

ADMINISTRATIVE POLICY

- 1 OPTIONS promotes and provides for all of its persons served equal access to services and programs without regard to race, color, creed, sex, marital status, sexual orientation, age, religion, ancestry or national origin or any other characteristic protected by law.
- 2 OPTIONS will ensure each person is afforded all the rights experienced and granted to all members of society, within the limits of each program, and will ensure these rights are protected and preserved.
- 3 Persons served in each service area will possess the same legal and civil rights as all other citizens of California, except for those denied by law, and will be encouraged to exercise these rights and privileges to the fullest extent of each person's ability and within the scope of each person's Individual Service Plan (ISP).
- 4 The guidelines utilized to ensure persons are afforded the rights due to them are covered in Welfare and Institutional Code 4502 through 4507 and Title 17 California Administrative Code Sections 50500 through 50550, and in other rights as indicated in related state and federal laws.
- 5 If a person is adjudicated to be incompetent by state law, all rights will transfer to said person's legally authorized guardian or conservator.
- 6 If the Interdisciplinary team (IDT) determines that a person served is incapable of understanding his/her rights and responsibilities, and if the person has been placed at OPTIONS by the Regional Center, then the Director of the Regional Center or the parent surrogate may act on the person's behalf in medical matters.
 - 6.1 OPTIONS may request from the Regional Center that a legal conservator or guardian be appointed.
 - 6.2. If no other options are available, the IDT, which includes a Regional Center service coordinator, may act collectively on the behalf of a person served and will review the case with the Human Rights Committee.
 - 6.3 In the event that the steps above are deemed insufficient or unavailable, the office of client advocacy may be contacted for further guidance.
- 7 If the person served is a minor, said rights will transfer to the person's parent/s or to the person's guardian or conservator.
- 8 Personal rights may be denied for "good cause" by the CEO or designee.

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"Good cause" for the denial of rights exists when there is reason to believe that:

- 8.1 The exercise of a specific right would be injurious to the person; or
 - 8.2 There is evidence that the specific right, if exercised, would seriously infringe upon the rights of others; or
 - 8.3 OPTIONS would suffer serious damage if the specific right is not denied.
- 9 Only the Professional person in charge of the facility or their designee may deny a right for good cause. The Professional person in charge of the facilities is the CEO and or their designees (Program Director or administrative designee).
- 10 Any and all denied rights will be reviewed and approved by OPTIONS' Human Rights Committee. When any such denial occurs, a "Denial of Rights" form will be utilized to document the circumstances surrounding the denial.
- 11 Any and all denied rights in a licensed residential program will be reviewed on a monthly basis by the Program Manager with documentation on the monthly Progress report. In all other programs the denial of rights will be reviewed on a quarterly report. All reports will include the justification for continued denial or reinstatement of the denial. Any denial of rights will be documented and reviewed on a quarterly basis at OPTIONS's Human Rights Committee meeting.
- 12 Each person served or his/her representative has the right to appeal decisions made through the grievance procedure. The grievance procedure will be posted and available to all persons and their representatives and is available on OPTIONS website at www.optionsfs.org.
- 13 Each person will have his/her rights thoroughly explained to him/her at the time of admission to any OPTIONS program and reviewed on an annual basis.
- 13.1 The Program Manager/Supervisor will explain personal rights at the time of admission, including an explanation of services available; daily rate; additional charges for special services; availability of trust account services, if applicable; transfer policies; confidentiality of records and personal responsibilities.
 - 13.2 Documentation that each person received a copy of his/her rights and that these rights were thoroughly explained to each person will be placed in each person's record.
 - 13.3 Each person will receive a copy of the Handbook at the time of admission.

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Personal rights and responsibilities will be reviewed at that time.
Acknowledgment of receipt will be maintained in each person's record.

- 13.4 Assistance will be made available to each person served and/or the person's advocate in the exercise of personal rights and in the procedure for registering complaints without interference or retaliation.
- 14 Personal rights and responsibilities include the rights/responsibilities each person served can reasonably expect while receiving services from OPTIONS to ensure the health and safety of all participants.

POLICY DATE: February 1996
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