

STEP, Inc.
ADMISSION/SERVICE INITIATION

Explanation of Service Recipient Rights

Under Minnesota Statutes 245D.04, a service recipient of licensed disability services and/or their legal representative have certain rights given to them by law. These rights are included in the attached STEP "Service Recipient Rights" statement.

The rights include service-related rights such as the right to know service limits, the right to know funding sources, and the right to know conditions and terms regarding service initiation and termination. In addition to the explanations given under the "Service Related Rights" in the Service Recipient Rights Statement, more information can be found in the "Admission, Suspension and Termination" policy, which is part of the Admission Policy Distribution packet.

The rights also include protection related rights, which includes areas such as the right to private records, the right to be free from maltreatment and the rights to have your complaints heard. In addition to the information given in the "Protection Related Rights" section of STEP's Service Recipient Rights statement, other information about how STEP protects these rights are included in our "Data Practices" policy, in our Vulnerable Adult and Maltreatment of Minors policies, and in our Grievance Procedures. Those policies are included in the Admission Policy Distribution packet.

Also attached is a copy of Minnesota Statutes 245D.04, which provides for service recipient rights.

If you need help to exercise or protect my rights, the following agencies can help:

Office of the Ombudsman for Mental Health
and Developmental Disabilities
121 7th Place E, Suite 420
Metro Square Building
St. Paul, MN 55101
Phone: (651) 757-1800 or 1(800) 657-3506
Fax: (651) 797-1950
Website: www.ombudmhdd.state.mn.us

Minnesota Disability Law Center
430 1st Ave N, Suite 300
Minneapolis, MN 55401
Email: mndlc@mylegalaid.org
Website: <http://www.mndlc.org/>

If you have further questions or would like more explanation, please contact your usual STEP contact or Sue Eisenmenger at 507 238-4341.

May 2018

STEP, Inc.
SERVICE RECIPIENT RIGHTS

People who receive services from STEP, Inc. and other licensed providers have rights that are stated in Minnesota law. STEP must provide the person receiving services, or their legal representative, a written notice of these rights and an explanation of the rights within five working days of the start of services and annually thereafter. The information is to be provided in a format or language as needed to facilitate understanding by the person or their legal representative. STEP is responsible to help the person to exercise and protect their rights.

When a person is receiving services and supports from STEP, a person has the following rights:

SERVICE RELATED RIGHTS

1. To take part in planning and evaluating the services that will be provided to the person.
2. To have services and supports provided to the person in a way that respects the person and considers his/her preferences.
3. To refuse or stop services and be informed about what will happen if the person refuses or stops services.
4. To know, before the person starts to receive services from this program, if the program has the skills and ability to meet the person's need for services and supports, and what limits there may be.
5. To 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.
6. To have the program help coordinate the person's care if the person transfers to another provider to ensure continuity of care.
7. To 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.
8. To know, before the person starts to receive services, if the cost of the person's care will be paid for by insurance, government funding, or other sources, and be told of any charges the person may have to pay.

9. To have staff that is trained and qualified to meet the person's needs and support, and has certification and licensure that may be required.

PROTECTION-RELATED RIGHTS

10. To have the person's personal, financial, service, health, and medical information kept private and be notified if these records have been shared.
11. To have access to the person's records and recorded information that the program has about the person as allowed by state and federal law, regulation, or rule
12. To be free from abuse, neglect or financial exploitation by the program or its staff.
13. To be free from physical restraint, time out, seclusion restrictive intervention, or other prohibited procedures identified in state statutes, except for emergency use of manual restraint to protect the person from immediate danger to self or others in accordance with existing laws or the use of safety interventions as part of a positive support transition plan.
14. To receive services in a clean and safe location.
15. To be treated with courtesy and respect and have my property treated with respect.
16. To be allowed to reasonably follow my cultural and ethnic practices and religion.
17. To be free from prejudice and harassment regarding my race, gender, age, disability, spirituality, and sexual orientation.
18. To be told about and to use STEP's grievance policy and procedures, including knowing how to contact persons responsible for helping the person to get any problems with the program fixed and how to file a social services appeal under the law.
19. To know the names, addresses, phone numbers, emails and websites of people who can help the person, including the ombudsman, and to be given information about how to file a complaint with these offices.

20. To exercise the person's rights on his/her own or have a family member or another authorized person help the person exercise his/her rights, without retaliation from the program.
21. To give or not give written informed consent to take part in any research or experimental treatment
22. To associate with other people of the person's choice, in the community.
23. To have personal privacy.
24. To take part in activities that the person chooses

RESTRICTION OF RIGHTS

Restriction of a person's rights is allowed only if it is determined necessary to ensure the health, safety and well-being of the person. The only rights that may be restricted at STEP are the right to associate with other people of the person's choice, the right to personal privacy and the right to engage in activities of their choice. The restriction must be implemented in the least restrictive alternative manner necessary to protect the person and to provide support to reduce or eliminate the need for the restriction in the most integrated setting and inclusive manner.

Any restriction of these rights must be documented in the service plan for the person and must include:

- 1) The justification for the restriction based on an assessment of the person's vulnerability related to exercising the rights without restriction
- 2) The objective measure set as conditions for ending the restriction
- 3) A schedule for reviewing the need for the restriction at a minimum of semiannually from the date of initial approval or more frequently if requested by the person, the person's legal representative or the case manager.
- 3) Signed and dated approval for the restriction from the person or the person's legal representative. A restriction may be implemented only after the required approval is received. Approval may be withdrawn at any time, and the right then must be immediately and fully restored.

Home and Community Based Service Rights

In addition to the rights afforded people under Minnesota Statutes 245D and others, people receiving services under the Home and Community-Based Waiver have coinciding and additional rights under federal regulations, as specified in the person's individual service plan. Included in those rights are the following:

- 1) The right to their personal funds and information about their income
- 2) The right to privacy, including privacy of personal information, personal care

- completed in private, and privacy in personal communications
- 3) The right to be treated with dignity and respect, and to have services provided in a way that respects and considers personal preferences
 - 4) The right to be free from coercion and restraint
 - 5) The right to choose activities and services, and to move about the service setting without confinement to one area

Reviewed and Approved by Board of Directors
January 12, 2022

245D.04 SERVICE RECIPIENT RIGHTS.

Subdivision 1. **License holder responsibility for individual rights of persons served by the program.** The license holder must:

(1) provide each person or each person's legal representative with a written notice that identifies the service recipient rights in subdivisions 2 and 3, and an explanation of those rights within five working days of service initiation and annually thereafter;

(2) make reasonable accommodations to provide this information in other formats or languages as needed to facilitate understanding of the rights by the person and the person's legal representative, if any;

(3) maintain documentation of the person's or the person's legal representative's receipt of a copy and an explanation of the rights; and

(4) ensure the exercise and protection of the person's rights in the services provided by the license holder and as authorized in the coordinated service and support plan.

Subd. 2. **Service-related rights.** A person's service-related rights include the right to:

(1) participate in the development and evaluation of the services provided to the person;

(2) have services and supports identified in the coordinated service and support plan and the coordinated service and support plan addendum provided in a manner that respects and takes into consideration the person's preferences according to the requirements in sections 245D.07 and 245D.071;

(3) refuse or terminate services and be informed of the consequences of refusing or terminating services;

(4) know, in advance, limits to the services available from the license holder, including the license holder's knowledge, skill, and ability to meet the person's service and support needs;

(5) know conditions and terms governing the provision of services, including the license holder's admission criteria and policies and procedures related to temporary service suspension and service termination;

(6) a coordinated transfer to ensure continuity of care when there will be a change in the provider;

(7) know what the charges are for services, regardless of who will be paying for the services, and be notified of changes in those charges;

(8) know, in advance, whether services are covered by insurance, government funding, or other sources, and be told of any charges the person or other private party may have to pay; and

(9) receive services from an individual who is competent and trained, who has professional certification or licensure, as required, and who meets additional qualifications identified in the person's coordinated service and support plan or coordinated service and support plan addendum.

Subd. 3. **Protection-related rights.** (a) A person's protection-related rights include the right to:

(1) have personal, financial, service, health, and medical information kept private, and be advised of disclosure of this information by the license holder;

(2) access records and recorded information about the person in accordance with applicable state and federal law, regulation, or rule;

(3) be free from maltreatment;



(4) be free from restraint, time out, seclusion, restrictive intervention, or other prohibited procedure identified in section 245D.06, subdivision 5, or successor provisions, except for: (i) emergency use of manual restraint to protect the person from imminent danger to self or others according to the requirements in section 245D.061 or successor provisions; or (ii) the use of safety interventions as part of a positive support transition plan under section 245D.06, subdivision 8, or successor provisions;

(5) receive services in a clean and safe environment when the license holder is the owner, lessor, or tenant of the service site;

(6) be treated with courtesy and respect and receive respectful treatment of the person's property;

(7) reasonable observance of cultural and ethnic practice and religion;

(8) be free from bias and harassment regarding race, gender, age, disability, spirituality, and sexual orientation;

(9) be informed of and use the license holder's grievance policy and procedures, including knowing how to contact persons responsible for addressing problems and to appeal under section 256.045;

(10) know the name, telephone number, and the website, e-mail, and street addresses of protection and advocacy services, including the appropriate state-appointed ombudsman, and a brief description of how to file a complaint with these offices;

(11) assert these rights personally, or have them asserted by the person's family, authorized representative, or legal representative, without retaliation;

(12) give or withhold written informed consent to participate in any research or experimental treatment;

(13) associate with other persons of the person's choice;

(14) personal privacy, including the right to use the lock on the person's bedroom or unit door;

(15) engage in chosen activities; and

(16) access to the person's personal possessions at any time, including financial resources.

(b) For a person residing in a residential site licensed according to chapter 245A, or where the license holder is the owner, lessor, or tenant of the residential service site, protection-related rights also include the right to:

(1) have daily, private access to and use of a non-coin-operated telephone for local calls and long-distance calls made collect or paid for by the person;

(2) receive and send, without interference, uncensored, unopened mail or electronic correspondence or communication;

(3) have use of and free access to common areas in the residence and the freedom to come and go from the residence at will;

(4) choose the person's visitors and time of visits and have privacy for visits with the person's spouse, next of kin, legal counsel, religious adviser, or others, in accordance with section 363A.09 of the Human Rights Act, including privacy in the person's bedroom;

(5) have access to three nutritionally balanced meals and nutritious snacks between meals each day;



- (6) have freedom and support to access food and potable water at any time;
- (7) have the freedom to furnish and decorate the person's bedroom or living unit;
- (8) a setting that is clean and free from accumulation of dirt, grease, garbage, peeling paint, mold, vermin, and insects;
- (9) a setting that is free from hazards that threaten the person's health or safety; and
- (10) a setting that meets the definition of a dwelling unit within a residential occupancy as defined in the State Fire Code.

(c) Restriction of a person's rights under paragraph (a), clauses (13) to (16), or paragraph (b) 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. The documentation must include the following information:

- (1) the justification for the restriction based on an assessment of the person's vulnerability related to exercising the right without restriction;
- (2) the objective measures set as conditions for ending the restriction;
- (3) 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; and
- (4) signed and dated approval for the restriction from the person, or the person's legal representative, if any. A restriction may be implemented only when the required approval has been obtained. Approval may be withdrawn at any time. If approval is withdrawn, the right must be immediately and fully restored.

History: 2012 c 216 art 18 s 19; 2013 c 108 art 8 s 24; 2014 c 275 art 1 s 49; 2014 c 312 art 27 s 23; 2017 c 90 s 11; 1Sp2017 c 6 art 2 s 8



