

Policy:

As noted in MMSL's Procedure No. 213: Advocating and Protecting Individual Rights, it is Mid-Missouri Supported Living's policy to always exercise diligence to protect the rights of all the individuals that it supports in accordance with federal and state statutes, regulations and the Department of Mental Health's Division of Developmental Disabilities rules and guidelines. All employees of Mid-Missouri Supported Living are expected to comply with 9 CSR 45-3.030, RSMo. Sections 630.110, 630.115 and 630.120 and 42 CFR 441.301 (c)(1) at all times and not presume that individuals supported are incompetent or limit their rights, responsibilities or obligations of citizenship as a consequence of receiving evaluation, care, treatment, habilitation for intellectual and developmental disabilities.

Restriction of rights is occasionally necessary to ensure health, welfare, safety and security of the individual supported. Mid-Missouri Supported Living's staff may only limit the individual supported's rights as specified in RSMo.630.110 only if exercising these would be inconsistent with the person's therapeutic care, treatment, habilitation and rehabilitation.

An individual's rights as outlined in Section One (1) of 9 CSR 45-3.030 may **not** be restricted, including, but not limited to, by a contractor of targeted case management or home and community-based services without due process. Due process under this provision includes the right to be notified and heard on the limitation or restriction, the right to be assisted through external advocacy if an individual disagrees with the limitation or restriction, and the right to be informed of available options to restore the individual's rights. Rights shall not be limited through Mid-Missouri Supported Living's policy, procedures or "house rules" developed by Mid-Missouri Supported Living or through its staff's practices.

Comments:

Restriction of rights strategies are only to be used as a last resort, and there must be clear documentation in the individual's Person-Centered Plan indicating other strategies that have been attempted prior to limiting a right.

An individual's plan that includes a right restriction must include the following:

- A specific assessed need and justification in the ISP or amendment.
- Timelines for review and criteria for restoration.
- Positive interventions and supports used prior to rights modification and cause no harm to the individual.
- Teaching strategies and monitoring of individual's progress.
- Documentation of initial and/or annual due process committee review. (ISP may require more frequent review by due process committee).
- Regular collection and review of data to measure on-going effectiveness or need to continue restricting the right.
- Informed consent of the individual supported.
- Assurance that the interventions and supports will cause no harm to the individual supported.
- External advocacy if an individual disagrees with the limitation or restriction; the right to appeal and the appeal process; the external advocate that the individual chose, the advocate's contact information, how the individual was supported and educated about external advocacy, and how they were assisted in contacting their external advocate if they chose one.

