

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 8.32 BPM

Individual Rights

Purpose:

The purpose of this policy is to ensure that an individual's civil, human, and legal rights shall not be abridged without due process or solely on the basis of their diagnosis. This obligation exists even when the individual has a guardian or another individual assisting them to make decisions. Services provided are intended to meet the individual's identified needs while promoting choice, self-determination, self-advocacy and maximum protection of the individual's rights.

Policy:

Each individual actively receiving Board services will be presented information regarding their rights prior to the beginning of service delivery or upon initiation of services. Rights information will be available at all times for review and clarification and will be reviewed with each individual at least annually. Rights information will be addressed during the intake process, through the annual Individual Service Plan process, planning meetings, consumer meetings/councils, and the appropriate handbook. Throughout this process, rights information shall be communicated in a manner that is clear and understandable to the individual.

The Board shall utilize the Bill of Rights as outlined in Ohio Revised Code 5123.62 as the basic fundamental rights of each person served however, these basic rights will be enhanced to include additional rights or responsibilities as appropriate. A full listing of the Bill of Rights is included with this process.

An individual's civil, human and legal rights shall not be restricted without due process. An individual or their representative may exercise their right to challenge any restriction or alleged rights violations with complete freedom from retribution or retaliation.

The Board has fully authorized the Superintendent to develop procedures that address obtaining informed consent of the individual served, use of the Human Rights Committee when a right is restricted, a formal complaint procedure, and the process utilized when an individual refuses to consent to necessary services.


Board President


Superintendent

Adopted: 2/24/2020

Reference:

ORC 5123.62
CARF ASPIRE Standards
Section K

Bill of Rights

- (A) The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality;
- (B) The right to an appropriate, safe, and sanitary living environment that complies with local, state, and federal standards and recognizes the persons' need for privacy and independence;
- (C) The right to food adequate to meet accepted standards of nutrition;
- (D) The right to practice the religion of their choice or to abstain from the practice of religion;
- (E) The right of timely access to appropriate medical or dental treatment;
- (F) The right of access to necessary ancillary and concurrent services, including, but not limited to, occupational therapy, physical therapy, speech therapy, and behavior modification and other psychological services;
- (G) The right to receive appropriate care and treatment in the least intrusive manner or refuse or modify services as desired;
- (H) The right to privacy, including both periods of privacy and places of privacy;
- (I) The right to communicate freely with persons of their choice in any reasonable manner they choose;
- (J) The right to ownership and use of personal possessions so as to maintain individuality and personal dignity;
- (K) The right to social interaction with members of either sex;
- (L) The right of access to opportunities that enable individuals to develop their full human potential;
- (M) The right to pursue vocational opportunities that will promote and enhance economic independence;
- (N) The right to be treated equally as citizens under the law;
- (O) The right to be free from emotional, psychological or physical abuse, neglect, retaliation, humiliation, and financial or other forms of exploitation.
- (P) The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation or refuse or modify these services as desired;

- (Q) The right to participate in decisions that affect their lives;
- (R) The right to select a parent or advocate to act on their behalf, and choose the composition of their service delivery team;
- (S) The right to manage their personal financial affairs, based on individual ability to do so;
- (T) The right to access their own records and to confidential treatment of all information in their personal and medical records, except to the extent that disclosure or release of records is permitted under sections 5123.89 and 5126.044 of the Revised Code and to review, approve, or refuse requests for release of information;
- (U) The right to voice grievances and recommend changes in policies and services without restraint, interference, coercion, discrimination, or reprisal;
- (V) The right to be free from unnecessary chemical or physical restraints;
- (W) The right to participate in the political process;
- (X) The right to refuse to participate in medical, psychological, or other research or experiments and adherence to research guidelines and ethics if/when the person chooses to participate.
- (Y) Access or referrals to legal entities for appropriate representation, self-help support services, and advocacy support services.
- (Z) The right to have any alleged infringement of rights investigated and resolved and to exercise any other legal rights provided by law.