or at the time any changes are made in the description of rights or substantive changes are being considered in the person's Service Plan
 - c. The agency will provide this information in a manner that is easily understood verbally, and in writing in the native language of the person, or through other modes of communication as may be necessary to enhance understanding.
 - d. Provider agencies will provide ongoing instruction on how to exercise rights.

- e. The agency will maintain signed documentation that the individual, parent of a minor, guardians and/or authorized representative has received the statement of rights.
 - f. A review and verbal description of rights will be provided at the annual Person Centered Service Plan meeting.
 - g. The rights of the individual, parent of a minor, or guardian and/or authorized representative will be described at each annual SP meeting.
14. No individual will be required to perform labor. A person may voluntarily engage in labor accordance with stipulations of CRS 25.5-10-224 as amended, and applicable minimum wage laws. Each individual who is eligible to vote according to law will have that opportunity. If they so choose, they can be assisted by provider agencies to exercise this right.
 15. Each individual has the right to a record which will be maintained by Case Management Agency pursuant to the rules and regulations of HCPF.
 - a. This record will not be a public record.
 16. No person will be discriminated against because of race, color, national origin, religion, gender, disability or because he or she has received services or supports under any provision of CRS 25.5-10, as amended.
 17. Each person has the right to decline to participate in research.

Safeguarding Rights of Person Receiving Services

1. An individual's right under the provision of CRS 25.5-10 as amended, may be modified only if the person consents or by court order in accordance with the rules and regulations of HCPF or by a court order pursuant to CRS 25.5-10-216 as amended.
 - a. When rights modification is under consideration, the rights affected shall be specifically explained to the individual by their case manager. w Informed consent shall be given as defined in the rules and regulations of HCPF and the HCBS Settings Rule to the appropriate parties.
 - b. Informed consent will be signed and the rights modification and informed consent documented in the Care and Case Management CCM System's Rights Modification Section. The CCM documentation will be sent to the person/legal guardian and the provider
 - c. When a right has been modified, the continuing need for such modification shall be reviewed by the MIT at a frequency set by the team but not less than every six months.
 1. Such review shall include the original reason for the rights modification, current circumstances, success or failure of programmatic intervention, and the need for continued suspension or modification.
 2. Restoration of affected rights shall occur at the time circumstances justify and shall not be delayed for the convenience of the agency.
 - d. Prior to modifying a right, Notice and Informed Consent must be given, and such action for individuals receiving intellectual and developmental (IDD) services a referral will be made to the Human Rights Committee (HRC) for review and recommendation. (See Human Rights Committee - policy and procedures and Informed Consent Procedure. Such a review will include an opportunity for the person who is affected, parent of a minor, guardian

and/or authorized representative to present relevant information to the Human Rights Committee.

a.

1/86 ... 6/22; 10/23; 5/24, 5/25