



Client Rights

INTRODUCTION

One of COA's Guiding Principles for Effective Practice is to respect the rights of individuals, which requires that practices reflect a profound respect for personal dignity, confidentiality, and privacy. This principle is evident throughout all service standards, and it plays a particularly important role in the development of this section, devoted to the rights and dignity of all service recipients. In addition to addressing legally protected client rights, the standards in this section also center on the professional ethics of service delivery. This section promotes privacy, transparency, and mutual respect.

Interpretation: *COA recognizes that mandated clients and individuals receiving Adult Guardianship (AG) services may have a reduced level of rights; and the standards in this section highlight instances in which this may be the case. However, the standards are not necessarily comprehensive, and organizations should become familiar with, and follow, applicable laws and regulations governing the rights of mandated or incapacitated clients. Individual rights may not be abridged unless superseded by legal mandate or court order.*

Research Note: *Ethics documents published by the National Association of Social Workers and the American Psychological Association both state that individuals have a right to privacy, confidentiality, and self-determination. Practitioners, while not always required by law, are ethically obligated to protect these rights for all individuals.*

Note: *Please see [HIPAA Fact Sheet](#) and [HIPAA Business Associate Addendum](#) for additional assistance with this standard.*

Note: *Please see [CR Reference List](#) for a list of resources that informed the development of these standards.*

Table of Evidence

Self-Study Evidence

- Cite 2-3 examples of activities or decisions that your organization has undertaken to protect and promote client rights (e.g., The past four years have brought a steady increase in the Chinese population to the neighborhood surrounding our program site. To accommodate the changing demographic of our service population, we have hired two bilingual caseworkers, fluent in both Mandarin and English...).
- Identify a part of your client rights practices that has been:
 - a. the most difficult to advance, and indicate the reasons why; and
 - b. the least difficult to advance, and indicate the reasons why (e.g.,

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

Due to several recent changes in leadership at our organization, we have been working on drafting more comprehensive grievance procedures to replace the informal system that was previously in place. Drafting the procedures, training staff, and incorporating results into PQI and risk management practices has taken longer than anticipated as personnel get settled in their new positions...).

- Describe how your organization reconciles its confidentiality and privacy practices with legal requirements on the release of identifying information, mandatory reporting, and duty to warn (e.g., The results of last year's employee satisfaction survey identified confidentiality guidelines as an area of primary concern among direct service personnel. In response, we have designed an extensive training program on our organization's confidentiality policies including the relationship between our policies and legal regulations governing information about mental health consumers, victims of domestic violence, child abuse...).
- Provide any additional information that would increase the Peer Team's understanding of how your client rights practices promote respect for the rights and dignity of clients throughout the organization.

On-Site Evidence

No On-Site Evidence

On-Site Activities

No On-Site Activities

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

(FOC) CR 1: Protection of Rights and Ethical Obligations

The organization protects the legal and ethical rights of all clients by:

- a. informing clients of their rights and responsibilities;
- b. providing fair and equitable treatment; and
- c. providing clients with sufficient information to make an informed choice about using the organization and its services.

Related: DRCM 2.05, DRCM 3.05, SVE 3.06

Interpretation: *Although mandated clients may be required to attend a program, they should still have the right to refuse particular aspects of service or treatment unless mandated by law or court order, as addressed in CR 1.07.*

Interpretation: *Individuals receiving Adult Guardianship (AG) services should retain as much personal responsibility and self-determination as possible given their assessed capacity, the court order, and state law. Refer to AG for more information on appropriately involving the client in decision-making.*

Rating Indicators

- 1) The organization's practices fully meet the standard as indicated by full implementation of the practices outlined in the CR 1 Practice standards.
- 2) Practices are basically sound but there is room for improvement as noted in the ratings for the CR 1 Practice standards.
- 3) Practice requires significant improvement as noted in the ratings for the CR 1 Practice standard; and/or
 - One of the CR 1 Fundamental Practice Standards received a 3 or 4 rating.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all, as noted in the ratings for the CR 1 Practice standards; and/or
 - Two or more of the CR 1 Fundamental Practice Standards received a 3 or 4 rating.

Table of Evidence

Self-Study Evidence

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- Client rights policy and procedures
- Rights and responsibilities document provided to individuals and families at initial contact
- A description of the resources available to the organization to accommodate oral and written communication and language needs, as well as the visual, auditory, linguistic, and motor abilities of persons served
- Schedule of fees
- Policy for providing services to minors without the consent of the parent or legal guardian

On-Site Evidence

No On-Site Evidence

On-Site Activities

- Interview:
 - a. Relevant personnel
 - b. Individuals or families served
- Review case records
- Facility Observation

CR 1.01

At initial contact clients receive and are helped to understand a written summary of their rights and responsibilities, including:

- a. a description of the client's rights, including the obligations the organization has to the client;
- b. basic expectations for use of the organization's services;
- c. hours that services are available;
- d. rules, expectations, and other factors that can result in discharge or termination of services;
- e. limitations on confidentiality, if any; and
- f. a clear explanation of how to lodge complaints, grievances, or appeals.

Related: MHSU 2.01, CR 2.01, FKC 2.03, JJD 2.03, JJR 2.03, CR 3, CSE 3.01, JJCM 3.03, HCS 4.08, NET 7.08, NET 7.09, RPM 11.04, MHSU 11.04

Interpretation: *If a client is disoriented, suffering from impaired cognition, or in immediate crisis at initial contact, the summary of client rights and responsibilities should be provided at an appropriate time. When working with individuals who have been deemed incapacitated by the court, the depth or content of information provided may vary based on the individual's assessed capacity to understand the information, the court order, and state*

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

law.

Interpretation: *The organization's explanation of how to lodge complaints, grievances, or appeals should include informing clients and/or legal guardians about their right to file a complaint with the appropriate public authority or regulatory body.*

Interpretation: *For networks, when the scope of a network's services includes service authorization and placement decisions, the client's right to appeal placement and authorization decisions are outlined in written network client rights and responsibilities material available to clients, and in the provider manual or other document outlining network operational procedures.*

Interpretation: *Organizations providing services remotely using technology must implement a system for assuring and documenting that clients receive and understand their rights and responsibilities. When services are not delivered in real time, service recipients need to be informed of how often personnel review and respond to information that they submit and of limitations on response times.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Information about rights is routinely provided, however, one of the required elements is not fully addressed; or
 - In a few instances signed client rights forms were not found.
- 3) Practice requires significant improvement; e.g.,
 - Two of the required elements are not fully addressed; or
 - One of the elements is not addressed at all; or
 - Information is not consistently provided at the initiation of services, but is provided on request; or
 - At least one program does not provide client rights information; or
 - In a significant number of instances signed client rights forms were not found.
- 4) The organization does not provide persons served with written rights and responsibilities.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

CR 1.02

A written summary of client rights and their responsibilities is posted in the reception areas of all service delivery locations.

Related: CR 3

Interpretation: *If an organization provides services remotely using technology, client rights and responsibilities should be made available on the organization's public website. The organization is still required to engage service recipients in an active dialogue about their rights and responsibilities per CR 1.01.*

Interpretation: *Affiliates who deliver services on behalf of an EAP are not required to post client rights and responsibilities in the reception area of their service delivery location, but information regarding client rights must be made available upon service initiation.*

Interpretation: *In residential facilities, rights and responsibilities should be posted in a common area.*

Note: *Please see Facility Observation Checklist - Private, Public, Canadian for additional assistance with this standard.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - All sites have postings but some of the postings could be larger or in a better location to increase client awareness of information and/or for easier reading.
- 3) Practice requires significant improvement; e.g.,
 - Not all reception sites or site locations have postings; or
 - Rights posters are missing important information; or
 - Rights posted on websites for services delivered remotely, using technology, are missing information.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all; e.g.,
 - The organization that provides services delivered remotely, using technology, does not post rights on their website.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

(FP) CR 1.03

The organization states in writing circumstances under which it will serve minors without consent from a parent or legal guardian, and provides this information upon request.

NA *The organization does not serve minors without consent from a parent or legal guardian.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - The standard is met in practice, but procedures need minor clarification;
 - or
 - In a few instances the information was not provided.
- 3) Practice requires significant improvement; e.g.,
 - Procedures are clearly inadequate; and/or
 - In a significant number of cases the information was not provided.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 1.04

Clients are informed of their responsibility to provide relevant information as a basis for receiving services and participating in service decisions.

Interpretation: *Relevant information can include, for example, issues related to meeting eligibility criteria, or involvement in other treatment programs.*

NA *The organization provides Adult Guardianship only.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - The standard is met in practice, but procedures need minor clarification;
 - or
 - In a few instances the information was not provided; or

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- In a few instances there was no documentation that clients were informed.
- 3)** Practice requires significant improvement; e.g.,
 - Procedures are clearly inadequate, or are not well-understood staff; or
 - In a significant number of cases the information was not provided.
- 4)** Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 1.05

Clients have the right to fair and equitable treatment including:

- a. the right to receive services in a non-discriminatory manner;
- b. the consistent enforcement of program rules and expectations; and
- c. the right to receive services that are respectful of, and responsive to, cultural and linguistic differences.

Related: FKC 2.03, TS 2.04, OST 4.02, OST 5.01, JJR 13.05

Interpretation: *Fair and equitable treatment includes the provision of effective, equitable, understandable, and respectful services that are responsive to: diverse cultural beliefs and practices, including the freedom to express and practice religious and spiritual beliefs; preferred languages; and other communication needs.*

Interpretation: *Organizations' policies, procedures, and practices should recognize, respect, and respond to the unique, culturally-defined needs of persons and families being served. For example, program information, signs, posters, and other printed material, as well as electronic and multimedia communications and training are available and presented:*

- a. *in the language(s) of the major population groups served; and*
- b. *in a manner that is non-discriminatory and non-stigmatizing.*

Rating Indicators

- 1)** The organization's practices reflect full implementation of the standard.
- 2)** Practices are basically sound but there is room for improvement; e.g.,
 - One of the elements is not fully addressed.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- 3) Practice requires significant improvement; e.g.,
 - One element is not addressed; or
 - Two elements are not fully addressed.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 1.06

The organization accommodates the written and oral communication needs of clients by:

- a. communicating, in writing and orally, in the languages of the major population groups served;
- b. providing, or arranging for, bilingual personnel or translators or arranging for the use of communication technology, as needed;
- c. providing telephone amplification, sign language services, or other communication methods for deaf or hearing impaired persons;
- d. providing, or arranging for, communication assistance for persons with special needs who have difficulty making their service needs known; and
- e. considering the person's literacy level.

Related: TS 2.04

Interpretation: *Basic program information is available in languages representative of consumer groups. Organizations that fully implement CR 1.06 proactively reach out to ensure that all individuals can use its services and fully participate in planning. The organization has sufficient numbers of bilingual personnel for all programs in which confidential interpersonal communication is necessary for adequate service delivery. There is a bilingual worker on staff for each language group large enough to comprise an average-sized caseload.*

Trained translators or interpreters are available in other instances or in non-counseling services when bilingual personnel are not available. Assistive technology, such as amplification for hearing-impaired persons or a language telephone line, is used when appropriate.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - The organization has been unable to secure the services of enough

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

bilingual personnel to cover its consumers'™ needs but has made a commitment to hire such persons and has an aggressive recruitment effort underway; or

- Accommodations for one of the populations served needs some minor improvement; e.g. better access to trained translators.

3) Practice requires significant improvement; e.g.,

- Accommodation is made for some, but not all primary groups served; or
- Little effort is made to address communication needs other than language barriers; or
- Needed assistive technology is not available.

4) Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 1.07

Clients provide consent prior to receiving services and have the right to:

- a. participate in all service decisions;
- b. receive service in a manner that is non-coercive and that protects the person's right to self-determination;
- c. request a review of their care, treatment, and service plan;
- d. refuse any service, treatment, or medication, unless mandated by law or court order; and
- e. be informed about the consequences of such refusal, which can include discharge.

Related: MHSU 1.02, ICHH 1.04, FKC 2.03, RPM 7.06, RPM 8.02, RPM 11.04

Interpretation: *Organizations should consult local, state, and national laws regarding verbal and written consent and document consent in the client's case record accordingly.*

Interpretation: *When the client is a minor, or an adult under the care of a guardian, the organization follows applicable laws or regulations governing the right of the parent or legal guardian, to refuse service, treatment, or medication unless mandated by law or court order. Adult guardianship workers should refer to the court order and state law when determining an appropriate level of involvement for each service recipient. See AG 8 for more information on including the client in service decisions.*

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

Rating Indicators

- 1) The organization's policy and practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - One of the elements is not fully addressed; or
 - In a few instances evidence of consent was not found.
- 3) Practice requires significant improvement; e.g.,
 - Two of the elements are not fully addressed; or
 - One element is not addressed at all; or
 - In many instances, evidence of consent was not found.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all; e.g.,
 - Three or more of the elements are not fully addressed; or
 - Two or more of the elements are not addressed at all; or
 - Consent is rarely or never obtained.

CR 1.08

Clients receive a schedule of any applicable fees and estimated or actual expenses, and are informed prior to service delivery about:

- a. the amount that will be charged;
- b. when fees or co-payments are charged, changed, refunded, waived, or reduced;
- c. the manner and timing of payment; and
- d. the consequences of nonpayment.

Related: ECE 2.01, SVE 3.08

Interpretation: *When working with individuals who have been deemed incapacitated by the court, the depth or content of information provided may vary based on the individual's assessed capacity to understand such information, the court order, and state law.*

NA *The organization does not charge the client any fees, co-payments, or other forms of payment in exchange for services.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- 2) Practices are basically sound but there is room for improvement; e.g.,
 - There have been a few instances when the information was not provided at the initiation of services; or
 - One of the elements is not fully addressed; or
 - In a few instances signed client rights forms were not found.
- 3) Practice requires significant improvement; e.g.,
 - Information is not consistently provided at the initiation of services but is available on request; or
 - Two of the elements are not fully addressed; or
 - One of the elements is not addressed at all; or
 - In many instances signed client rights forms were not found.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 1.09

The organization designs and adapts its programs and services, as appropriate, to accommodate the visual, auditory, linguistic, and motor abilities of persons served.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement.
- 3) Practice requires significant improvement.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

(FOC) CR 2: Confidentiality and Privacy Protections

The organization protects the confidentiality of information about clients and assumes a protective role regarding the disclosure of confidential information.

Related: ICHH 1.03, ICHH 1.04, TS 2.02, TS 2.03, JJCM 4.02, JJD 4.03, JJCM 4.06, JJD 4.06, JJR 5.03, JJR 5.04, RPM 6, RTX 19.05

Interpretation: *The organization must carefully reconcile its policies, procedures, and practices with all applicable confidentiality laws and regulations including, but not limited to, laws and regulations governing information about youth involved with the juvenile justice system, mental health consumers, victims of domestic violence, drug and alcohol treatment, and HIV/AIDS.*

The organization's procedures must reconcile legal restrictions on the release of identifying information about clients with mandatory reporting and duty to warn requirements. Written procedures should include guidance to personnel in determining the degree of danger a person may pose to him or herself or to the community.

Adult Guardianship (AG) programs must have procedures in place to ensure the decision to release confidential information is made in an ethical manner. See AG 8.02 for more information on ethical decision-making. The level of client involvement in the decision to release confidential information will vary based on the court order and state law.

Rating Indicators

- 1) The organization's practices fully meet the standard as indicated by full implementation of the practices outlined in the CR 2 Practice standards.
- 2) Practices are basically sound but there is room for improvement as noted in the ratings for the CR 2 Practice standards.
- 3) Practice requires significant improvement as noted in the ratings for the CR 2 Practice standard; and/or
 - One of the CR 2 Fundamental Practice Standards received a 3 or 4 rating.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all, as noted in the ratings for the CR 1 Practice standards; and/or
 - Both of the CR 2 Fundamental Practice Standards received a 3 or 4 rating.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

Table of Evidence

Self-Study Evidence

- Confidentiality policy and procedures
- Sample release form for disclosure of confidential information

On-Site Evidence

No On-Site Evidence

On-Site Activities

- Interview:
 - a. Clinical or program director
 - b. Relevant personnel
 - c. Individuals or families served
- Review case records

(FP) CR 2.01

The organization informs the client about circumstances when it may be legally or ethically permitted or required to release such information without his or her consent.

Related: CR 1.01

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - There are a few instances where clients were not fully informed that the organization may have legal or ethical circumstances when confidential or private information may be released without consent, but corrective action was immediately implemented prior to the actual release of the private information.
- 3) Practice requires significant improvement; e.g.,
 - Written procedures do not provide sufficient guidance to personnel to reconcile when the organization may be legally or ethically permitted or required to release confidential or private information without prior notification of client.
 - There are instances where staff have released confidential or private information inappropriately.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

4) Implementation of the standard is minimal or there is no evidence of implementation at all;Â

- The organization has faced legal action because of inappropriate release of information.

CR 2.02

When the organization receives a request for confidential information about a client, or when the release of confidential information is necessary for the provision of services, prior to releasing such information, the organization:

- a. determines if the reason to release information is valid;
- b. obtains the client's informed, written authorization to release the information; and
- c. obtains informed, written authorization from a parent or legal guardian, as appropriate.

Related: AG 5.07, ECE 10.04

Interpretation: *In the context of this standard, "valid" means justifiable, legitimate, convincing, legally permissible, and in the best interest of the client.*

The organization obtains legal counsel regarding the confidentiality of records and the conditions under which they may be subpoenaed. Unless otherwise required by law, authorization to release confidential information is not necessary where the request for information is pursuant to a subpoena. The organization seeks additional legal counsel, as necessary, when others seek identifying information about an individual or family, or when the release of confidential information is necessary for the provision of services.

When the client is a minor or an adult under the care of a guardian, the organization should follow any laws or regulations allowing or requiring the organization to obtain the authorization of clients' parents or legal guardians.

When permitted or required by law, regulation, or court order, confidential information may be released without the authorization of the client and legal guardian. However, the client and legal guardian should still be informed that the information will be released.

Rating Indicators

1) The organization's practices reflect full implementation of the standard.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Written, informed consent is always obtained prior to releasing information, and there have been no instances where confidential information was inappropriately released, but procedures or practice could be strengthened or clarified.
- 3) Practice requires significant improvement; e.g.,
 - In a few rare instances, information was inappropriately released or informed consent not obtained.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 2.03

Informed, written consent is obtained from the client, or a legal guardian, prior to recording, photographing, or filming.

Interpretation: *When required by law, consent may not be necessary. However, it is still expected that the organization inform clients prior to recording, photographing, or filming.*

Interpretation: *For Early Childhood Education (ECE) or Out-of-School Time Services (OST), it is not necessary to obtain consent each time children or youth may be recorded, photographed, or filmed; consent may be provided at enrollment and maintained in program records or files. Consents should be reviewed and updated annually.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Written, informed consent is always obtained prior to releasing information, and there have been no instances where confidential information was inappropriately released, but procedures or practice could be strengthened or clarified.
- 3) Practice requires significant improvement; e.g.,
 - In a few rare instances, information was inappropriately released or informed consent not obtained.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

4) Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 2.04

The release form for disclosure of confidential information includes the following elements:

- a. the name of the person whose information will be released;
- b. the signature of the person whose information will be released, or the parent or legal guardian of a person who is unable to provide authorization;
- c. the specific information to be released;
- d. the purpose for which the information is to be used;
- e. the date the release takes effect;
- f. the date, event, or condition upon which the consent expires, not to exceed one year from when the release takes effect;
- g. the name of the person(s) or organization(s) that will receive the disclosed information;
- h. the name of the person or organization that is disclosing the confidential information; and
- i. a statement that the person or family may withdraw their authorization at any time except to the extent that action has already been taken.

Interpretation: *Blanket release forms signed by clients when service is initiated do not meet the requirements of this standard, except as put forth by federal regulation, for example, when making application to FEMA/DHS in a declared disaster.*

Interpretation: *In relation to element (f), the expiration event or condition should relate to the individual or to the purpose of the use or disclosure. The date, event, or condition upon which the consent expires must ensure that the authorization will last no longer than reasonably necessary. When the release of information is required for ongoing service provision, all elements of the form must be reviewed and updated annually at minimum to ensure that consent continues to be informed and appropriate.* **Interpretation:** *When a release form is used to authorize the exchange of information between multiple parties, the form must comply with all elements of the standard. All relevant parties must be authorized to disclose and receive the information specified, for the purpose indicated, in the consent.*

Interpretation: *When permitted or required by law, regulation, or court*

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

order, confidential information may be released without the authorization of the person or legal guardian. In this case elements (b) and (i) will not apply. However, the organization should still inform the person and/or legal guardian that the information will be shared, as referenced in CR 2.01 and CR 2.02, and maintain documentation of the disclosure in the client's file.

Interpretation: *In credit counseling organizations this standard applies in situations where a client specifically requests release of information to a third party, such as a letter of reference regarding payment history, or in instances when a program specific release does not exist. Debt management agreements or releases signed at the initiation of a debt management program allow for information sharing with all creditors included in the program or added to the program for the duration of service, unless state laws indicate otherwise.*

Interpretation: *Release forms may also include a statement regarding the impact, if any, of refusing to sign the authorization, as well as rules regarding re-disclosure of information in accordance with applicable federal and state laws.*

Research Note: *Research suggests that organizations with clear confidentiality policies and consent form requirements have increased collaboration among providers, clients, and families. This increased collaboration can have a positive impact on the relationship between providers and family members and further open lines of communication for the future.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Consent forms are always completed and signed, but in a few instances information related to elements (c) or (d) is vague.
- 3) Practice requires significant improvement; e.g.,
 - Consent is always obtained and forms are signed, but a significant number of consent forms
 - Have missing or inadequately addressed components; or
 - Are overly broad or non-specific.
- 4) Implementation of the standard is minimal or there is no evidence of

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

implementation at all; e.g.,

- Information has been released without proper consent; or
- Consent forms consistently do not meet one or more of the requirements of the standard; or
- Are routinely improperly completed; or
- There are instances of incomplete but signed consent forms in case records; or
- The organization uses blanket consent forms.

CR 2.05

The organization offers a copy of the signed form to the person or family authorizing the disclosure of confidential information, and places a copy in the case record.

Interpretation: *When there are concerns about the individual's capacity to understand the confidential nature of the document, such as when the individual has been deemed incapacitated by the court, it may be inappropriate to provide the individual with a copy of the release form. Instead, the worker should include a copy of the release form in the case record and document reasons why the form was not provided.*

Interpretation: *A copy of the completed release form should be offered to the person, and placed in the case record, even when it is permissible by law to release confidential information without the person's authorization and signature.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - The standard is met in practice, but procedures need minor clarification; or
 - In a few instances the information was not provided.
- 3) Practice requires significant improvement; e.g.,
 - Procedures are clearly inadequate; and/or
 - In a significant number of cases the information was not provided or there is no documentation that clients were offered a copy.
- 4) Implementation of the standard is minimal or there is no evidence of

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

implementation at all.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

(FOC) CR 3: Grievance Procedures

The organization maintains a formal mechanism through which applicants, clients, and other stakeholders can express and resolve grievances, including denial of service, which includes:

- a. the right to file a grievance without interference or retaliation;
- b. timely written notification of the resolution and an explanation of any further appeal, rights or recourse; and
- c. at least one level of review that does not involve the person about whom the complaint has been made or the person who reached the decision under review.

Related: CR 1.01, CR 1.02

Interpretation: *Organizations providing Adult Guardianship should ensure that an advocate is appointed to assist the individual in navigating the grievance process.*

Interpretation: *For networks, grievance procedures for persons served by the network include provisions for filing and appealing grievances related to the network management entity, owner and provider organizations, and independent practitioners.*

Note: *For networks, appeals or denials of service authorizations are addressed in Utilization Management standards NET 7.08 and NET 7.09. An appeal of a denial of service authorization is, in effect, a request for a second opinion, and as such, does not imply that a person's rights were denied. However, if the appeal is denied, the person making the appeal might file a complaint or grievance if they believe the network's procedures or criteria for placement were not followed. For example, if the appeal was not addressed within the network's time requirements, or if the person believes that the criteria were misapplied, then the person may resort to the complaint or grievance process.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Procedure or documentation related to one of the elements needs strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Procedure or documentation related to two of the elements needs strengthening.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

4) Implementation of the standard is minimal or there is no evidence of implementation at all; e.g.,

- One of the elements is not addressed; or
- The only option for filing a grievance is referral to an external body such as a funder.

Table of Evidence

Self-Study Evidence

- Grievance policy
- Grievance procedures for individuals and families served
- Grievance reports for the last two quarters (see RPM 2.02)

On-Site Evidence

No On-Site Evidence

On-Site Activities

- Interview:
 - a. Clinical or program director
 - b. Relevant personnel
 - c. Individuals or families served

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

(FOC) CR 4: The Rights of Persons with Developmental Disabilities

Children, youth, and adults with developmental disabilities receive services that help them achieve full integration and inclusion in the mainstream, make choices, exert control over their lives, and fully participate in, and contribute to, their communities.

Interpretation: *Throughout CR 4 the term "person" is defined to include children, youth, and adults with developmental disabilities. In instances where the person cannot make his or her own decisions, sign documents, or is otherwise limited in his/her ability to provide informed consent, the term, "person" may be understood to also include an advocate or legal guardian, as in "...the person, his/her advocate, or legal guardian..."*

NA *The organization does not provide any programs or services that are designed to serve persons with developmental disabilities.*

NA *The organization is implementing the standards for Services for Individuals with Developmental Disabilities (DDS).*

Rating Indicators

- 1) The organization's practices fully meet the standard as indicated by full implementation of the practices outlined in the CR 4 Practice standards.
- 2) Practices are basically sound but there is room for improvement as noted in the ratings for the CR 4 Practice standards.
- 3) Practice requires significant improvement as noted in the ratings for the CR 4 Practice standard; and/or
 - One of the CR 4 Fundamental Practice Standards received a 3 or 4 rating.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all, as noted in the ratings for the CR 1 Practice standards; and/or
 - Two of the CR 4 Fundamental Practice Standards received a 3 or 4 rating.

Table of Evidence

Self-Study Evidence

- Include service philosophy in the Narrative of each applicable service

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

section (CR 4.01, CR 4.02, and CR 4.07)

- Procedures for use of interventions that limit movement, diminish sensory experience, limit personal freedom, or cause personal discomfort
- Include service planning procedures with the service planning and monitoring evidence of each applicable service section (CR 4.03, CR 4.04, and CR 4.05)
- Procedures for helping persons access assistive technology
- Procedures for providing or making referrals for family support services

On-Site Evidence

- Training curricula, educational material and/or other material provided to persons served regarding sexuality and relationships

On-Site Activities

- Interview:
 - a. Clinical or program director
 - b. Relevant personnel
 - c. Persons served
- Review case records

CR 4.01

Organizations serving persons with developmental disabilities adopt a service philosophy that:

- a. promotes meaningful participation, inclusion, and self-determination;
- b. provides a basis for the implementation of strengths-based, person-centered activities and interventions; and
- c. safeguards the emotional, physical, and psychological well-being of the person.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - One of the elements needs strengthening in the organization's service philosophy.
- 3) Practice requires significant improvement; e.g.,

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- Two of the elements need strengthening ; or
- One of the elements is not covered.

4) Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 4.02

The person is the primary source of information about the need for service and the information gathered for assessment.

Rating Indicators

1) The organization's practices reflect full implementation of the standard.

2) Practices are basically sound but there is room for improvement; e.g.,

- Practice generally meets the intent of the standard but procedures for documentation are weak; or
- In a few instances there is no documentation in the case record.

3) Practice requires significant improvement; e.g.,

- While the standard is generally met in practice there are no procedures; or
- In a significant number of cases there is no documentation in case records.

4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 4.03

The organization works in partnership with the person, and his or her team according to the wishes of the person, to develop and implement a service plan that enables the fullest and most independent life possible in the community and promotes self-determination.

Interpretation: *Persons with limited ability to make independent decisions receive help from the team in making choices and/or assuming responsibility for making decisions.*

"Team" is defined to include the person's family, friends and other natural supports, circle of support, support/service broker, service coordinator, or

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

others chosen by the person. It is essential that members of the person's team are, to the extent possible, chosen by and the preference of the person.

Interpretation: Service planning for persons with developmental disabilities can address, as appropriate to the person:

- a. health and safety issues;
- b. degree of supervision needed;
- c. independent living, social, and daily living skills;
- d. nutritional and dietary needs;
- e. leisure and vocational interests, aptitudes, and need for greater social inclusion;
- f. screening and treatment for co-occurring psychiatric disorders or substance use conditions;
- g. the need for assistive technology, auxiliary aids, and other special accommodations;
- h. positive behavior support planning;
- i. medication needs;
- j. issues related to adaptive, behavior, and cognitive functioning, including concrete and abstract reasoning;
- k. specialized supports such as physical, speech, and occupational therapy;
- l. ancillary services;
- m. end of life planning; and
- n. the need for hospice or palliative care.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Practice meets the intent of the standard but procedures need strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Procedures need significant strengthening; or
 - The standard has not been met in a few cases.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

Purpose

The rights and dignity of clients are respected throughout the organization.

CR 4.04



Client Rights

The service planning process includes a means for resolving conflicts between the person and his/her family, advocate, or others that may be involved in establishing and implementing the person's plan.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Staff skills for meeting the intent of this standard need strengthening, and training is being provided to improve staff skills; or
 - The conflict resolution process needs strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Staff are limited in their ability to meet the intent of this standard and there is no effort to improve skills.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 4.05

If the organization uses interventions that limit physical movement, diminish sensory experience, restrict personal freedoms, or cause personal discomfort, such interventions are implemented only when:

- a. the organization can document its reasons for believing that the intervention will be beneficial to the person served;
- b. the person or his or her guardian has been fully informed about the risks and benefits of the intervention and has consented to it;
- c. the intervention is prescribed by a qualified medical practitioner or recommended by an interdisciplinary team;
- d. the organization periodically reviews the continued need for and effectiveness of the treatment or intervention;
- e. all personnel working with the individual have been trained on their specific treatment plan and its parameters; and
- f. the intervention is not used as a substitute for appropriate staffing patterns, for the convenience of staff, or as punishment.

Interpretation: *Examples of such treatments and interventions are use of splints or poseys to prevent self-injury, use of visual or auditory screens to reduce stimulation, use of distasteful substances, textures, or activities as a*

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

consequence for behavior.

Interpretation: *In regards to element (c), the prescription should include the specific parameters of the use of the intervention, including a time limit and specific set of behaviors or circumstances that the intervention should be applied*

NA *The organization does not use interventions that limit physical movement, diminish sensory experience, restrict personal freedoms, or cause personal discomfort.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Procedures, that include well delineated treatments and interventions, guide practices that are basically appropriate to the intent and elements of the standard, but one of the elements needs strengthening; or
 - Documentation related to use of interventions needs minor improvement.
- 3) Practice requires significant improvement; e.g.,
 - Procedures need strengthening for two of the elements; and/or
 - There are a few instances in which procedures for element (a) or (b) were not followed; or
 - Documentation needs significant improvement.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all; e.g.,
 - In a few instances one of the standard's elements was not implemented; or
 - Use of interventions is not documented.

(FP) CR 4.06

The organization provides assistive technology, or helps the person gain access to assistive resources, as needed, and the person is:

- a. involved in the selection of specific technologies;
- b. afforded the opportunity to try the device prior to purchase or assignment; and
- c. trained on the use of specific assistive devices being provided.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

Interpretation: Assistive technology is any tool, device, service, or software that helps persons with disabilities perform tasks that otherwise might be difficult or impossible.

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - One of the elements needs strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Two of the elements need strengthening; or
 - One of the elements is not covered; or
 - Assistive technology is sometimes not available.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.
 - Assistive technology is generally not available.

CR 4.07

An intervention is discontinued immediately if it produces adverse side effects, or is deemed unacceptable according to prevailing professional standards, and policy prohibits:

- a. corporal punishment;
- b. the use of aversive stimuli;
- c. interventions that involve withholding nutrition or hydration, or that inflict physical or psychological pain;
- d. the use of demeaning, shaming or degrading language or activities;
- e. unnecessarily punitive restrictions including cancellation of visits as a disciplinary action;
- f. forced physical exercise to eliminate behaviors;
- g. punitive work assignments;
- h. punishment by peers;
- i. group punishment or discipline for individual behavior; and
- j. unwarranted use of invasive procedures and activities as a disciplinary action.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - All prohibited interventions are included in policy, however, procedures for discontinuing interventions need more specificity.
- 3) Practice requires significant improvement; e.g.,
 - One of the elements is not included in policy; or
 - Procedures need significant improvement; or
 - Documentation related to discontinued procedures needs improvement.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.
 - Policy does not include two or more elements; or
 - In at least one instance a prohibited practice was used.

CR 4.08

The organization supports persons with developmental disabilities to establish meaningful social relationships, build and maintain natural support systems, exercise their rights and responsibilities, and participate in the life of their community by:

- a. identifying and pursuing the types of social roles, as well as family and other relationships, the person wishes to pursue;
- b. providing opportunities for social and physical interaction with persons, in addition to service providers and recipients; and
- c. achieving an optimal level of community involvement and participation.

Interpretation: *Persons with developmental disabilities receive services and supports that are tailored to their individual needs and help them fully interact with the community and achieve maximum independence in the least restrictive environment.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Procedure or documentation related to one of the elements needs strengthening.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

- 3) Practice requires significant improvement; e.g.,
 - Procedure or documentation related to two of the elements needs strengthening, e.g., documentation rarely discusses impact on individual's goals.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

CR 4.09

Family support services are available to strengthen the family's ability to provide care, prevent unwanted and inappropriate out-of-home placements, and help maintain family unity.

Interpretation: *Information is available to help caregivers with their caretaking responsibilities and addresses the needs or interests of caregivers, including topics such as early childhood development, behavior, home economics, work-life balance, and nutrition.*

Interpretation: *Examples of community support services, include:*

- a. *behavioral support;*
- b. *case management;*
- c. *counseling;*
- d. *early intervention services;*
- e. *financial assistance;*
- f. *in-home support;*
- g. *public entitlements;*
- h. *respite services; and*
- i. *support groups.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Procedure or documentation related to one of the elements needs strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Procedure or documentation related to two of the elements needs strengthening.

Purpose

The rights and dignity of clients are respected throughout the organization.



Client Rights

4) Implementation of the standard is minimal or there is no evidence of implementation at all.

(FP) CR 4.10

Persons with developmental disabilities receive appropriate support and education regarding sexuality and relationships, including:

- a. sexual health and development;
- b. family planning and pregnancy prevention;
- c. prevention of STDs and HIV/AIDS; and
- d. sexual abuse and exploitation, including giving and receiving sexual consent.

Interpretation: *Support and education regarding sexuality and relationships should be tailored to the assessed needs, capacity, and learning style of the person.*

Research Note: *The literature suggests that people with developmental disabilities are far more likely to be victims of sexual and other violence than people in the general population.*

Rating Indicators

- 1) The organization's practices reflect full implementation of the standard.
- 2) Practices are basically sound but there is room for improvement; e.g.,
 - Procedure or documentation for support or education related to one of the elements needs strengthening.
- 3) Practice requires significant improvement; e.g.,
 - Procedure or documentation for support or education related to two of the elements needs strengthening.
- 4) Implementation of the standard is minimal or there is no evidence of implementation at all.

Purpose

The rights and dignity of clients are respected throughout the organization.