

245B.04 CONSUMER RIGHTS.

Subdivision 1. **License holder's responsibility for consumers' rights.** The license holder must:

(1) provide the consumer or the consumer's legal representative a copy of the consumer's rights on the day that services are initiated and an explanation of the rights in subdivisions 2 and 3 within five working days of service initiation. Reasonable accommodations shall be made by the license holder to provide this information in other formats as needed to facilitate understanding of the rights by the consumer and the consumer's legal representative, if any;

(2) document the consumer's or the consumer's legal representative's receipt of a copy of the rights and an explanation of the rights; and

(3) ensure the exercise and protection of the consumer's rights in the services provided by the license holder and authorized in the individual service plan.

Subd. 2. **Service-related rights.** A consumer's service-related rights include the right to:

(1) refuse or terminate services and be informed of the consequences of refusing or terminating services;

(2) know, in advance, limits to the services available from the license holder;

(3) know conditions and terms governing the provision of services, including those related to initiation and termination;

(4) know what the charges are for services, regardless of who will be paying for the services, and be notified upon request of changes in those charges;

(5) know, in advance, whether services are covered by insurance, government funding, or other sources, and be told of any charges the consumer or other private party may have to pay; and

(6) receive licensed services from individuals who are competent and trained, who have professional certification or licensure, as required, and who meet additional qualifications identified in the individual service plan.

Subd. 3. **Protection-related rights.** The consumer's protection-related rights include the right to:

(1) have personal, financial, services, and medical information kept private, and be advised of the license holder's policies and procedures regarding disclosure of such information;

(2) access records and recorded information;

(3) be free from maltreatment;

- (4) be treated with courtesy and respect for the consumer's individuality, mode of communication, and culture, and receive respectful treatment of the consumer's property;
- (5) voice grievances, know the contact persons responsible for addressing problems and how to contact those persons;
- (6) any procedures for grievance or complaint resolution and the right to appeal under section 256.045;
- (7) know the name and address of the state, county, or advocacy agency to contact for additional information or assistance;
- (8) assert these rights personally, or have them asserted by the consumer's family or legal representative, without retaliation;
- (9) give or withhold written informed consent to participate in any research or experimental treatment;
- (10) have daily, private access to and use of a non-coin-operated telephone for local calls and long-distance calls made collect or paid for by the resident;
- (11) receive and send uncensored, unopened mail;
- (12) marital privacy for visits with the consumer's spouse and, if both are residents of the site, the right to share a bedroom and bed;
- (13) associate with other persons of the consumer's choice;
- (14) personal privacy; and
- (15) engage in chosen activities.

History: 1997 c 248 s 38; 1Sp2003 c 14 art 6 s 15