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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 1@ General Licensing Requirements

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Article 6@ Continuing Requirements

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Section 80072@ Personal Rights

80072 Personal Rights

(a)

Except for children's residential facilities, each client shall have personal rights which include, but are not limited to, the following: (1) To be accorded dignity in his/her personal relationships with staff and other persons. (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs. (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with the daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning. (4) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality. (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. (A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis. (6) To leave or depart the facility at any time. (A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients. (B) This provision shall not apply to minors and other clients for whom a guardian,

conservator, or other legal authority has been appointed. (7) Not to be locked in any room, building, or facility premises by day or night. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only with the prior approval of the licensing agency. (8) Not to be placed in any restraining device. Postural supports may be used under the following conditions. (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order. (C) Postural supports shall be fastened or tied in a manner that permits quick release by the client. (D) Prior to the use of postural supports that cause the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 80020, has been secured. (E) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the bed are prohibited except for clients who are currently receiving hospice care and have a

hospice care plan that specifies the need for full bed rails. (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below. 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices. (9) To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed. (10) To be informed of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code section 1512.

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To be accorded dignity in his/her personal relationships with staff and other persons.

(2)

To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.

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To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with the daily living functions,

including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.

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To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.

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To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. (A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.

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Not to be locked in any room, building, or facility premises by day or night. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only with the prior approval of the licensing agency.

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Not to be placed in any restraining device. Postural supports may be used under the following conditions. (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order. (C) Postural supports shall be fastened or tied in a manner that permits quick release by the client. (D) Prior to the use of postural supports that cause

the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 80020, has been secured. (E) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the bed are prohibited except for clients who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rails. (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below. 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

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A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order.

(C)

Postural supports shall be fastened or tied in a manner that permits quick release by the client.

(D)

Prior to the use of postural supports that cause the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 80020, has been secured.

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Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the bed are prohibited except for clients who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rails.

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(9)

To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.

(10)

To be informed of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code section 1512.

(b)

Section 1531.15(j) of the Health and Safety Code shall apply to a licensee of a Group Home or Adult Residential Facility that has received approval from the Department for the use secured perimeters.

(c)

In the event the a licensee of a Group Home or Adult Residential Facility is using secured perimeters and a written consent has been obtained for a client agreeing to the placement in the facility using secured perimeters, the client or, as appropriate, the consumer's conservator or other person with legal authority, shall have the right to withdraw the written consent at any time. (1) If consent is revoked then the client shall not be subject to secured perimeters.

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(d)

At admission, a client and the client's authorized representative shall be personally advised of and given a list of the rights specified in Sections 80072(a)(1) through (10) and in the applicable Personal Rights sections of chapters 2 through 7.

(e)

The information specified in (b) above including the visiting policy as stated in the admissions agreement shall be prominently posted in areas accessible to clients and their visitors.

(f)

The licensee shall ensure that each client is accorded the personal rights as specified in this section and the applicable sections of chapters 2 through 7.