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YOUR RIGHTS

In late 2011 and early 2012 DHS released a new ‘Rights of Individual’ form (IL462-1201 (R-3-13) Rights of Individuals). It expanded the definitions particularly issues such as exploitation and money/banking. This had become a statewide problem related to staff access to individuals PIN numbers for debit cards. Unfortunately the form left off materials that are specifically required during other certifications and state regulatory reviews such as Language and Cultural Diversity. It was Elm City ’s decision to simply add the additional information to the existing form.

II. POLICY

Elm City is committed to protecting your rights while you are in any of the programs and services it operates. You, your family, and/or legal guardians will be informed of these rights before services are provided and will be kept informed of circumstances that could affect your status in an Elm City Center program. We will continue to operate our programs with your best interest in mind, even if you do not completely understand these rights, we (and any service team Elm City works with) will follow the rules of the State of Illinois, Federal regulations, and accreditation standards. These rights specifically include the rights outlined In Chapter II Of The Illinois Mental Health And Developmental Disabilities Services Code(405 ILCS 5/Ch. II_

III. PROCEDURE

1. **Retention of rights** - You maintain all legal and civil rights guaranteed by law, and shall not lose these rights solely because you are receiving services. These include the right to vote and the freedom of religion.
2. **Non-Discrimination** - You have a right to services without discrimination because of sex, race, national origin, religion, or disability.
3. **Selection of providers** – You have the right to choose your own providers and change providers if necessary. This includes the composition of the service team and coordination of concurrent services. You should contact your individual Service and Support Advocacy agency for assistance with this. You have the right to know if the service provider is not meeting quality standards and to look at written review and survey reports describing the quality of the services. Review and survey results are posted on the department’s website for your information. Summary data about allegations of abuse, neglect, and exploitation is posted there as well. Information about allegations at specific sites is available upon request from your ISSA agency.
4. **Humane Care and Service Plan** - You have a right to adequate and humane services provided in a clean, healthy, and safe environment that is in the least restrictive setting and an individualized service plan.

5. **Abuse or Neglect** - You have a right to be treated in a manner that is not psychologically, physically, sexually, mentally, or verbally abusive. If you think someone has treated you badly, or has taken advantage of you, you should tell someone you trust so that the problem can be resolved. All incidents of abuse or neglect shall be reported to the appropriate Office of the Inspector General.
6. **Exploitation** – If you are 18 years of age or older you have the right to be free from exploitation of your property or finances. Corporal punishment, seclusion, abuse, neglect, and exploitation are prohibited. Any incidents of exploitation shall be reported to the appropriate Office of the Inspector General.
7. **Restraints and Restrictive procedures** – Restraints may be used only to protect you from physically harming yourself or others, or as part of a medical surgical procedure, and only under the supervision of a properly qualified professional. You (or guardian) must give informed consent before restrictive procedure may be included in the plan. Mechanical restraints, seclusion, and time-out shall not be used by Elm City .
8. **Seclusion** - Use of seclusion is not permitted. Time-out is defined as seclusion in a locked room.
9. **Confidentiality** – Personal information about you and the services you receive is private and may be shared only if allowed as outlined in the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]and the Health Insurance Portability and Accountability Act (HIPAA 45 CFR 160 and 164) regulations. A system of controlled access to your records shall be maintained. No information about you shall be released to persons outside the agency without the written permission from you or your guardian unless access is required by law. A legally competent individual, an individual with a guardian, or a guardian of an ECC individual may review the information contained in the case file.
10. **Mail/Phone Calls/Visits** – You have the right to communicate with other people in private, without obstruction or censorship by the staff. Communication by these means may be restricted, but only to protect you or others from harm, harassment, or intimidation. At Elm City residential facilities, the Program Coordinator shall be responsible to ensure that unimpeded methods of communication by phone, mail, and personal visits are available to all residents.
11. **Property** – You have the right to receive, possess, and use personal property unless it is determined that certain items are harmful to you or others. When you stop receiving services from an agency, all lawful property must be returned to you. At the Elm City day programs, you will be given a locker to store personal property while at the program. If you live in an Elm City residential facility, you are entitled to a reasonable amount of space in which to keep personal possessions. Personal property shall be restricted only for items which may be a danger to others, or which may be a safety concern.
12. **Money** – You may use your money as you choose, unless you are prohibited from doing so under a court guardianship order. Unless restricted by court order, you may manage your

own money. An Elm City employee may assist with money management or serve as payee representative if authorized/requested by you or your guardian, recommended by the interdisciplinary team as part of the service plans, and approved by the Elm City Admissions and Program Advisory Council.

13. **Banking** – You may deposit your money at a bank or place it for safe keeping with the service provider. If the service provider deposits your money, any interest earned will be yours. Elm City and none of its employees may act as payee to receive any assistance directed to you, including Social Security, and pension, annuity, or trust fund payments without your informed consent.
14. **Labor** - You have a right to be paid for work performed. This includes production work and any tasks done on Elm City property which benefits Elm City in some way. In Elm City residential facilities, household tasks are considered part of the training and independent living, and are not paid work.
15. **Refusing Services** – You or your guardian (on your behalf) have the right to refuse services, including medication. Usually, if you refuse services, they will not be given to you. However, they may be provided even if you refuse if there is a medical or other emergency or if a judge orders it. You have a right to refuse services and to refuse to participate in research. You must be informed of the consequences, if any, should you refuse. You have a right to appeal a refusal of services. The Program Coordinator is responsible to assist you, if needed, during the appeal process.
16. **Medical or Dental Services** – Except in an emergency, no medical or dental services will be provided to you without the informed consent of you or your guardian. You have the right to purchase and use the services of private physicians and other mental health and developmental disabilities professionals of your choice. Your choice shall be documented in your service plan. Unless restricted by court order, you also have the right to refuse medical treatment, medication, or chemical restraints.
17. **Meetings** – You have the right to participate in any meeting about you.
18. **Discharge/Termination** – You have the right to remain in a program unless you voluntarily withdraw or meet the criteria found in the regulations Elm City must follow such as Section 115.215 (CILA), 119.210 (DDD/Day Programs), and 132.145 (DMH/Support Services) of the Administrative Code. In general, Elm City will consider terminating services to you if:
 - a. You have met the goals/objectives of your program and the services of Elm City are no longer needed.
 - b. Your medical needs cannot be met by the day program, CILA/Center, or support services offered by Elm City .
 - c. Your behavior places you or others in serious danger.
 - d. You are transferred to a program offered by another agency and that transfer has been approved by you, your guardian, the transferring agency, and the receiving agency.
 - e. You no longer benefit from the day program, CILA/Center, or support services offered by Elm City .

19. **Grievances** – You have a right to express grievances in writing to the CEO of Elm City . Some decisions by Elm City (denial, reduction, suspension, termination of services) are appealable to the Department of Human Services and to the Department of Healthcare and Family Services. Details of this grievance procedure are outlined in individual handbooks and are in the Grievance Procedure for Eligible Persons. Decisions by Elm City and the Elm City Board of Directors are subject to review in accordance with the Administrative Review Law (735 ILCS 5/Art. ILL). For all individuals enrolled in the Medicaid DD Waiver, their rights to present grievances and to appeal adverse decisions of Elm City are detailed in 59 Illinois Administrative Code Part 120.
20. **Clinical Record** – Elm City will maintain a record of all information it has about you. This record will include copies of plans, clinical information, and other information related to your services. You have a right to look at your clinical record and other information about you.
21. **Exercising your rights** - No person shall be excluded, denied, suspended, discharged, or have services reduced for exercising his/her rights or filing a grievance.
 - a. You are guaranteed all rights afforded in Chapter 2 of the Illinois Mental Health and Developmental Disabilities Code [405 ILCS5]
 - b. You have a right to select and purchase your own clothing. However, it is expected that grooming and dress will be appropriate to the situation. Your dress must meet safety standards in a work/production setting.
 - c. People living in Elm City residential facilities have a right to plan personal activities, and are encouraged to develop positive relationships and support systems within the community.
 - d. People in Elm City programs have the right to services without fear of retaliation or humiliation.
22. **Restriction of Rights** - If your rights must be restricted, the clinical record must document what right was restricted, the justification for the restriction, how long the restriction will last, and what staff must do to verify the restriction was met. Restricted rights must be reviewed every 30 days and reinstated as soon as possible. In addition, you, your parents/family, your guardian, and any agency designated by you or your representative will be included to determine if a restriction is needed. A written record of those discussions will be sent to everyone directly involved and a copy will be included in the case records kept at Elm City . The Elm City Human Rights Committee will review all restriction of rights. Elm City will follow restrictions set by the courts, guardian, or service team.
23. **Service Planning** - You have the right to participate in the development of your own individualized service plan. The plan may have different names but it will consist of information about you, what you want, what your goals are, what it will take to achieve those goals, and what will be expected of you. All plans will be coordinated with any other groups or people included in the planning.

24. **Reporting** – You have a right to report an infringement of your rights to the Human Rights Committee of Elm City . You also have a right to unimpeded access to:

Guardians and Family Members (Guardian or courts may legally limit family access)	Office of Department of Human Services, 100 S. Grand Ave E, Springfield, Illinois 62762, Help Line: 800-843-6154, 800-447-6404 TTY	Office of Inspector General Michael Bilandic Building 160 North LaSalle St, Suite S200 Chicago, Il 60601 or 901 Southwind Road Springfield, IL 62703 Hot Line: 1-800-368-1463
Elm City Center’s Human Rights Committee 1314 W Walnut Jacksonville, IL 62650 217-245-9504	Great River Services Coordination PO Box 369 901 W Morton, Jacksonville, Ill 217-243-2330	Department of Children and Family Services 406 E Monroe Street Springfield, Il 62701 800-252-2873
Guardianship and Advocacy 521 Stratton Building 401 S Spring Street, Springfield, IL 62706, Phone - 217-785-1540 Fax- 217-524-0088	Guardianship and Advocacy 401 N Main Street, Suite 620 Peoria, Illinois 61602 Phone - 309/671-3030 Fax – 309-671-3060	Guardianship and Advocacy, 4302 N Main Street, Suite 108 Rockford, IL Phone – 815-987-7657 Fax – 815-987-7227
Guardianship and Advocacy 2125 S. First Street Champaign, IL 61820 Home - 217-278-5577 Fax- 217-278-5588	Guardianship and Advocacy 47 Cottage Drive Anna, IL 62906- Phone - 618-833-4897 Fax – 618-833-5219	Guardianship and Advocacy, Madden Mental Health Center 1200 S. First Street, PO Box 7009 Hines, IL 60141 Phone – 708-338-7500 Fax – 708-338-7505
Guardianship and Advocacy 9511 Harrison Avenue Des Plaines, IL 60016 Phone – 847-294-4264 Fax- 847-294-4263	Guardianship and Advocacy Holly Bldg 4500 College Avenue, Suite 100, Alton, Illinois 62002 Phone - 618-474-5503 or Fax – 618-474-5517	Guardianship and Advocacy, State of Illinois Building, 160 N. LaSalle, Suite S-500, Chicago Il. , 60601 Phone - 312-793-5900 Fax – 312-793-4311

Equip for Equality, Inc. is an independent, not for profit organization that administers the federal protection and advocacy system to people with disabilities in Illinois. Equip for Equality, Inc. provides self-advocacy assistance, legal services, education, public policy advocacy, and abuse investigations. The offices are located at:

Equip for Equality, 1 West Old Capitol Plaza, Suite 816 P. O. Box 267, Springfield, Illinois 62705 800-758-0464 or 217-544-0464.	Equip for Equality, 20 N Michigan Ave, Suite 300, Chicago Ill 60602 800-537-2632 or 312-341-0022 TTY – 800-610-2779	Equip for Equality, 300 E Main Street, Suite 18 Carbondale, IL 62901 800-758-0559 or 618-457-7930
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TTY – 800-610-2779 Fax – 217-523-06720	Fax – 312-341-0295.	TTY – 800-610-2779 Fax – 618-457-7985
Equip for Equality, 1515 Fifth Ave, Suite 420 Rock Island, IL 61201 800-758-6869 or 309-786-6869 TTY – 800-610-2779 Fax – 309-797-8710	Department of Public Health 535 W Jefferson St. Springfield, Il. 62761 800-252-4343	Any public payer that is providing funding for services being received by you

You also have the right to report any abuse or neglect to the Office of the Inspector General, to the Department of Children and Family Services, or to the Department of Public Health. If needed, Elm City staff are available to assist you in contacting these groups.

25. **Filing a Complaint** – People receiving services, as well as their guardians, family members, or other representatives, may file complaints about their services using one or more of the options listed below:
- a. **Contact your Individual Service and Support Advocacy (ISSA) agency.** In Jacksonville it is Great River Services Coordination. If you do not have the ISSA contact information available, you can find the agency closest to you by using the DHS Office Locator at <http://www.Dhs.state.il.us/page.Aspx?item=32253> Under TYPE select "Developmental Disabilities". Under COUNTY, select your county. Or you can call 1-888-DD-PLANS or 1-888-337-5267 and punch in your zip code. You will be connected to the closest ISSA agency at no cost to you.
 - b. **Contact the Division directly :** Call 1(888) -DD-PLANS or 1-888-337-5267 and ask to speak to a representative in the Division of Developmental Disabilities.
 - c. **File a Report of Abuse or Neglect :** For children under the age of 18 or for anyone residing in a Child Group Home or Child Care Institution, call the Department of Children and Family Services at 1(800)25-ABUSE. For Adults age 18 and over, call the Department of Human Services, Office of Inspector General at 800-368-1463
 - d. If you contact the ISSA or Division of Developmental Disabilities, you may expect an initial response within two business days. In cases of reports of abuse or neglect, the initial contact will be within 24 hours.
26. **Right to Information about Elm City** – You have the right to know if Elm City is meeting or not meeting quality standards and to look at written reports describing the quality of services.
27. **Language** - Information on rights will be explained using language or a method of communication that you understand and documentation of this explanation will be placed in the clinical record.
28. **Cultural Diversity, Competency and Religion** - Sincere cultural and religious beliefs-practices of each person will be respected and acknowledged as part of the services provided by Elm City Center. This can include cultural, age, gender, sexual orientation, language, racial, ethnic, religious-spiritual, functional capabilities, personal preferences, **dress, traditions, notions of modesty, eye contact, health values, help-seeking behaviors, work**

ethics, spiritual values, attitudes regarding treatment of mental illness and substance abuse, concepts of status, and issues of privacy and personal boundaries.

If you, a family member, a guardian, or a staff member believes that a human rights violation has occurred, the Program Coordinator or designee shall be notified immediately. A written report shall be prepared by the Coordinator and sent to the President/CEO within three working days of being notified of the incident. The report shall include the date, the nature of the alleged violation, the names of those involved, and the remedy requested. The President/CEO shall render a decision within ten working days of receipt of the report. The President/CEO's decision shall be final. The President/CEO shall inform Elm City 's Human Rights Committee of any complaints involving your rights violations, and any corrective action taken.

INDIVIDUAL SIGNATURE

I acknowledge the above rights have been reviewed with me and I received a copy of the policy. An edited version of these rights is also in the program's manuals.

You have a right to agency staff assistance in contacting the above agencies.

Name of Individual: _____
Please print _____ Date _____

Signature of Individual or Guardian: _____

Signature of Witness: _____

This summary of individual rights shall be maintained in the individual's record IL462-1201 (R-3-13) Rights of Individuals

FAMILY and/or GUARDIAN SIGNATURE - Check the appropriate boxes

I acknowledge that I received a copy of the policy from Elm City via:	
<input type="checkbox"/>	A paper copy during a meeting with Elm City staff
<input type="checkbox"/>	A paper copy by mail from Elm City staff
<input type="checkbox"/>	An electronic copy by email from Elm City
<input type="checkbox"/>	A faxed copy from Elm City .
I was able to discuss these rights with Elm City staff via:	
<input type="checkbox"/>	A personal meeting with Elm City staff
<input type="checkbox"/>	A phone call with Elm City staff
<input type="checkbox"/>	A letter, email, or fax with Elm City Staff
<input type="checkbox"/>	There was no need to discuss these rights. I understand them.
I believe the individual has:	
<input type="checkbox"/>	A basic understanding of these rights
<input type="checkbox"/>	A limited understanding of these rights
<input type="checkbox"/>	Minimal to no understanding of these rights.

Family Date Guardian Date

