

82072 Personal Rights

(a)

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 in Health and Safety Code Section 1538 regarding confidential or anonymous complaints and of the address and telephone number of the applicable licensing agency. (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 day program, shall be on a completely voluntary basis. (6) To leave or depart the day program at any time. (A) The licensee shall not be prohibited by this provision from setting house rules for the protection of clients. (B) This provision shall not apply to clients for whom a conservator, or other legal representative with authority to prohibit the client's departure, has

been appointed. (7) Not to be locked in any room, building, or day program site. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing rules for the protection of clients, provided the clients are able to exit the day program. (B) The licensee shall be permitted to utilize egress control devices as specified in Section 82087.5(a). (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 postural supports 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 which permits quick release by the client. (D) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. (E) Protective devices including, but not limited to, helmets, elbow guards, and mittens that 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 follows: 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for these 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 clients for whom a conservator, or other legal authority has been appointed. (10) To be informed of the program's policy concerning family involvement and participation with clients.

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

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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 in Health and Safety Code Section 1538 regarding confidential or anonymous complaints and of the address and telephone number of the applicable licensing agency.

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from the spiritual advisor of his/her choice. (A) Attendance at religious services, in or outside of the day program, shall be on a completely voluntary basis.

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Not to be locked in any room, building, or day program site. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing rules for the protection of clients, provided the clients are able to exit the day program. (B) The licensee shall be permitted to utilize egress control devices as specified in Section 82087.5(a).

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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 postural supports 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 which permits quick release by the client. (D) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet. (E) Protective devices including, but not limited to, helmets, elbow guards, and mittens that 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 follows: 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for these 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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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 clients for whom a conservator, or other legal authority has been appointed.

(10)

To be informed of the program's policy concerning family involvement and participation with clients.

(b)

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

82072(a)(1) through (10).

(c)

The information specified in Section 82072(b), in addition to the policy for visitors as stated in the admissions agreement, shall be prominently posted in areas accessible to clients and their visitors.

(d)

The licensee shall ensure that each client is accorded the personal rights as specified in this section.