

245D SERVICE RECIPIENT RIGHTS-HOME BASED SERVICES

This program is licensed under Minnesota Statutes, Chapter 245D. It must help the recipient exercise and protect your rights identified in Minnesota Statutes, section [245D.04](#).

When receiving services and supports from this program name, I have the right to:

Service-related rights (Subd. 2)

- Take part in planning and evaluating the services that will be provided to me.
- Have services and supports provided to me in a way that respects me and considers my preferences.
- Refuse or stop services and be informed about what will happen if I refuse or stop services.
- Know, before I start to receive services from this program, if the program has the skills and ability to meet my need for services and supports.
- Know the conditions and terms governing the provision of services, including the program's admission criteria and policies and procedures related to temporary service suspension and service termination.
- Have the program help coordinate my care if I transfer to another provider to ensure continuity of care.
- Know what services this program provides and how much they cost, regardless of who will be paying for the services, and to be notified if those charges change.
- Know, before I start to receive services, if the cost of my care will be paid for by insurance, government funding, or other sources, and be told of any charges I may have to pay.
- Have staff that is trained and qualified to meet my needs and support.

Protection-related rights (Subd. 3)

- Have my personal, financial, service, health, and medical information kept private and be notified if these records have been shared.
- Have access to my records and recorded information that the program has about me as allowed by state and federal law, regulation, or rule
- Be free from abuse, neglect, or financial exploitation by the program or its staff.
- Be free from restraint, time out, seclusion, restrictive intervention, or other prohibited procedure identified in section 245D.06, subd. 5 or successor provisions, except for:
 - a) emergency use of manual restraint to protect the person from imminent danger to self or others according to the requirements in 245D.061 or successor provisions

- b) the use of safety interventions as part of a positive support transition plan under section 245D.06, subd. 8 or successor provisions.
- o Receive services in a clean and safe location.
- o Be treated with courtesy and respect and have my property treated with respect.
- o Be allowed to reasonably follow my cultural and ethnic practices and religion.
- o Be free from prejudice and harassment regarding my race, gender, age, disability, spirituality, and sexual orientation.
- o Be told about and how to use the program's grievance policy and procedures, including knowing how to contact persons responsible for helping me to get my problems with the program fixed, and how to file a social services appeal under the law.
- o Know the names, addresses and phone numbers of people who can help me, including the ombudsman, and to be given information about how to file a complaint with these offices.
- o Exercise my rights on my own or have a family member or another person help me exercise my rights, without retaliation from the program.
- o Give or not give written informed consent to take part in any research or experimental treatment.
- o Choose my own friends and spend time with them.
- o 14 Have personal privacy.
- o Take part in activities that I choose.

Restriction of Recipient Rights (Subd. 2, clause 10, or Q a, clauses 13-15, Q b)

Restriction of a person's rights is allowed only if determined necessary to ensure the health, safety, and well-being of the person. Any restriction of those rights must be documented in the person's coordinated service and support plan or coordinated service and support plan addendum. The restriction must be implemented in the least restrictive alternative manner necessary to protect the person and provide support to reduce or eliminate the need for the restriction in the most integrated setting and inclusive manner.

- o Before a program may restrict the person's rights in any way the program must document the following information:
 - a) The justification (meaning the reason) for the restriction based on an assessment of what makes them vulnerable to harm or maltreatment if they were allowed to exercise the right without a restriction
 - b) The objective measures set as conditions for ending the restriction (meaning the program must clearly identify when everyone will know the restriction is no longer needed and it has to end)
 - c) A schedule for reviewing the need for the restriction based on the conditions for ending the restriction to occur semiannually from the date of initial approval, at a minimum, or more frequently if requested by the person, the person's legal representative, if any, and case manager (*meaning that at least every six months, more often if you want, the program must review with you and your authorized representative or legal representative and case manager, why the restriction is still needed and how the restriction should change to allow you as much freedom as possible to exercise the right being restricted*)

- d) Signed and dated approval for the restriction from them or their legal representative, if any.
- The program cannot restrict any right they chose. The only rights the program may restrict, after documenting the need, include the persons:
 - a) Right to associate with other persons of your choice
 - b) Right to have personal privacy
 - c) Right to engage in activities that you choose.
- A restriction of the person's rights may be implemented only after given approval.
- A person may withdraw their approval of the restriction of their right at any time. If they do withdraw their approval, the right must be immediately and fully restored.

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