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Title 22@ Social Security

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Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

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Chapter 8@ Intermediate Care Facilities for the Developmentally Disabled

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Article 4@ Administration

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Section 76527@ Clients' Rights-Cause for Denial of Clients' Rights

## **76527 Clients' Rights-Cause for Denial of Clients' Rights**

### **(a)**

Good cause for denying a client the exercise of a right exists when the professional person in charge of a facility has good reason to believe: (1) That the exercise of the specific right would be injurious to the client; or (2) There is evidence that the specific right, if exercised would seriously infringe on the rights of others; or (3) The facility would suffer serious damage if the specific right is not denied; and (4) That there is no less restrictive way of protecting the interests specified in (1), (2) or (3).

#### **(1)**

That the exercise of the specific right would be injurious to the client; or

#### **(2)**

There is evidence that the specific right, if exercised would seriously infringe on the rights of others; or

#### **(3)**

The facility would suffer serious damage if the specific right is not denied; and

#### **(4)**

That there is no less restrictive way of protecting the interests specified in (1), (2) or (3).

### **(b)**

The reason used to justify the denial of a right to a client shall be related to the

specific right denied.

**(c)**

A right shall not be withheld or denied as a punitive measure, nor be considered a privilege to be earned nor as part of a client's individual program.

**(d)**

Waivers signed by the client or by the responsible relative, guardian or conservator shall not be used as a basis for denying rights in a client's individual program. Any waivers of a client's rights shall be reviewed and approved by the clients' rights advocate.