

# **Paradigm, Inc.**

2820 East 10<sup>th</sup> Street, Suite A  
Greenville, NC 27858

## **Policy: Rights and Confidentiality**

### **Confidentiality**

Paradigm, Inc. will protect confidential information in accordance with the Confidentiality Rules. Except in cases required or permitted by law, the disclosure of confidential information to someone not authorized to receive the information is a Class 3 misdemeanor, and is punishable by fine. Staff and contract providers who violate the terms of this policy will be terminated from service provision.

### **Human Rights**

All Paradigm staff and contract providers are required to sign a Rights and Confidentiality Agreement indicating they have read, understand and agree to comply with the provisions set forth by the State on North Carolina are required to attend annual training in Human Rights and Confidentiality.

The following information can be found in the North Carolina standards. Persons wishing to obtain a copy of the standards as set forth by the State of North Carolina may write to:

North Carolina Division of Mental Health  
Quality Improvement Branch  
Albermarle Building, Room 517  
325 North Salisbury Street  
Raleigh, NC 27603 or  
<http://www.dhhs.state.nc.us/mhddsas/forms>  
Rights (APSM 95-2)  
Confidentiality (APSM 45-1)

### **The following basic human rights are afforded to every person receiving services from Paradigm, Inc.:**

1. Right to dignity, privacy, humane care, and freedom from mental and physical abuse, neglect, and exploitation.

2. Right to receive a "Person Supported Handbook" with agency information including rules, responsibilities, and penalties for violation.
3. Right to live as normally as possible while receiving care and treatment and for that treatment to be age-appropriate for their diagnosis.
4. Right to have the opportunities that enable the individual to mature physically, emotionally, intellectually, socially and vocationally to include special education and training in accordance with state and federal law.
5. Right to receive age-appropriate treatment, access to medical care and habilitation, and regardless of age or degree of mh/dd/sa disability. To receive necessary treatment for prevention of physical ailments.
6. Right to be notified that release/disclosure of information may only occur with an authorization or consent unless it is an emergency or for other exceptions as detailed in G.S. or 164.512 of HIPAA.
7. Right to only have released, the minimum information necessary for coordination of care and services.
8. The right to an individualized written treatment plan implemented within 30 days of admission to maximize his/her development and to know how to obtain a copy of their treatment plan.
9. Right to be informed in advance of the potential risks and alleged benefits of the treatment and program options.
10. Right to confidentiality
11. Right to be free from unnecessary or excessive medication. Medication shall not be used as punishment, discipline or for staff convenience.
12. Right to consent to or refuse treatment offered, including behavior management policies; except in certain emergency situations.
13. Right to request notification after occurrence of any or specified interventions.
14. Right to be informed of emergency procedures.
15. Right to exercise all civil rights – to dispose of property, execute instruments, make purchases, enter into contractual relationships, register and vote, bring civil actions, marry and divorce- unless the person has been adjudicated incompetent.
16. Right to certain safeguards and carefully controlled circumstances when interventions are used.
17. Right to social integration, self governance groups and treatment in the least restrictive, most appropriate environment. People living in group living situations may develop self governance groups as appropriate.
18. Right to dignity, humane care and freedom from mental and physical abuse; Also to be free of corporal punishment, and to be free from harm, abuse, neglect, and exploitation.
19. Right to be free from physical restraint and isolation time-out except when there is imminent danger of abuse or injury occurring, or when it is a necessary part of treatment/habilitation plan.
20. Right to have a "Rights Assessment" performed at least annually to determine if their rights are being observed or if intervention is necessary.

❖ **Paradigm also adheres to the United Nations Declaration of Rights which can be found in the appendix of this Policy and Procedure Book.**

**Since Paradigm, Inc. has a residential program which is a 24 hour facility, each person has the following additional rights:**

1. Medical care, however the person served or his/her insurance may be billed for medical care beyond regular services;
2. Right to receive a "Person supported Handbook" with agency information including rules, responsibilities, and penalties for violation.
3. Send and receive mail at his/her own expense, and to have access to postage, writing materials, and staff assistance when necessary. ( Limited postage made available to indigent persons ). Space and privacy to open and read their mail;
4. Contact and consult with legal counsel or other professional (private physicians and private mh/dd/sa professionals) of his or her choice at his/her own expense;
5. Contact and consult with a rights advocate;
6. People served under age 18 have the right to have/receive adult supervision and guidance and can contact and consult with their parents or legal guardian;
7. Make and receive confidential telephone calls, as well as space and privacy to speak on the phone; long distance calls at his/her own expense;
8. Make visits outside the facility; Transportation and other supports provided so people may utilize community resources which would normally be obtainable to the community as a whole
9. To visit, associate and communicate privately and without restriction with people and groups of his/her choice or their initiative at any reasonable hour. People may also receive visitors at any reasonable hour (at least 6 hours daily) without prior notice unless otherwise specified by the person served. However, visitors may not interfere with minor persons' school or treatment program. Visitors must also be respectful as to the privacy of other persons.
10. To make visits outside the custody of the facility unless commitment proceedings prohibit, unless the person was admitted from a correctional facility or unless the person is being held to determine capacity to proceed to trial.
11. Exercise out of doors daily and have access to facilities and equipment for exercise several times a week;
12. Keep and use personal clothing that is clean, fashionable, properly fitted and of their own choosing as well as other possessions within individual storage for private use.
13. Participate in religious worship;
14. Keep and spend a reasonable sum of his/her own money;
15. Retain a drivers license;
16. Individual, accessible, lockable storage space;
17. Dignity, privacy, and humane care during the provision of health and personal hygiene including support needed to do so if necessary, This includes but is not limited to:
  - a. Opportunity for a shower or tub bath daily, or more often as needed;
  - b. Opportunity to shave at least daily;
  - c. Opportunity to obtain the services of a barber or beautician, to choose their own hairstyle, cosmetics, grooming and personal hygiene products;
  - d. Provision of linens and towels, toilet paper and soap for all persons and other individual personal hygiene articles for indigent persons served. Such other

- articles include but not limited to toothpaste, toothbrush, sanitary napkins, tampons, shaving cream and shaving utensils;
- e. Bathtubs or showers and toilets which ensure individual privacy shall be available; adequate toilets, lavatory and bath facilities equipped for use by mobility impaired persons shall be available.
  16. Written policies and procedures for internal and personal accounts;
  17. Quiet atmosphere for uninterrupted sleep during scheduled sleeping hours and areas accessible for personal privacy during the day;
  18. Be free and supported to suitably decorate his/her own living area (room or portion of a shared room) with respect to choice, normalization principles, and physical structure and maintain their living area as safe and sanitary. Any restriction shall be in accordance with written policy;
  19. Protection of personal clothing and possessions from theft, damage, destruction loss and misplacement. This includes, but is not limited to assisting the person in developing and maintaining inventory of clothing and personal possessions;
  20. To be encouraged to exercise his/her rights as a person served and citizen and to be permitted to make complaints and suggestions without fear of coercion or retaliation;
  21. To be notified when the facility is issued a provisional license or notice of revocation of license by the North Carolina Department of Human Resources, and the basis on which the provisional license or notice of Revocation of license was issued. The persons' legally responsible person and/or family shall also be notified;
  22. To receive upon admission and during his/her stay a written statement of the services provided by the facility and charges for these services.

**In addition to the aforementioned rights, persons residing in Paradigm, Inc. group home have the following rights:**

1. Rights to be free from threat or fear of unwarranted suspension or expulsion;
2. Right to be free from unwarranted invasion of privacy;
3. Right to request the notification of the use of an intervention procedure by the legally responsible person of an incompetent adult. A competent adult may designate an individual to receive notification;
4. Right to request notification of the restriction of rights;
5. Right to file a grievance or a complaint with Paradigm, Inc. management;
6. Right to contact Disability Rights North Carolina at 2626 Glenwood Ave., Suite 550, Raleigh, NC 27608 or 1-877-235-4210.

**For those persons under the age of 18 are entitled to the same rights as adults, as well as the following additional rights:**

1. Proper adult supervision and guidance;
2. Opportunities for normal maturation;
3. Receive appropriate educational services and vocational training;
4. Appropriate structure, supervision and control consistent with rights; and
5. Treatment apart and separate from adult persons, where practical and not in conflict with his/her needs.

**No right may be limited or restricted except by the Qualified Professional responsible for the formulation of the persons' treatment or habilitation plan, and ONLY the following rights may be limited or restricted:**

1. To make and receive confidential telephone calls;
2. To receive visitors;
3. To communicate and meet under appropriate supervision with individuals of his/her own choice;
4. To be out of doors daily;
5. To keep and use personal clothing and possessions; and
6. To keep and spend a reasonable sum of his/her own money.

### **Prohibited Actions By Anyone Associated with Paradigm**

1. Assist, advise, or solicit, or to offer to assist, advise, or solicit people served to leave a program without authority.
2. Transport, or offer to transport, a person served to or from any place without program directors authority.
3. Receive, or offer to receive, a minor person in to any place, structure, building, or conveyance for the purpose of engaging in any act that would constitute a sex offense.
4. Hide, or assist to hide an individual who has left a program without authority. **The program (Paradigm, Inc.) shall notify the appropriate individuals upon the unauthorized departure and subsequent return of individuals to a 24-hour facility.**
5. Engage in, or offer to engage in, an act with a person served that would constitute a sex offense.

Contract providers who do engage in any of the above prohibited activities are subject to immediate termination from their position and may face prosecution as violation of this section is a Class 1 Misdemeanor.

### **Prohibited Procedures**

Corporal punishment, defined as imposing a penalty on someone's body for a fault, offense or violation, or to inflict injury on someone, is strictly prohibited. Investigation of suspected abuse shall be done in accordance with Rights Policy, Protection from Harm, Abuse, Neglect or Exploitation and Reporting Violations, as codified in North Carolina General Statutes 122C.

Those interventions prohibited by statute or rule will under no circumstances be used at any time. These interventions are as follows:

1. Any intervention that would be considered corporal punishment;
2. The contingent use of painful body contact;
3. Substances administered to induce painful bodily reactions (exclusive of Antabuse);
4. Electric shock;

5. Insulin shock;
6. Unpleasant tasting foodstuffs;
7. Planned non-attention to specific undesirable behaviors when the target behavior is health threatening;
8. Contingent deprivation of any basic necessity;
9. Continuous application of noxious substances, including but not limited to noise, bad smells, or splashing with water;
10. Any potentially physically painful procedures or stimulus administered to the person served for the purpose of reducing the frequency or intensity of a behavior;
11. Seclusion; and
12. Restraint or isolation time-out for a single episode of 24 continuous hours.
13. **Paradigm policy prohibits the use of standing policies and practices that would restrict people's rights.** This would have to be reviewed by the rights committee for every person who could possibly be effected by such a practice.

## **Protection from Harm, Abuse, Neglect or Exploitation and the Reporting of Violations**

Paradigm, Inc. staff and Contract providers shall, at all times, protect persons served from harm, abuse, neglect and exploitation. Any harm, abuse, neglect or exploitation of a person served by a staff person is strictly prohibited and will be grounds for dismissal. Paradigm shall define abuse, neglect and exploitation as follows:

**Abuse** means the willful infliction of mental or physical pain or injury; unreasonable confinement; or the deprivation by an employee of services which are necessary to the mental or physical health of a person being supported. Temporary discomfort that is part of an approved and documented treatment plan or use of a documented emergency procedure shall not be considered abuse.

**Neglect** means the failure to provide care or services necessary to maintain the mental or physical health and well-being of the person being supported.

**Mistreatment** may include intimidation, threats, passive neglect or disrespectful or degrading treatment of others creating a hostile or unwelcoming environment.

**Exploitation:** means the use of a person or property for another's profit or advantage or breach of a fiduciary relationship through improper use of a person or property including situations where an individual obtains money, property or services from a person from undue influence, harassment, deception or fraud.

Staff and contract providers shall not subject a person served to any sort of neglect or indignity, or inflict abuse upon any person served. Staff and contract providers shall not sell to or buy goods or services from a person served.

Any staff or contract provider who witnesses, or suspects abuse, neglect, or wrongful treatment of a person served, is obligated to report such actions to the proper authorities. Wherever appropriate, Paradigm supervisory assistance will be available to provide support to the staff person making the allegation. Depending upon the individual involved, and the alleged offense, reports may be made to any or all of the following entities:

- County Adult Protective Services (APS)
- County Child Protective Services (CPS)
- NC Healthcare Registry ([www.ncnar.org](http://www.ncnar.org))
- Local Law Enforcement
- Local Management Entity (mh/dd/sa)
- Paradigm's Human Rights Committee (via Grievance Report)
- Paradigm's Quality Management

**Failure to report any act of abuse, neglect, or wrongful treatment may result in civil liability and disciplinary action.**

Staff of Paradigm shall only utilize the amount of force necessary to repel or secure a violent/aggressive person and which is permitted by its policies. The amount of force necessary will vary according to the characteristics of the person served and the degree of aggressiveness. Any violation of this rule by staff is grounds for dismissal.

Any staff or contract provider who, other than as a part of generally accepted medical or therapeutic procedure, knowingly and deliberately causes pain or injury to a persons served, or borrows or takes personal property from a person served, is guilty of a Class 1 Misdemeanor.

Any Paradigm staff or contract provider, who witnesses or has knowledge of a violation or of an accidental injury to a person served, shall report the violation or the accidental injury to the Directors and/or the QP. No staff or contract provider making a report may be threatened or harassed on account of the report. Violation of this provision is a Class 3 misdemeanor, punishable by fine.

Paradigm, Inc. shall investigate or provide for the investigation of all reports made under the provisions of this policy.

**Executive Director: Jason T. Barnett**  
**Program Director: Jeannette M. Barnett**

## **Discharge Plan**

It will be the policy of Paradigm, Inc. that each person served has the right to a written discharge plan.

An individualized written discharge plan shall be developed at any time during the persons' treatment or habilitation but may not be any later than prior to the actual time of discharge.

An exception to this policy exists in cases where it is not a planned discharge of the person due to emergency or other extenuating circumstances.

The discharge plan will include recommendations for any services designed to enable the persons to live as normally as possible. With the persons' served or legally responsible persons consent, Paradigm will contact and utilize appropriate agencies at the persons' destination before formulating said recommendations.

A copy of the discharge plan will be passed on to the person served and/or legally responsible person. A copy of discharge plan may also be provided to next of kin with person served or legally responsible person consent.