

**Policy:**

All employees of Palmer's Home Care, LLC. 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.

Palmer's Home care, LLC works to advocate and provide for individuals rights without limitations; however, in cases in which an individual's choices inhibit their health or safety- despite best efforts by staff to educate and redirect-the due process may be engaged. An individual's rights may not be restricted by a provider of targeted case management or home and community-based services, without due process. The individual has a right to an appeal and Palmer's Home Care, LLC staff will assist the individual in identifying an external advocate, if requested.

**Comments:**

Due Process will be followed for any individual that requires a rights restriction. This will include the following:

- Justification – purpose and rationale
- Conditions – under which the restriction is applied
- Teaching or Support Strategies
- Monitoring Methods
- Criteria for restoration
- Review schedule
- Notice of right to due process

All rights restrictions will be presented before the Behavioral Resource Team at CMRO or appropriate Regional Office for review and approval before being implemented. Guardians, Support Coordinators, and the Provider will all have to agree to the restriction. In the event that the service coordinator, guardian, or any other team member does not believe that an action is a possible restriction, yet Palmer's Home Care, LLC, believes that it may be a restriction, Palmer's Home Care, LLC, will seek the recommendation of CMRO or appropriate Regional Office due process committee by submitting the action in question.

If an individual has any emergent health (by physician order) or behavioral concern develop, a rights restriction may be utilized prior to due process review if it is deemed necessary by the provider, case management, and guardian. This will only be used if there is a clear danger to the individual themselves or to others in the community. If this is deemed necessary, then the team will put it in place with an amendment from the service coordinator, signed by the team. It will be put forth before the Due Process team as soon as possible.

When implementing a rights restriction through Due Process, Palmer's Home Care will document and track data related to the restriction, as needed per the individual plan. Data will be available and reported to the service coordinator and the planning team. 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.

Palmer's Home Care, LLC, will review the individual's plan annually with the team to seek possible restrictions and will review each new action at the time of implementation to ensure rights are not restricted without due process.