

**LAKE COUNTY BOARD OF DD/DEEPWOOD**

**BOARD POLICY**

Reviewed and Adopted by the Board:

Date: September 27, 2010

\_\_\_\_\_  
Signature on file

Elfriede Roman, Superintendent

**I. SUBJECT: RIGHTS OF PERSONS WITH MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

**II. PURPOSE:**

To assert and ascertain the rights of persons with mental retardation and developmental disabilities across all programs operated directly by or under contract with the Board, by all employees of those programs, and for all individuals served by those programs.

**III. REFERENCES:**

42 CFR 483.10 Requirements for Long Term Care Facilities

O.R.C.5123.62, 5123.63, 5123.64 Legal Rights Services

O.A.C.3301-51-08 Due Process Procedures

LCBDD/Deepwood Policy A-6 Handling of Public Complaints

LCBDD/Deepwood Policy A-20 Human Rights Committee

LCBDD/Deepwood Policy C-1 Administrative Resolution of Complaints

Commission on Accreditation of Rehabilitation Facilities (C.A.R.F.) Accreditation  
Criteria and Standards

**IV. POLICY:**

A. Individuals with mental retardation and/or developmental disabilities have the same rights as all other citizens of the same age. A description and listing of the rights of persons with mental retardation or developmental disabilities as adopted by law (O.R.C. §5123.62) is appended.

B. All individuals served, their parents, guardians, and advocates shall be informed of the individual's rights upon enrollment in any program(s), and annually thereafter, if the individual has an annual plan.

If the individual is under the age of 18 or has a legally appointed guardian, the parent or guardian, shall acknowledge review of these rights at the individual's

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annual plan meeting by signing a Client Rights Statement (Attachment " A"). If the parent or guardian is unable to attend the individual's annual plan meeting at which the rights are reviewed, alternative arrangements (e.g., conference, mailing) shall be made to ensure that a signed acknowledgment is obtained.

If the individual is 18 years of age or older and is his/her own guardian these rights shall be reviewed with the individual. The individual shall acknowledge review of these rights at his/her annual plan meeting by signing the Client Rights Statement (Attachment " A"). Should the individual's parent or advocate be present when the rights are reviewed with the individual, they shall also sign the Client Rights Statement as a witness.

Reasonable and appropriate means will be used to assist any individual who requires special accommodation to understand his/her rights. If the individual's team determines that the individual is not capable of understanding these rights, every effort shall be made to ensure that these rights are reviewed with the parent or advocate and that they acknowledge said review by signing the Client Rights Statement (Attachment "A").

- C. The Human Resource Department shall review these rights with all new employees as a part of the pre-employment process. The new employee shall acknowledge review of these rights by signing an Employee Acknowledgment of Client's Rights Statement (Attachment "B"). All current employees shall review these Client Rights and shall sign an Employee Acknowledgment of Rights Statement on an annual basis, at the time of their performance evaluation. Signed acknowledgments shall be placed in the employee's personnel file.
- D. A copy of these rights, the telephone number of Ohio Legal Rights Service, the Department of Developmental Disabilities, and the Lake County Board of Developmental Disabilities/Deepwood shall be posted at all times in each program area in a place accessible to all individuals receiving services. Procedures for resolving complaints of violations, per Board Policies A-6 and A-20, shall be readily accessible to all individuals receiving services.

**V. DISTRIBUTION:**

All Board Members  
All Management Staff  
All Staff (Via Department Managers)  
PATMR President

**VI. REVIEWED:**

9/10, 10/08, 4/08, 5/06, 5/04, 5/02, 5/00, 7/92

(Attachment A)

Individual's Name:

Individual Rights

- Be treated nicely at all times and as a person
- Have a clean, safe place to live in and a place to be alone
  - Have food that is good for you
- Be able to go, if you want, to any church, temple, mosque
  - Be able to go to a doctor or dentist when you are sick
- Be able to have people help you with the way you walk, talk, do things with your hands, act or feel if you need it
  - Be able to have people help and teach you, if you want
  - Be able to have time and a place to go to be by yourself
- Be able to call, write letters or talk to anyone you want about what you want
  - Be able to have your own things and be able to use them
    - Be able to have men and women as friends
- Be able to join in activities and do things that will help you grow to be the best person you can be
  - Be able to work and make money
- Be able to keep my own money and decide how to spend it and I can tell my staff if I feel someone has taken or used my money or possessions
  - Be treated like everyone else
  - Not be hit, yelled at, cursed at, or called names that hurt you
- Be able to learn new things, make friends, have activities, and go into the community
- Be able to tell people what you want and be part of making plans/ decisions about your life
- Be able to ask who you want to help you, let others know how you feel or what you want
- Be able to use your money to pay for things you need and want with help, if you need it
  - Be able to say yes or no before people talk about what you do at work or home or look at your file
- Be able to complain or ask for changes if you don't like something without being afraid of getting in trouble
- Not be given medicine that you don't need or held down if you are not hurting anyone
  - To vote and learn about laws and your community
  - To say yes or no to being part of a study or experiment

\_\_\_\_ I have read the rights listed above

\_\_\_\_ I have had explained to me the rights listed above by \_\_\_\_ ( staff

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name)\_\_\_\_\_

\_\_\_\_\_I have had the rights listed above explained with pictures by \_\_\_(staff  
name)\_\_\_\_\_

\_\_\_\_\_  
Signature & Date  
& Date

\_\_\_\_\_  
Parent/ Legal Guardian Signature

\_\_\_\_\_  
Witness Signature & Date

If you have questions or concerns about your rights, you may call Ohio Legal Rights Service's toll free at 1.800.282.9181,  
or the Ohio Department of DD Office of Consumer Affairs toll free at 1.800.228.5405,  
or Lake County Board of DD/Deepwood at 1.440.350.5100.

**(Attachment B)**

**CLIENT RIGHTS**  
**OHIO REVISED CODE 5123.62**

The rights of persons with mental retardation and developmental disabilities include, but are not limited to:

- 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;

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- F. The right of access to necessary ancillary 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;
- 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, financial, psychological, and physical abuse or exploitation;
- P. The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation;
- 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;
- S. The right to manage their personal financial affairs, based on individual ability to do so;
- T. The right 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;
- 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;

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- X. The right to refuse to participate in medical, psychological, or other research or experiments.

If a consumer has questions or concerns about his/her rights, he/she may call Ohio Legal Rights Services' statewide toll free intake service at 1-800-282-9181; or the Ohio Department of DD at 1-866-313-6733; or, the Lake County Board of DD/Deepwood at (440) 350-5100.

**A. Employee Acknowledgment:**

I have read and acknowledge the rights of mentally retarded or developmentally disabled persons as listed above. I further accept my responsibility as an employee to respect and protect these rights at all times.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date