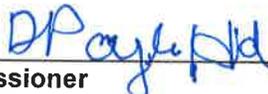


	POLICIES AND PROCEDURES State of Tennessee Department of Intellectual and Developmental Disabilities	Policy #: Policy 100.1.3	Page 1 of 3
Policy Type: Intermediate Care Facilities for Individuals with Intellectual Disabilities		Effective Date: September 15, 2015	
Approved by:  <hr/> Commissioner		Supersedes: June 25, 2011 # 202	
Subject: PROTECTION OF RIGHTS		Last Review or Revision: Reviewed December 2, 2013; May 13, 2015	

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 33-3-101, TCA 71-5-105 (12)(c), Section 1905 (d) of the Social Security Act, and 42 CFR 483.420
- II. **PURPOSE:** The purpose of this policy is to ensure persons supported in the Department of Intellectual and Developmental Disabilities (DIDD) Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs – IID) and the Day One Unit at the Harold Jordan Center (HJC) are supported in understanding and exercising their rights in keeping with the values of DIDD.
- III. **APPLICATION:** This policy is applicable to employees, contract employees and volunteers who provide services and supports to individuals residing in DIDD ICFs/IID and the Day One Unit at HJC.
- IV. **DEFINITIONS:**
 - A. **Advocacy Services** shall mean paid and unpaid services on behalf of the rights of persons' supported.
 - B. **Individual Support Plan (ISP)** shall mean a person-centered document that provides a comprehensive description of the person supported as well as guidance for how to accomplish unique outcomes that are important to the person in achieving a good quality of life in the setting in which they reside.
 - C. **Rights** shall mean protections, benefits, services or assistance to which a person is legally entitled.
- V. **POLICY:** Persons supported who receive services in DIDD ICFs/IID and HJC shall not be deprived of any civil or legal rights solely because of a disability. Everyone who receives services will be given respect and dignity regardless of race, religion, national origin, limited English proficiency, creed, age, gender, ethnic background, sexual orientation, disability, or other health condition.

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VI. PROCEDURES:

- A.** DIDD shall ensure that persons supported in ICFs/IID and the Day One at HJC has access to advocacy services. The level and kind of advocacy services will depend on the person's wants, needs and personal preferences.
- B.** DIDD shall ensure each person supported in DIDD ICFs/IID and the Day One Unit at HJC, and his or her legal conservator shall be informed of the following rights:
1. Respectful and dignified treatment;
 2. Freedom from physical, verbal, psychological and sexual abuse or neglect;
 3. Freedom from physical, verbal, sexual or psychological punishment;
 4. Freedom from inappropriate use of restraints (physical and/or chemical), and from unnecessary drugs; and, active treatment to reduce dependency on drugs and physical restraints;
 5. Protection from financial exploitation;
 6. Freedom from discrimination;
 7. Confidentiality of personal information;
 8. Freedom to actively and meaningfully make decisions;
 9. Freedom to express suggestions, concerns, and grievances without fear or reprisal;
 10. Appropriate and respectful health care;
 11. Information and support at each stage of life in making decisions related to legal, health and spiritual matters;
 12. Participation in the religion of their choice;
 13. Opportunity to communicate, associate, and meet privately with persons of their own choice;
 14. A reasonable degree of privacy in the bedroom, bathroom and during treatment;
 15. Access to a phone in a private space in which to make and to receive calls;
 16. Receive and send unopened mail;
 17. Control over personal money and property as defined by his or her Individual Support Plan (ISP);
 18. Education and personal finance management to the extent of the individual's capability;

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- 19. Fair compensation for work performed outside their home;
 - 20. Voter registration and participation in the voting process;
 - 21. A balanced, adequate and nutritious diet served at appropriate times, with food or hydration never being withheld as punishment;
 - 22. Own clothing which fits properly and is cared for appropriately;
 - 23. Own adequate personal grooming and hygiene supplies;
 - 24. A reasonable amount of and access to personal storage space;
 - 25. An alternate residential setting upon request;
 - 26. Share a room with their spouse; and
 - 27. Give written informed consent prior to implementation of video cameras and audio surveillance in a specified area. Use of such equipment must first be approved by the Human Rights Committee (HRC) and may only be used in common areas where there are lower expectations of privacy.
- C. DIDD ICFs/IID and the Day One Unit at HJC shall maintain annual documentation that every person supported and/ or his or her legal conservator has been informed of his or her rights.
 - D. DIDD shall support individuals served in ICFs/IID and the Day One Unit at HJC in exercising their rights throughout their daily activities.
 - E. DIDD shall ensure persons supported in ICFs/IID and the Day One Unit at HJC, and his or her legal conservator, is informed of the rules of the facility.
- VII. CQL STANDARDS:** People are treated with dignity and respect. The organization respects people's concern and responds accordingly. Supports and services enhance dignity and respect. People exercise rights.
- VIII. REVISION HISTORY:** December 2, 2013, May 13, 2015
- IX. TENNCARE APPROVAL:** N/A
- X. ATTACHMENTS:** None