

Licking County Board of Developmental Disabilities

Administrative Policy Manual

**Policy: Rights of Persons with
Developmental Disabilities**

**Board Approved: 4/96
Revised: 2/02, 2/04, 04/18
Reviewed: 1/11, 10/14**

Section: 4.3

Page 1 of 2

Policy

The Licking County Board of Developmental Disabilities, hereinafter referred to as the Board, believes that persons with developmental disabilities have the same inalienable rights and freedoms as other citizens. These rights are guaranteed in part through the Constitution of the United States of America, the Individuals with Disabilities Education Act (public law 99-457), and section 5123.62 of the Ohio Revised Code. Within the framework provided by these laws, the Board is committed to assisting people with developmental disabilities to exercise their legal, civil and human rights; and to fulfill, with support, the responsibilities inherent in the exercise of those rights. This commitment is evidenced throughout the individual support planning process. It is also evidenced in the individual relationships established by staff with persons served and their families. This policy applies to Board staff and providers as defined in Section 5126.281 of the ORC.

Guidelines

1. Board staff and personnel employed by certified providers of specialized services are expected to be knowledgeable about the twenty-four rights mandated by Section 5123.62 of the ORC.
 - a. New staff are instructed in their orientation regarding these mandated rights and their role and responsibility in assisting persons to exercise those rights.
 - b. At least annually, Board staff review these mandated rights and the review is documented.
 - c. The Board investigates any reported violation of a person's mandated rights and assures that corrective action is taken consistent with the provisions of Board Policy 3.02 and Ohio Administrative Code 5123:2-17-02.
2. Persons with disabilities, their families and guardians will receive a copy of the list of mandated rights at the time of initial eligibility for Board services. These rights will be communicated to persons in a way that is understandable to the person whenever possible.
 - a. Acknowledgement of receipt will be documented by the person legally authorized to do so, and kept in the person's case record. A copy of the receipt will be provided to the person, parent, or guardian, as appropriate when requested.
3. At least annually and usually in conjunction with the Individualized Family Support Plan and Individual Support Planning meeting, the list of rights will be reviewed and the

Licking County Board of Developmental Disabilities

Administrative Policy Manual

**Policy: Rights of Persons with
Developmental Disabilities**

**Board Approved: 4/96
Revised: 2/02, 2/04, 04/18
Reviewed: 1/11, 10/14**

Section: 4.3

Page 2 of 2



person's/family's understanding, ability, and interest in further exercising those rights explored, and when appropriate, included in the planning outcomes.

4. Eligible persons and their families will be made aware of the mechanisms for ensuring that individually mandated rights are safeguarded. These mechanisms include, but are not limited to:
 - a. The Boards' Administrative Complaint Resolution and Appeals of Adverse Actions Policy (Section 1.04);
 - b. Access to Disability Rights Ohio. Toll free phone numbers are posted in each building operated by the Board;
 - c. The Ohio Department of Developmental Disabilities hotline. This toll free phone number is also posted in each building;
 - d. The Board's Human Rights Committee, which reviews all Individual Support Plans that contain support considerations considered restrictions, or that place limitations on individual rights;
 - e. The Board's policy on Incidents that Adversely Affect Health and Safety (Section 3.02) and Ohio Administrative Code 5123:2-17-02.
 - f. Part C of the Individuals With Disabilities Education Act contains due process rights and procedures for children and their families receiving early intervention services;
 - g. The Ohio Department of Education has due process provisions for school-age students from 3 through 21 years of age.
 - h. The Ohio Department of Job and Family Services has due process procedures for Medicaid recipients. This process is described in OAC 5101:6-1 to 5101:6-9.