



MONARCH
350 Pee Dee Avenue, Suite A Albemarle, NC 28001
(866) 272-7826

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Receiving Services

10ANCAC 27D.0201 (a) (b)

- When you receive supports through Monarch you have certain rights. This brochure will explain your rights and what to do if you have questions.

What Are Rules and Laws?

10ANCAC 27D.0201 (d)(1)

- Something set up in a program so things will run smoothly.
- Rules help you understand your rights.
- We all must follow rules.
- Specific rules you are required to follow will be explained to you at the site or home

What Are Rights?

- Something you can do by law
- Rights apply to everyone!
- Rights are rules that help make people equal.
- Everyone has basic civil rights

What Are Responsibilities?

- Something you agree to do to the best of your ability.
- To have your own rights respected, you must respect the rights of others.
- Everyone must behave in a responsible way.

What is the Right to Release Confidential Information without consent?

- You or your legally responsible person will be notified in writing at the time of admission that certain information may be released without expressed consent. This is in accordance with General Statutes.
- This notice must be placed in your record.
- The following **do not require expressed consent** be obtained before the release of confidential information:
 - Notifying DSS and/ or Law Enforcement for possible abuse or neglect or possible illegal act
 - Accrediting/Licensing Agencies
 - Internal Advocate
 - Attorney for Monarch
 - Communicable Diseases Center
 - Any Court Order-in NC
 - Emergency Medical Services- to meet the needs of the emergency.
 - Employees of Monarch if involved with direct care or for financial purposes.
 - If you leave the premises without knowledge of staff (24-hour facility)- Monarch shall notify appropriate individuals.
 - Financial Benefits through government agency-may disclose limited information only to establish benefits.
 - Involuntary Commitment
 - Medical Examiner-when death is being investigated
 - Reviews/Audits/Program Evaluation/Statistics/Research
 - Between LMEs, Contract Providers, State Facilities

What is a Rights Restriction?

- Rights restrictions limit or take away a person's right to do something.
- Rights restrictions are not for staff convenience.
- Under certain circumstances, an individual's rights can be restricted.
- Before a person's rights are restricted in any way, due process must be in place.
- You or your guardian have to give consent
- You will receive training on restoring your rights

What is Due Process?

- Before your rights can be changed in any way, your clinical team must meet with you and discuss:

- What has been tried to avoid a restriction of your rights?
- Is there a threat of danger to you or others? If so, the team can explore a rights restriction.
- You and your team must decide what rights will be restricted and the reasons why.
- If a restriction occurs, then a review of the right must occur every 7 days to determine if the restriction should continue. If the restriction occurs beyond 30 days the Human Rights Committee must review the restriction too.
- Remember.... You will be a part of any decisions about you/ and your guardian must give consent before a rights restriction is put into place. This is called **informed consent**.

Restrictive Interventions

- Restrictive interventions are techniques that control your movements if you were angry and out of control.
- Monarch seldom uses Restrictive Interventions. If the team and guardian determines that it is necessary, it's in the plan, and it is reviewed by Human Rights then in some cases they are used.
- It's ok to be angry but it's not ok to hurt others or yourself.

Restrictive Interventions shall be limited to:

Emergency situations, in order to terminate a behavior or actions in which an individual is in imminent danger of abuse or injury to self of other persons or when substantial property damage is occurring;

The legally responsible person of a minor or an adult deemed incompetent should be notified immediately when such notification has been requested.

Responsibilities

- Tell people what makes you upset
- Tell people who you want called if you get upset
- It's not ok to hit people

What is a Protective Device?

- A protective device is an intervention that provides support for an individual

that is medically fragile or enhances the safety of someone that is self-injurious.

- Such devices may include Geri-chairs, table top chairs, seizure helmets, mittens for self-injurious behaviors, prosthetic devices or assistive technology, or soft ties used to prevent an individual that is medically ill from removing intravenous tubes, or similar medical device.
- A protective device should never be used as a restrictive intervention
- You have the right to spend time out of the medical device
- You have to give consent for a protective device

10A NCAC 27D .0201(d)(4)(d)

What is Search and Seizure?

- A search and seizure only occurs if there is suspicion you have possession of stolen property or substances that may be health-threatening or dangerous to you or others (alcohol, drugs, weapons)
- If your personal space is searched you must be notified and present
- Every search and seizure must be documented. Documentation shall include:
 - Scope of search.
 - Reason for search.
 - Procedures followed in the search.
 - Description of any property seized.
 - An account of the disposition of seized property.

10A NCAC 27D .0201(d)(4)(c)

What is Suspension/ Expulsion?

- Potential reasons for suspension/expulsion include, but are not limited to:
 - If you are involved in illegal activities
 - If you are no longer eligible for services as specified in Service purpose and Eligibility
 - If you are presenting a danger to yourself or others
 - If you fail to abide by rules or agreements
 - If you fail to participate in the treatment process
 - If you are not benefiting from services.
- Each discharge decision depends on the circumstances, your individual characteristics, number of occurrences and severity of infraction.
- If you are suspended you must be told
 - Each rule infraction(s) or incident(s) including date, time and circumstance as well as severity of behavior.

- When you can return and any specific conditions in order to return
- Your support staff must identify any alternative service to meet your needs
- You must be given a discharge plan, if applicable.

10A NCAC 27D .0201(d)(4)(b)

What is a Grievance Procedure?

A grievance is: when you disagree with things that are going on in your life

- There will not be any consequences toward you or your services if you file a grievance.
- You or your legal guardian has the right to voice your concerns by filing a grievance and appeal program decisions.
- You are encouraged to attempt to resolve the issue with your Qualified Professional. If the situation involves sensitive issues, you have the right to go to the Regional Director or Executive Director.
- If the grievance is not resolved, you will be assisted in completing a Program Participant Form.
- The issue will be investigated and a meeting will be held with you and all people involved. The outcome of the investigation will be discussed at that time. If you feel you would like to appeal the decision you may.
- The grievance may be heard by the Human Rights Committee or even the Board of Directors. The Board of Directors decision will be the final decision.
- If your or your guardian or advocate is not satisfied with the results from the grievance process you may choose to seek legal counsel and/or contact Disability Rights North Carolina. The toll free number to DRNC is 1-877-235-4210.
- Monarch does not discriminate on the basis of race, color, religious creed, disability, age, sex, income, sexual orientation, ancestry or national origin.
- You will be informed of your rights to participate in a grievance procedure upon admission

10A NCAC 27D .0201(d)(4)(A)

Fee assessment and collection for treatment/habilitation services

You have the right to receive a written statement of services and charges for services.

- Monarch must charge for unfunded services.
- Fees will be collected on a daily, weekly, or monthly basis depending on the service provided.
- Fees will be made available to all individuals requesting services.
- If fees become delinquent, the program will make every effort to collect fees due. If it is determined that fees are uncollectible, services may be terminated.
- Fees shall not be charged to parents for child identification and screening, assessment, case management and activities related to development and implementation of Individual Family Service Plan.

Basic Civil Rights 10A NCAC 27D .0202

Monarch will assure staff are trained on individual rights.

- Unless you have been declared incompetent by a court, you have the same basic civil rights as other citizens. ***If you have a guardian, some of your rights may be limited according to the type of guardianship.***

You have the right to have a place to be alone

Responsibilities

- Respect other people's space
- Other people have the right to say "no"
- To ask for help when you need it

You have the right to privacy and to expect people to knock before entering

Responsibilities

- Respect others' rights to privacy by knock before entering their home or bedroom
- Remind others to give you privacy
- Close bathroom door while using bathroom or showering and close your door while you are dressing

You have the right to choose your friends

Responsibilities

- Where would you go to meet new friends?
- How do you like to be treated by your friends?

You have the right to be free from cruel and unusual punishment

10A NCAC 27E .0102(1)

Responsibilities

- Say “no”!
- Let others know when you feel upset
- Tell someone who can help you
- No one should ever hurt you or yell at you

You have the right to get married

Responsibilities

- Treat spouse with respect
- Share responsibilities and chores of the home
- Paying the bills and spending your money
- Talk to each other about big decisions
- Are you going to have kids?
- Where are you going to live?

You have the right to have children

Responsibilities

- Take care of your child
- Doctors appointments
- Getting baby shots
- Feed them and clothe them
- Provide a place to live and keep them safe
- Give them love and affection

You have the right to vote, to know the voting issues and candidates

Responsibilities

- Register to vote
- Learn about who you are voting for
- Do not let others tell you who to vote for
- Ask for help if you need it to understand the issues

You have the right to Free Speech and Freedom of expression

Responsibilities

- You have to respect others freedom of speech and privacy
- Remember, everyone has different opinions

You have the right to choose where to worship and how to express your beliefs

Responsibilities

- Respect others' beliefs
- Let your support staff know where and when you would like to worship

You have the right to have your own belongings

Responsibilities

- Take care of your things
 - Property
 - Clothes
 - Furniture
 - Jewelry
 - Save money to make purchases
 - Work to pay for what you want
 - Be accountable for your spending

You have the right to choose your job and to receive fair pay
Responsibilities

- Show up for work (on time)
- Do the best job you can while at work
- Call in if you can not show up for work
 - Are you sick?
 - Is it an emergency?

You have the right to get an Education
Responsibilities

- What classes would you like to attend?
- Make sure you complete assignments
- How will you pay your tuition and bills?
- Follow rules in the class.

North Carolina rights to all adults and minors who receive services

All Civil Rights as previously listed.

Right to dignity, privacy, humane care and freedom from mental and physical abuse, neglect and exploitation

Responsibilities

- Don't hit others
- Don't yell or curse at others
- Tell someone if you are yelled at or if someone hits you
- Don't give others your money

Right to contact Disability Rights North Carolina in regards to advocating and protecting you rights. (See page 35)

Responsibilities

- Notify someone if you need assistance contacting CLA

Right to receive age-appropriate treatment for diagnosis

Responsibilities

- Tell others what you like to do
- Try new things that others your age like to do

Right to treatment, including access to medical care and habilitation, regardless of age or diagnosis.

Responsibilities

- Tell others if you don't feel well
- Tell others what you want to learn
- Tell people what you need

Right to an individualized written treatment plan. You also have the right to receive a copy of your plan.

Responsibilities

- Tell others how you want to live your life
- Tell others where you want to live and work
- Tell others what you need help with
- Ask for a copy of your plan

You have the right to have your treatment plan written or reviewed at a meeting with you

Responsibilities

- Invite people you would like to be there
- Ask questions if you do not understand
- Show up at the scheduled time
- Give input about what you want and how you feel
- Ask for a copy of the treatment plan from the Qualified Professional

The right to, (within 30 days of admission to a facility) an individual written treatment or habilitation plan implemented by the facility

Responsibilities

- You have to work on goals that were developed based up your desires
- Tell others if you change your mind
- Know what is in your plan

Right to have a discharge plan (no later than the time of discharge) that contains recommendations for further services in order for you to live as normally as possible.

Responsibilities

- Tell others what you want to do
- If you don't understand why your being discharged ask for someone to explain

Right to be informed in advance of the potential risks and alleged benefits of treatment choices.

Responsibilities

- Ask questions when you don't understand
- Tell others if you need more information

Right to be free from unnecessary medication

Responsibilities

- Remember that some people must take medications for medical reasons such as seizures and diabetes.
- Tell others how you feel when you take medications
- Know why you're taking the medication
- Know the side effects of the medications

Right to not have medication used for punishment, discipline or staff convenience

Responsibilities

- Know why you are taking each medicine
- Ask your doctor
- Tell others how you feel when you take the medication

Right to consent or refuse any treatment offered.

Responsibilities

- Make an educated decision
- Find out from someone what other treatment options may be available
- Participate in treatment that you consent to

Informed Consent

10A NCAC 27D .0303(a)(1)(2)

You have the right to know all benefits, potential risks, and possible alternative methods of treatment/habilitation

You have the right to know when you give consent it is time limited

You can revoke a consent at any time

Responsibilities

- Do not sign anything if you don't understand or agree

You have the right to provide input into facility governance and the development of participant self-governance groups

Responsibilities

- Tell others if you want to be on a committee
- Learn about what the group does
- Attend the meetings or call if you can't attend
- Work with other committee members

You have the right to agree or refuse to participate in research

Responsibilities

- Let others know when you do or do not want to participate
- If you do participate, you need to understand what the research is about.
- Make sure all of your concerns are addressed

10A NCAC 27D .0303©

You have the right to have, receive, or refuse regular therapy services

Responsibilities

- Let others know if you do or do not want the services
- Show up for all appointments
- Change services or providers if needed

You have the right to calm yourself down when you are upset before other means are used

Responsibilities

- Use your skills to calm yourself down
- Ask for help when you are upset
- Explain to others why you are upset

Rights For All Adults And Minors In A 24 Hour Facility

10A NCAC 27D .0201(e)(1)

You have the right to know the purpose, goals and reinforcement structure of any behavior management system

Responsibilities

- Ask what is expected of you
- Ask questions if you don't understand what others want you to do
- Tell people what makes you happy or angry

Right to receive necessary treatment for a prevention of physical ailments based upon your condition and projected length of stay, (24 hour only)

Responsibilities

- Tell people when you don't feel good
- Ask to see your doctor
- Tell your doctor your symptoms

You have the right to choose an advocate

Responsibilities

- Let someone know when you need an advocate
- Let your advocate know what you need from them
- Let your advocate know when you need to see or talk to them

** An advocate is someone that speaks up for you and on your behalf and helps you to express your opinions. An advocate may also represent you and your wishes.*

You have the right to get help

Responsibilities

- Ask for help if you need it
 - Policemen
 - Firemen
 - Lawyer
 - Advocate

You have the right to choose your own doctors and to see the doctors when you want

Responsibilities

- Make appointments when needed
- Let someone know if you need help making appointments
- Show up for appointments
- Call your doctor if you cannot show up for your appointment-
- Change your doctor if you want to
 - If you feel uncomfortable
 - If they are not helping you
 - If they are not answering your questions

10A NCAC 27D .0201 (e) (2) (3)

Contact and consult with, at your own expense and at no cost to the facility, legal counsel, private physicians and private professionals of choice

Responsibilities

- Know your choices
- If you go to another doctor that doesn't take your insurance you are responsible for paying the balance with your personal money.

You shall have access to telephones in private areas when requested.

Responsibilities

- Ask for help to dial numbers if you need assistance
- Remember that in some cases you may have to pay for long distance charges out of your personal funds
- Tell others you need privacy

Send and receive mail and have access to writing materials, postage, and staff assistance when needed and be aware of when the mail comes in and goes out.

Responsibilities

- Let others know not to open your mail unless you tell them it is O.K.
- Respect other people's mail
 - Do not open others' mail
 - Let others know if you need help reading or responding to your mail

At a minimum, receive visitors between the hours of 8:00 a.m. and 9:00 p.m. for a period of at least 6 hours daily 2 hours of which shall be after 6:00 p.m. (visiting may not take precedence over school (if minor) or therapies.)

Responsibilities

- Be respectful to other while guests are in your home
- Ask for privacy
- Arrange visits ahead of time
- Respect your family and friends
- Let others know when visitors will be coming
- Respect other people's space when you have visitors

*****all minors must have appropriate adult supervision of a parental or caretaker nature. Any exception to this would be in writing and approved by the Regional Director.***

10A NCAC 27F .0102(a)(1)

Efforts shall be made to provide a quiet atmosphere for uninterrupted sleep during scheduled sleeping hours

Responsibilities

- Be respectful of others who are sleeping
- Remember your TV, radio, or loud talking

10A NCAC 27F .0103 (a)(1)(2)(3)(4)

***You have the right to bathe (shower/tub bath) daily, or more as needed.
You have the right to shave at least daily and go to the barber/beautician.
You have the right to linens and towels, toilet paper and soap.***

Responsibilities

- Tell others what kind of products you like to use
- Shop for what you want

Adequate toilets, sinks, and bathing facilities equipped for use by a person with mobility impairment shall be available

Responsibilities

- Tell people what you need
- Ask for help if needed

You have the right to expect public places to be accessible

Responsibilities

- Handicapped parking
- Braille
- Wheelchair ramps/curb cuts
- Elevators
- Accessible aisles
- Handicap restrooms
- Let others know if you need help

10A NCAC 27F .0102(a)(2)

Efforts shall be made to provide areas accessible to you for personal privacy, for at least limited periods of time, unless determined inappropriate by the treatment/ habilitation team.

Responsibilities

- Tell people when you need private time
- Respect others privacy

10A NCAC 27F .0102(b)

You may decorate your room, or portion of a shared room, with respect to what you like, as long as it is not offensive to others and respects the physical structure of the home.

Responsibilities

- Tell others what you want your room to look like

10A NCAC 27F .0104

Have access to individual storage space for private use

Responsibilities

- Respect others private spaces
- Keep your personal space clean and safe for others

10A NCAC 27F .0105

Keep and spend reasonable amounts of own money

Responsibilities

- Come up with a budget and spend within that budget
- Ask for help if you need it
- Know how much money you have
- Use the bank if needed

Retain a driver's license

Responsibilities

- Study for test
- Ask your support staff for help if needed
- Take the test (you can get the verbal test too)
- Follow North Carolina Law
- Have insurance if you have a vehicle

Be outdoors daily and have access to facilities and equipment for physical exercise, several times/week.) Children: Be out of doors daily and participate in play, recreation, and physical exercise on a regular basis in accordance with your needs

Responsibilities

- Tell people what you like to do
- Talk about this in your plan meeting

You have the right to decide what you want to eat and have choices of healthy foods and snacks

Responsibilities

- Know what you can and cannot eat for health reasons such as diabetes, high blood pressure, high cholesterol or if your doctor gives you a special diet

You have the right to choose where you want to live

Responsibilities

- Choose a safe place
- Make sure your place is within your budget
- Check out the community
 - Public transportation
 - Shopping centers
 - Let someone know if you want to move

You have the right to live in a clean, furnished home

Responsibilities

- Keep your home clean
- Take care of your belongings
- Let someone know when things need to be fixed

10A NCAC 27D .0301

You have the right to join community groups

Some examples include but are not limited to Special Olympics, Athletic Booster, Bowling League, and Church Groups.

Responsibilities

- Choose which groups you want to belong to
- Show up for scheduled meetings and/or events
- Respect others in your group

You have the right to plan and enjoy fun activities

Responsibilities

- Let others know what you would like to do
- Help plan for your activities
 - Get money if needed
 - Get equipment if needed
 - Get transportation if needed

You have the right to decide if you want your picture taken

Responsibilities

- Let other people know if you do not want your picture taken
- Let others know who can and cannot see your picture

You have the right to get needed services

Examples include but are not limited to School, Case Management, and Court House/legal.

Responsibilities

- Let someone know what services you need
- Give consent to release your information when needed

10A NCAC 27D .0201 (d)(2)

You have the right to decide who can see your records and to have access to your records at all times

Responsibilities

- Let others know when they can or cannot look at your records (give consent)
- Ask questions if you do not understand your records
- Tell others if you want something changed
- Let others know when you would like to see your records
- IF there is an emergency or if there are criminal issues, information can be released according to HIPAA Laws if:
 - You leave the facility
 - If the courts need information
 - If a commitment issues arises

10A NCAC 27D .0301

You have the right to do group activities or to do things by yourself

Responsibilities

Group

- Work together with the group
- Respect others in your group

Alone

- Let others know when you would like to be alone
- Be safe when you are alone

Additional Rights for Adults

10A NCAC 27D .0301

Communicate under appropriate supervision with individuals of your own choice upon the consent of the individuals.

Responsibilities

- Let your support staff know you want to spend time with your friends

You have the right to come and go as you wish

Responsibilities

- Let others know where you are going and when you will be back
- Be back when you say you will be back or call and let someone know if you will be late

Additional Rights for Minors

Right to have access to proper adult supervision and guidance

Responsibilities

- Know the rules
- What is expected of you
- Ask questions

Right to opportunities that enable you to mature physically, emotionally, intellectually, socially and vocationally.

Responsibilities

- Tell others what you want to do
- Try new things

Contact parent/legal guardian

Responsibilities

- Let your support staff know who you would like your guardian to be
- Talk to your guardian about your needs or wants
- Let other people know how you feel about your guardian
- Let other people know if you would like to explore other guardianship options.

Receive special education and vocational training in accordance with Federal and State law

Responsibilities

- Attend classes as scheduled
- Follow rules of the program
- Tell others what you want to do

Right to receive treatment apart and separate from adults, unless your treatment needs dictate otherwise

Responsibilities

- Voice your concerns about your treatment setting

Disability Rights North Carolina

Services previously provided by the Governor's Advocacy Council for Persons with Disabilities are now being provided by Disability Rights North Carolina (formally Carolina Legal Assistance). These services include protecting, and advocating for, the rights of people with disabilities and the authority to pursue legal, administrative, and other appropriate remedies or approaches when the rights of such individuals within the state may have been violated. Rights may

include eligibility for treatment, services, education, or a change in living arrangements, with particular attention to members of ethnic and racial minority groups. Disability Rights North Carolina investigates alleged incidents of abuse, neglect and exploitation of individuals with disabilities and is responsible for investigating suspicious deaths throughout the state for people with disabilities in institutions. Disability Rights North Carolina also provides information and referral to programs and services addressing the needs of individuals with disabilities. Contact information is below:

Disability Rights North Carolina

2626 Glenwood Avenue, Suite 550

Raleigh, North Carolina 27608

Phone 919-856-2195 / 1-877-235-4210 / Fax 919-856-2244 /

TTY 1-888-268-5535

www.cladisabilitylaw.org

- You can also call the North Carolina Department of Human and Health Services if you have complaints, concerns, or need information or referral. They can be reached by calling the:

Advocacy and Customer Service Section

at 919-715-3197 or 855-262-1946: or

DHHS Customer Service:

1-800-662-7030 (voice/Spanish); or

send an e-mail to dmh.advocacy@dhhs.nc.gov

Agency Contact Information

Website: www.monarchnc.org

Comments: 1-800-342-1598



Your **Operations Manager/ Support Person** is :

NAME: _____

Phone: _____

Your **Qualified Professional** is:

NAME: _____

Ph: _____

Your **Regional Director** is:

NAME: _____

Ph: _____

Your **Assistant Executive Director** is:

NAME: _____

Ph: _____

Your **Executive Director** is:

NAME: Dr. Peggy Terhune

Phone: 1-800-230-7525

Your services are monitored through the following LME:

LME: _____

Phone: _____

NOTES:

