

BENCO
24 Hour
POLICIES AND PROCEDURES

INDIVIDUAL RIGHTS

OAR: 411-325-0300 (1) (d) and 411-318-0010 (1) a-z

POLICY:

Adults with developmental disabilities have the same rights and responsibilities as other citizens in our society unless legally abridged.

PROCEDURES:

- Individual Rights (1) a-z
 - **(a)** Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;
 - **(b)** Be free from seclusion, unauthorized training or treatment, and personal, chemical, and mechanical restraints, unless an imminent risk of physical harm to the individual or others exists and only for as long as the imminent risk continues;
 - **(c)** Be assured that medication is administered only for the clinical needs of the individual as indicated by a health care provider, unless an imminent risk of physical harm to the individual or others exists and only for as long as the imminent risk continues;
 - **(d)** Individual choice for an adult to consent to or refuse treatment unless incapable and then an alternative decision maker will be allowed to consent to or refuse treatment for the adult.
 - Psychotropic medication will only be used with informed consent in two circumstances, in conjunction with a proactive behavior program; and when prescribed for a documented mental illness for which psychotropic medication has been proven to be effective. All psychotropic medications will be prescribed and monitored by a physician who is skilled in dealing with persons with developmental disabilities. Psychotropic medication and blood levels will be monitored by the prescribing physician. Under no circumstances will medication be used as a substitute for a behavior program, or for the convenience of Benco. PRN psychotropic medications are prohibited.

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- **(e)** Informed, voluntary, written consent prior to receiving services, except in a medical emergency or as otherwise permitted by law;
- **(f)** Informed, voluntary, written consent prior to participating in an experimental program;
- **(g)** A humane service environment that affords reasonable privacy and the ability to engage in private communications with people chosen by the individual through personal visits, mail, telephone, or electronic means;
- Individuals have the right to send and received unopened, uncensored mail. Employees will read and explain information, as necessary, to the individual and help with follow through as needed. Individuals may make and receive telephone calls without censorship and employees will assist the individual with the telephone as needed. Individuals are asked to respect the rights of their program mate's when more than one person desires to use the telephone.
- The individual will have their own personal bedroom or apartment. Employees will never enter an individual's bedroom or apartment without receiving permission from the individual unless an emergency exists. Employees will avoid going into an individual's bedroom or apartment when the individuals are not home, but if this is necessary, it is imperative that employees respect the privacy of the individual. Looking through an individual's belongings is not acceptable. Sensitivity to the need for privacy for the individual will be provided during care and treatment including personal hygiene.
- **(h)** Visit with legal and designated representatives, family members, friends, advocates, legal and medical professionals, and others chosen by the individual, except where prohibited by court order;
- The behavior of the guest must meet the standards generally held within the program and the host must respect their program mate's rights while entertaining guests. Benco will assist individuals in maintaining desired relationships with family members, friends and advocates. Benco will facilitate visits to legal and medical professionals and will assist individuals, as requested in obtaining desired services.
- **(i)** Participate regularly in the community and use community resources, including recreation, developmental disabilities services, employment services, school, educational opportunities, and health care resources;

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- The individual will have a desired number of recreational activities listed in their individual support plan and employees will assist individuals in identifying desired recreational activities and services and will assist in ensuring that the activities occur as desired by the individual.
- **(j)** For individuals less than 21 years of age, access to a free and appropriate public education, including a procedure for school attendance or refusal to attend;
- **(k)** Not be required to perform labor, except personal housekeeping duties, without reasonable and lawful compensation;
- **(l)** Manage their own money and financial affairs unless the right has been taken away by court order or other legal procedure;
- **(m)** Keep and use personal property and have a reasonable amount of personal storage space;
- Benco will not assist with the acquisition or administration of any federally illegal product including both medical and recreational marijuana/cannabis. An acquisition may not include any supports to plan for, budget for, travel to or from or shop for any product containing marijuana/cannabis. Administration may not include any supports to prepare, dose, apply or deliver any product containing marijuana/cannabis. It is the individual's responsibility to obtain their own marijuana/cannabis.
- If an individual chooses to use marijuana/cannabis they must follow all applicable Oregon Revised Statutes, Oregon Administrative Rules and Laws related to the use and storage of marijuana/cannabis in or on the grounds of Benco facilities. An individual may use marijuana/cannabis as outlined in the individual's residency agreement.
- If an individual chooses to consume/store marijuana/cannabis or alcohol on the grounds of a Benco facility, they are responsible for obtaining a locking storage space which prevents access from staff and other individuals and is approved by Benco.
- Weapons of any kind will not be permitted in or on the grounds of Benco facilities. If an individual chooses to own weapons, those items will be kept off of the grounds of Benco facilities. Any exceptions will be outlined in the individual's residency agreement.

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- Benco will ensure that the individual receives the various agency services which they desire. It is assumed that most individuals will be employed or attend a daytime activities program outside of the home. If the individual loses their daytime activities program or employment, Benco will provide employee coverage during the hours which the individual is at home.
- **(n)** Food, housing, clothing, medical and health care, supportive services, and training;
- Individuals are allowed to worship, or not worship, as they choose. Benco will assist individuals as requested, to attend religious services of their choice. Benco will also ensure that the religious beliefs of employees or other individuals within the community will not be forced upon an individual. Benco will respect the religious customs of the individuals and will help to ensure that those customs are met, as desired by the individual. Benco will be sensitive to the cultural and ethnic values of individuals. Assistance will be provided to maintain his or her cultural and ethnic identity.
- Individuals will be assisted in obtaining political information and Benco will assist the individual with voting. Benco will ensure that the employees and other individuals within the community will not force their political opinion upon the individual.
- **(o)** Seek a meaningful life by choosing from available services and enjoying the benefits of community involvement and community integration in a manner that is most integrated, considering the preferences and age of the individual;
- Individuals that desire love, affection and sexual contact will be assisted in developing and maintaining meaningful personal relationships which will improve their quality of life.
- Employees may assist in the process by helping to plan recreational activities which allow social contact, assisting in the transportation for dates, and having an open supportive attitude regarding the individuals needs in this area.
- If an individual wants a sexual relationship with a willing partner, Benco will provide information regarding birth control, safe sexual practices and the responsibilities that come with a sexual relationship.

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- Benco may refer the individual to a responsible community resource which provides family planning services.
- The individual's rights to privacy will be respected in this area. Individuals able to consent and who desire a sexual relationship are expected to respect their mate's rights to privacy as well. If an individual wishes to marry, Benco will assist in locating an appropriate community resource to provide premarital counseling if desired and will help with details regarding the marriage and services which may be needed or desired after the marriage.
- Benco will also assist the individual in understanding the rights and responsibilities of marriage. If an individual wishes to have a child Benco will assist the individual in finding family planning services, counseling and parent training programs if desired. Because Benco does not have the capacity to serve an individual with a child at this time, the individual's service coordinator will assist the individual in locating any services which may be needed.
- **(p)** An individualized written plan for services created through a person-centered planning process, services based upon the plan, and periodic review and reassessment of service needs;
- **(q)** Ongoing participation in the planning of services, including the right to participate in the development and periodic revision of the plan for services, the right to be provided with an explanation of all service considerations in a manner that ensures meaningful individual participation, and the right to invite others chosen by the individual to participate in the plan for services;
- **(r)** Request a change in the plan for services and a reassessment of service needs;
- **(s)** A timely decision upon request of a change in the plan for services and a reassessment of service needs;
- **(t)** Not be involuntarily terminated or transferred from services without prior notice, notification of available sources of necessary continued services and exercise of a complaint procedure;
- **(u)** Advance written notice of any action that terminates, suspends, reduces, or denies a service or request for service, notification of available sources of necessary continued services, and a hearing to challenge an

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action that terminates, suspends, reduces, or denies a services or request for service;

- **(v)** Be informed at the start of services and annually thereafter of the rights guaranteed by this rule, the contact information for the protection and advocacy system described in ORS 192.517(1), and the procedures for filing complaints, reviews, hearings, or appeals if services have been or are proposed to be terminated, suspended, reduced, or denied;
- **(w)** Be encouraged and assisted in exercising all legal, civil, and human rights;
- **(x)** Exercise all rights set forth in ORS 426.385 and 427.031 if the individual is committed to the County.
- **(y)** Be informed of and have the opportunity to assert complaints as described in OAR 411-318-0015 with respect to infringement of the rights described in this rule, including the right to have such complaints considered in a fair, timely, and impartial complaint procedure without any form of retaliation or punishment;
- **(z)** Freedom to exercise all rights described in this rule without any form of reprisal or punishment, and;
- **(aa)** Be informed that a family member has contacted the County to determine the location of the individual, and to be informed of the name and contact information of the family member, if known, as provided under ORS 430.212 and OAR 411-320-0090.

Approved By: _____

Kristen Gregory, Behco Board President

Date: 12-10-2019