

9520.0630 POLICIES AND PROCEDURES GUARANTEEING RESIDENT RIGHTS.

Subpart 1. **Explanation of rights.** A written statement of residents' rights and responsibilities shall be developed encompassing subparts 2 to 11. Program staff shall explain to each resident the resident's rights and responsibilities. A written statement of residents' rights and responsibilities shall be given to each resident, and to his or her responsible party if the resident has a legal guardian, on admission. A list of residents' rights and responsibilities shall be posted in a place accessible to the residents and shall be available to the department for review.

Subp. 2. **Grievance procedure.** Upon admission each resident shall be informed of grievance procedures available to the resident, and a copy of the procedures shall be posted in a place accessible to the resident. The grievance procedures shall include the following:

A. an offer of assistance by the program staff in development and process of the grievance; and

B. a list of internal resources for use by the resident, such as the resident council or a grievance committee, and a list of community resources available to the resident, such as the Health Facilities Complaint Office in the Department of Health, the Licensing Division in the Department of Human Services, and the Department of Human Rights.

Subp. 3. **Resident council.** Each program shall have a resident council through which residents have an opportunity to express their feelings and thoughts about the program and to affect policies and procedures of the program. Minutes of council meetings shall be recorded and made available to the program director.

Subp. 4. **Personal funds policy.** Staff will not supervise the use of residents' personal funds or property, unless policies governing the supervision have been written and unless the resident has signed a consent form prior to the exercise of supervision indicating an awareness of and consent to procedures governing the use of the resident's personal funds. In order to encourage independent living skills, any restriction of a resident's personal funds must be documented in the individual treatment plan. Resident fund accounts shall be maintained separately from program fund accounts.

Subp. 5. **Resident compensation.** A resident who performs labor other than labor of a housekeeping nature shall be compensated appropriately and in compliance with applicable state and federal labor laws, including minimum wage and minimum wage reduction provisions. Labor of a housekeeping nature shall be limited to household chores which a person living in his or her own residence in the community would normally perform.

Subp. 6. **Physician appointments.** A resident shall be allowed to see his or her physician at any reasonable time.

Subp. 7. **Photographs of residents.** A resident shall not have his or her photograph taken for any purpose beyond identification unless he or she consents.

Subp. 8. **Telephone use.** Residents shall have access within the facility to a telephone for incoming, local outgoing, and emergency calls. They shall have access within the facility to a pay phone or its equivalent for outgoing long distance calls. Any restriction on resident access to telephones shall be documented in the individual treatment plan.

Subp. 9. **Mail.** Residents shall be allowed to receive and send uncensored mail. Any restrictions shall be documented in the individual treatment plan.

Subp. 10. **Restraints.** The facility shall have a written policy that defines the uses of restraint, seclusion, and crisis medications as a treatment mode; the staff members who may authorize its use; and a mechanism for monitoring and controlling its use. Physical restraint and seclusion shall be used only when absolutely necessary to protect the resident from injury to self or to others. Restraint, seclusion, and medications shall not be used as punishment, for the convenience of staff, or as a substitute for a program.

Subp. 11. **Visitors.** Residents shall be allowed to receive visitors at reasonable times. They shall be allowed to receive visits at any time from their personal physician, religious adviser, and attorney. The right to receive visitors other than those specified above may be subject to reasonable written visiting rules and hours established by the head of the facility for all residents. The head of the facility may impose limitations on visits to an individual resident only if he or she finds the limitations are necessary for the welfare of the resident and if the limitation and reasons are fully documented in the resident's individual treatment plan.

Statutory Authority: *MS s 245A.09*

History: *L 1984 c 654 art 5 s 58; 17 SR 1279*

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