

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:

Date: February 24, 2020

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: RIGHTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES

II. PURPOSE:

To assert and ascertain the rights of persons with developmental disabilities across all programs operated directly by or under contract with the Board, by all employees of those programs, and for all individuals served by those programs.

III. REFERENCES:

42 CFR 483.10 Resident Rights
ORC 5123.62 Rights of Persons with a Developmental Disability
ORC 5123.63 Distributing Copies of Rights
ORC 5123.64 Enforcement Duties
ORC 5126.06 Resolution of Complaints
LCBDD/Deepwood Policy A-6 Informal Concern/Complaint Resolution
LCBDD/Deepwood Policy A-20 Human Rights Committee
LCBDD/Deepwood Policy C-1 Administrative Resolution of Complaints
Commission on Accreditation of Rehabilitation Facilities (CARF) Standards Manual

IV. POLICY:

- A. Individuals with developmental disabilities have the same rights as all other citizens of the same age. A description and listing of the rights of persons with developmental disabilities as adopted by law is appended.
- B. All individuals served, their parents, guardians, and advocates shall be informed of the individual's rights upon enrollment in any program(s), and annually thereafter, if the individual has an annual plan.

If the individual is under the age of 18 or has a legally appointed guardian, the parent or guardian, shall acknowledge review of these rights at the individual's annual plan meeting by signing an Individual Rights Statement (Attachment "A"). If the parent or guardian is unable to attend the individual's annual plan meeting at which the rights are reviewed, alternative arrangements (e.g., conference, mailing) shall be made to ensure that a signed acknowledgment is obtained.

If the individual is 18 years of age or older and is his/her own guardian these rights shall be reviewed with the individual. The individual shall acknowledge review of these rights at his/her annual plan meeting by signing the Individual Rights Statement (Attachment "A"). Should the individual's parent or advocate be present when the rights are reviewed with the individual, they shall also sign the Individual Rights Statement as a witness.

Reasonable and appropriate means will be used to assist any individual who requires special accommodation to understand his/her rights. If the individual's team determines that the individual is not capable of understanding these rights, every effort shall be made to ensure that these rights are reviewed with the parent or advocate and that they acknowledge said review by signing the Individual Rights Statement (Attachment "A").

- C. The Human Resource Department shall review these rights with all new employees as a part of the pre-employment process. The new employee shall acknowledge review of these rights by signing an Employee Acknowledgment of the Individual Rights Statement form (Attachment "B"). All current employees shall review these Individual Rights and shall sign an Employee Acknowledgment of Rights Statement on an annual basis, . Signed acknowledgments shall be placed in the employee's staff development file maintained by the Training coordinator.
- D. A copy of these rights, the telephone number of Disability Rights Ohio, the Department of Developmental Disabilities, and the Lake County Board of Developmental Disabilities/Deepwood shall be posted at all times in each program area in a place accessible to all individuals receiving services. Procedures for resolving complaints of violations, per Board Policies A-6 and A-20, shall be readily accessible to all individuals receiving services.

V. DISTRIBUTION:

All Board Members
All Management Staff
All Staff (Via Department Managers)
LEADD President

VI: REVIEWED:

2/20, 9/16, 9/14, 9/12, 9/10, 10/08, 4/08, 5/06, 5/04, 5/02, 5/00, 7/92