

River Valley Therapeutic Residence Policy and Procedure		
Resident Rights		
Effective: 4/25/2023	Revised: 6/19/2023	Due to Review: 6/19/2025

POLICY

All residents at the River Valley Therapeutic Residence have the following rights:

1. At River Valley Therapeutic Resident (RVTR) every resident shall be treated with consideration, respect and full recognition of the resident's dignity, individuality, and privacy. A resident may not ask a resident to waive the 28 resident's rights. A resident has the right to exercise any rights without reprisal.
2. Each residence shall establish and adhere to a written policy, consistent with these regulations, regarding the rights and responsibilities of residents, which shall be explained to residents at the time of admission. Receipt of the rights by the resident shall be indicated by a signature and date by the resident on a line for that purpose on the admission agreement.
3. Residents may retain personal clothing and possessions as space permits, unless doing so would infringe on the rights of others, would create a danger to others, would create a security risk or would create a fire, health or safety hazard.
4. A resident shall not be required to perform work for the licensee. If a resident chooses to perform specific tasks for the licensee, the resident shall receive reasonable compensation which shall be specified in a written agreement with the resident.
5. Each resident shall be allowed to associate, communicate, and meet privately with persons of the resident's own choice, including family members, unless such access has been restricted by a court. Residents shall allow visiting hours from at least 8 a.m. to 8 p.m., or longer. Visiting hours shall be posted in a prominent public place.
6. Each resident may send and receive personal mail unopened unless such access has been restricted by a court.
7. Residents have the right to reasonable access to a telephone for private conversations unless such access has been restricted by a court. Residents shall have reasonable access to the residence's telephone except when restricted because

of excessive unpaid toll charges or misuse. Restrictions as to telephone use shall be in writing. Any resident may, at the resident's own expense, maintain a personal telephone or other electronic equipment in his or her own room, unless such access has been restricted by a court.

8. A resident may file a complaint or voice a grievance without interference, coercion, or reprisal. Each residence shall establish an accessible written grievance procedure for resolving residents' concerns or complaints that is explained to residents at the time of admission and posted in a prominent, public place on each floor of the residence. The grievance procedure shall include at a minimum, time frames, a process for responding to residents in writing within ten (10) days, and a method by which each resident filing a complaint or grievance will be made aware of the designated Vermont protection and advocacy organization as an alternative or in addition to the residence's grievance mechanism.
9. Residents may manage their own personal finances unless a representative payee or financial guardian has been appointed. The residence or licensee shall not manage a resident's finances unless requested in writing by the resident and then in accordance with the resident's wishes. The resident or licensee shall keep a record of all transactions and make the record available, upon request, to the resident or legal representative, and shall provide the resident with an account of all transactions at least quarterly. Resident funds must be kept separate from other accounts or funds of the residence.
10. The resident's right to privacy extends to all records and personal information. Personal information about a resident shall not be discussed with anyone not directly involved in the resident's care, treatment, or supervision. Release of any record, excerpts from or information contained in such records shall be subject to the resident's written approval, except as requested by representatives of the licensing agency to carry out its responsibilities or as otherwise provided by law.
11. The resident has the right to review the resident's medical or financial records upon request. The resident has the right to provide written comments about the medical or financial record and the comments shall be made part of the resident's record at the request of the resident.
12. Residents shall be free from mental, verbal, or physical abuse, neglect, and exploitation. Residents shall also be free from seclusion or restraints. All residents have the right to be free from corporal punishment. All residents have the right to be free from restraint or seclusion, of any form, imposed as a means of coercion,

discipline, convenience, or retaliation by staff. Psychoactive drugs shall not be administered involuntarily.

13. When a resident is adjudicated mentally disabled, such powers as have been delegated by the Probate or Family Court to the resident's guardian shall be exercised by the guardian.
14. Residents notified about a pending discharge from the residence under Section 5.4 of these regulations, absent an emergency, shall: (a) Be allowed to participate in the decision-making process of the residence concerning the selection of an alternative placement; and (b) Receive adequate notice of a pending transfer.
15. Residents have the right to refuse care to the extent allowed by law. 36 (a) Except for residents who are prohibited from doing so by a court order, this right includes the right to discharge himself or herself from the residence. (b) The resident must fully inform the resident of the consequences of refusing care. If the resident makes a fully informed decision to refuse care, the residence must respect that decision and is absolved of further responsibility, unless the resident is in a secure residential recovery facility and has been court-ordered to take medication or receive care. (c) If the refusal of care will result in a resident's needs increasing beyond what the residence is licensed to provide or will result in the residence being in violation of these regulations, the residence may issue the resident notice of discharge.
16. Residents have the right to fill out a document called an "advance directive" in accordance with Title 18, chapter 231 and to have the residence follow the residents' wishes, unless such wishes are contrary to a court order. The residence shall provide residents with information about advance directives and, upon request, may support a resident's efforts to complete the documents.
17. Residents shall have help in assuming as much responsibility for themselves and others as possible, and in participating in residence activities.
18. Residents shall have explained to them the reasons and risks associated with the use of any prescribed medication they are taking.
19. Residents shall be free to terminate their relationship with the residence.
20. The enumeration of residents' rights shall not be construed to limit, modify,

abridge, restrict, or reduce in any way any rights that a resident otherwise enjoys as a human being or citizen, unless those rights have been limited by a court.

21. The obligations of the residence to its residents shall be written in clear language, large print, given to residents on admission, and posted in an accessible, prominent, and public place on each floor of the residence. Such notice shall also state the residence's grievance procedure and directions for contacting the designated Vermont protection and advocacy organization.
22. If a resident has a chronic condition, he or she has the right to receive competent and compassionate medical assistance to manage the physical and emotional symptoms of that condition.
23. Residents have the right to have a family member, or another person of the resident's choice be notified of the admission to the residence. Residents also have the right to decline to have anyone notified of the admission. A facility may not disclose information about a resident's admission without obtaining the resident's authorization. The decision by the resident regarding notice shall be documented at the time of admission to the residence.
24. Residents have the right to obtain the opinion of a consultant at the resident's own expense.
25. Residents have the right to vote.
26. Residents with limited English proficiency have the right to have oral or written translation or interpretive services and cannot be required to pay for such services.
27. Residents have the right to have accommodations made to a disability (or disabilities) to ensure that there are no barriers to their receipt of services and that they understand the care and treatment being provided. Such accommodation shall include, but are not limited to, sign language interpretation and having documents provided in accessible formats, as applicable. The resident shall not be required to pay for these services.
28. Residents have the right to receive services without discrimination based on race, religion, color, gender (including pregnancy), sexual orientation, gender identity, national origin, disability, or age.

In addition to the rights set forth above, residents in a secure residential recovery facility such as the River Valley Therapeutic Residence shall have the following rights:

- (a) The right to receive care in a safe setting and to be free from all forms of abuse.
- (b) The right to an attending physician, who shall be responsible for coordinating the resident's care and explaining the diagnosis, possible treatment, expected outcomes, and continuing health care needs to the resident or his or her legal representative. The right to know the identity and professional status of individuals participating in the resident's care, including the right to know of the existence of any professional relationship among individuals who are providing treatment, as well as the relationship to any other health care or educational institutions involved in the resident's care.
- (c) The right to make informed decisions about care without coercion and to be provided with an explanation of health status and prognosis, the objectives of treatment, the nature and significant possible adverse effects of recommended treatments and the reasons why a particular treatment is appropriate.
- (d) The right to take part in the development and implementation of the plan of care and the right to request treatment; however, the treatment will not be provided if it is unnecessary or inappropriate.
- (e) The right to be informed of all evidence-based options for care and treatment, including palliative care, in order to make a fully informed resident choice. If the resident has a terminal illness, he or she has the right to be informed by a clinician of all available options related to terminal care, to be able to request any, all, or none of the options, and to expect to receive supportive care for the specific option or options available.
- (f) The right, except as otherwise allowed by law, to expect that information relating to treatment as well as treatment records will be kept private and confidential. Treatment information and related records may, however, be used without a resident's permission in any court hearings concerning involuntary treatment. For additional details about potential limitations to confidentiality of medical records, residents should refer to the Notice of Privacy Rights.
- (g) The right to refuse medications and specific treatments; however, refusal of court ordered medications or treatments may terminate a resident's right to receive services at a secure residential recovery facility. Psychoactive drugs shall not be administered involuntarily.

- (h) The right to a judicial review of the placement in the facility and to be represented at the hearing by a court-appointed lawyer, free of charge. The lawyer or legal representative, as defined at 2.2 (n), above, shall have reasonable access to the resident and the facility.
- (i) The right to complain or file a grievance about any aspect of the resident's care and treatment. In addition to the rights in section 6.8 above, complaints may be made orally or in writing to any member of the resident's treatment team. If the resident needs help filing a complaint, he or she may request assistance from a staff member. The resident also can seek free and confidential assistance from the designated Vermont protection and advocacy organization by calling (800)834-7890. If the resident is not satisfied with the decision, he or she may appeal, as described in the facility's Complaint Policy.

(1) A resident has a right to lodge a complaint directly with the Department of Mental Health by contacting:
Commissioner, Vermont Department of Mental Health
280 State Drive
Waterbury, Vermont 05671-0701 (802) 241-0701

(2) A resident may file a complaint with the following entities:

Medical Practice & Hospital Licensing Board
Vermont Department of Health
108 Cherry Street
Burlington, Vermont 05402
(802) 863-7200, (800) 464-4343.

Department of Disabilities, Aging and Independent Living, Division of Licensing & Protection
280 State Drive – HC 2 South
Waterbury, Vermont 05671-2060 (mailing address)

Adult Protective Services
280 State Drive – HC 2 South
Waterbury, Vermont 05671-2060 (mailing address)
802-241-0342 or toll-free at 1-800-564-1612

The Department of Disabilities, Aging, and Independent Living is the state agency responsible for licensing and regulating therapeutic community residences and for investigating complaints about abuse,

neglect or exploitation.

- (3) A resident may file a complaint with the designated patient representative;
 - (4) A resident may file a complaint with the designated Vermont protection and advocacy organization; and
 - (5) A resident may file a complaint with the Mental Health Ombudsman.
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- (j) The right to request a hearing before a judge to determine whether the involuntary commitment is legal. This is called a right of habeas corpus.
 - (k) The resident has the right to withdraw his or her consent to receive visitors. The facility's Resident Handbook and Visitors' Policy shall contain the specifics of resident visitation rights.
 - (l) The right to treatment under conditions that are most supportive of the resident's personal privacy and the right to talk with others privately. The resident's doctor may limit these rights only if necessary to protect the resident's safety or the safety of others.
 - (m) The right to sell or otherwise dispose of property, and to carry out business dealings.
 - (n) The right to refuse to participate in any research project or clinical training program.
 - (o) The right to receive an itemized, detailed, and understandable explanation of the charges incurred in treatment, regardless of the source of payment.
 - (p) The right to receive professional assessment of pain and professional pain management.
 - (q) The right to be informed in writing of the availability of hospice services and the eligibility criteria for those services. Whenever possible, agents, guardians, reciprocal beneficiaries, or immediate family members have the right to stay with terminally ill residents 24 hours a day.
 - (r) The right to expect that within its capacity, the facility shall respond reasonably to a resident's request for services. The right shall

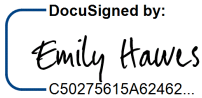
include, if physically possible, a transfer to another room or place if another person in that room or place is disturbing the resident. When medically permissible, a resident may be transferred to another facility only after receiving complete information and explanation concerning the needs for and alternatives to such a transfer. The institution to which a resident is transferred must first have accepted the resident for transfer.

- (s) The right to expect reasonable continuity of care and to be informed of any continuing health care requirements following discharge.
- (t) The right to know the maximum resident census and the full-time equivalent numbers of registered nurses, licensed practical nurses, and psychiatric technicians who provide direct care for each shift on the unit where the resident is receiving care.

PROCEDURE

If a resident raises a concern, the following information shall be given to the resident:

- The State Division of Licensing and Protection licenses and regulates residential care facilities and investigates complaints of poor care or conditions. You may direct a grievance to this division by calling (802) 241-0480 or by writing the Division of Licensing and Protection through the Department of Aging and Disabilities, H2 South, 280 State Drive, Waterbury, VT 05671-2060
- If you would like someone else outside the facility to help you resolve a problem, or speak on your behalf, you may contact the Ombudsman in your area. The Ombudsman will keep all information, even your name, confidential unless you give permission to use it.
- Relevant contact information:
 - Mental Health Law Project: 802-223-6377
 - Adult Protective Services (abuse, neglect, or exploitation): 1-800-564-1612
 - Disability Rights Vermont/Mental Health Care Ombudsman: 1-802-229-1355 or Toll-Free: 1-800-834-7890
 - Vermont Psychiatric Survivors: 1-802-775-6834

Approved by	Signature	Date
Emily Hawes Commissioner Vermont Department of Mental Health	 <p>DocuSigned by: <i>Emily Hawes</i> C50275615A62462...</p>	6/20/2023