

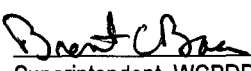

## Wood County Board of Developmental Disabilities

### PROCEDURE

**Procedure #:** 02-ALL-ALL-0453 (CR)      **Subject:** Rights of People with Developmental Disabilities

**Effective Date:** 08-29-94      **Last Revision:** 11-08-17

**Person Responsible:** Director of Service and Support Administration

**Approvals/Date:**  11/16/17       11/14/17  
Superintendent, WCBDD      Date      Department Director      Date

The following definitions will apply:

**Department** – Board operated subdivision which provides services, including Early Intervention Program, Wood Lane School, Transportation, Service and Support Administration, Family Support Services, Volunteer Program and Special Olympics.

**Eligible Individual** – A person who demonstrates substantial functional limitations as determined after July 1, 1991, through the completion of the "Ohio Eligibility Determination Instrument" (OEDI) or the "Children's Ohio Eligibility Determination Instrument" (COEDI) and application of criteria found therein.

**Major Unusual Incident** – The alleged, suspected, or actual occurrence of an incident when there is reason to believe the health and safety of an individual may be adversely affected or an individual may be placed at a reasonable risk of harm when the individual is receiving services through the DD service delivery system or will be receiving services as a result of the incident. Major unusual incidents include the following:

1. **Abuse** – Can mean any of the following when directed toward an individual:
  - a. **Physical Abuse** – The use of physical force that can be reasonably expected to result in physical harm or serious physical harm as defined in section 2901.01 of the Revised Code. Such force includes, but is not limited to, hitting, slapping, pushing, or throwing objects at an individual.
  - b. **Sexual Abuse** – The unlawful sexual conduct or sexual contact as defined in section 2907.01 of the Revised Code and the commission of any act prohibited by section 2907.09 of the Revised Code (ex. public indecency, importuning, and voyeurism).
  - c. **Verbal Abuse** – Purposefully using words or gestures to threaten, coerce, intimidate, harass or humiliate an individual.
2. **Misappropriation** – Depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the revised code, including chapters 2911 and 2913 of the revised code.
3. **Neglect** – When there is a duty to do so, failing to provide an individual with any treatment, care, goods, supervision, or services necessary to maintain the health and safety of the individual. **All employees are required to report Abuse/Neglect pursuant to section 5123.61 of the Revised Code.**
4. **Death** – By any cause, of an individual.
5. **Law Enforcement** – Any incident involving an individual that requires the involvement of law enforcement and results in the arrest of, filing charges against, or incarceration of the individual.
6. **Attempted Suicide** – A physical attempt by an individual that results in emergency room treatment, in-patient observation, or hospital admission.
7. **Peer-to-peer Acts** – Acts committed by one individual against another when there is physical abuse with intent to harm; verbal abuse with intent to intimidate, harass, or humiliate; any sexual abuse; any exploitation; or intentional misappropriation of property of significant value.
8. **Missing Person** – An incident that is not considered neglect and the individual cannot be located for a period of time longer than specified in the individual service plan and the individual cannot be located after actions specified in the individual service plan are taken and the individual cannot be located in a search of the immediate surrounding area; or other circumstances indicate that the individual is in immediate jeopardy; or law enforcement has been called to assist in the search for the individual.
9. **Exploitation** – The unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.
10. **Failure to Report** – Means that a person, who is required to report pursuant to section 5123.61 of the Revised Code, has reason to believe that an individual has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse (including misappropriation) or neglect of that individual, and such person does not immediately report such information to a law enforcement agency, a county board, or, in the case of an individual living in a developmental center, either to law enforcement or the department. Pursuant to division (C)(1) of section 5123.61 of the Revised Code, such report shall be made to the department and the county board when the incident involves an act or omission of an employee of a county board.
11. **Medical Emergency** – The sudden onset of a medical condition that requires emergency medical intervention to save an individual's life (ex. Heimlich maneuver, cardiopulmonary resuscitation, intravenous for dehydration).
12. **Unscheduled Hospital Admission** – Any unscheduled hospital admission that is not expected as a part of a person's medical condition and is not included in the individual service plan under specific criteria as to when the person would be admitted.
13. **Known Injury** – Any injury from a known cause that is not considered abuse or neglect and that requires immobilization, casting, five

or more sutures or the equivalent, second or third degree burns, dental injuries, or any injury that prohibits the individual from participating in routine daily tasks for more than two consecutive days.

14. **Unapproved Behavior Support Method** – The use of any aversive strategy or intervention implemented without approval by the human rights committee or behavior support committee or without informed consent.

15. **Rights Violation** – any violation of rights in section 5123.62 of the Revised Code that adversely affects or creates a reasonable risk of harm to the health and safety of an individual.

16. **Prohibited sexual relations** – A DD employee engaging in consensual sexual conduct or having consensual sexual contact with an individual who is not the employee's spouse, and for whom the DD employee was employed or under contract to provide care at the time of the incident and includes persons in the employee's supervisory chain of command.

17. **Unknown Injury** – An injury of an unknown cause that is not considered possible abuse or neglect and that requires treatment that only a physician, physician's assistant, or nurse practitioner can provide.

**The County Board of DD shall be notified immediately, but no later than four (4) hours, in the event of any alleged, suspected, or actual Major Unusual Incident occurrences and determination will be made by them in compliance with the Administrative Rule for Incidents Adversely Affecting Health and Safety (5123:2-17-02). A written incident report shall be submitted as soon as possible, but no later than 3:00 p.m. the next working day.**

**Team Leader** – The individual determined by position description who is responsible for the development and implementation of the eligible individual's plan for services, (ISP).

1. A copy of the "Bill of Rights of Persons with Developmental Disabilities", per 5123.62 of the Revised Code, will be posted in a conspicuous, public location in each facility operated by the Board.

2. The Team Leader shall review the "Bill of Rights for Persons with Developmental Disabilities" with the individual, parents of a minor, or guardian, upon initial service provision and annually thereafter.

3. Any restriction or limitation of individual's rights, as developed within the individual's plan for service, shall be submitted by the Team Leader to the Chair of the Human Rights Committee for approval, prior to service plan implementation. Such restriction or limitation is subject to the consent of the individual, parents of a minor, or guardian. The Team Leader shall provide rationale for the recommended restriction or limitation and a plan for restoring the right.

4. All employees of WCBDD are responsible to promote, protect, and respect the rights of people with developmental disabilities. **Any violation of rights is subject to corrective action, up to and including suspension or removal.**

5. All employees of WCBDD will immediately report to their supervisor any suspected violation of rights and will complete an Unusual Incident Report form 03-ALL-ALL-0019, as per 5123.61 of the Revised Code, the Unusual Incident Report procedure 02-ALL-ALL-0054, and the Abuse/Neglect procedure 02-ALL-ALL-0222. **The supervisor will take immediate action to prevent the continued violation of rights.**

6. Any individual, family member, guardian, or other interested party may contact any Department Head, supervisor, or Service and Support Administration to report a suspected violation of rights. **The Department Head, supervisor or Service and Support Administration staff member will take immediate action to prevent the continued violation of rights.**

7. All violations of rights are subject to Service and Support Administration investigation and review. The Unusual Incident Report form 03-ALL-ALL-0019 shall be immediately submitted to the Superintendent and the Director of Service and Support Administration as per the Unusual Incident Report procedure 02-ALL-ALL-0054 and the Major Unusual Incident Report procedure 02-ALL-ALL-0452.

References: 02-ALL-ALL-0054  
02-ALL-ALL-0222  
02-ALL-ALL-0452  
ORC 5123: 2-1-02; 5123:2-1-11; 5123:2-2-06; 5123:2-17-02; 5123.61; 5123.62

Forms: 03-ALL-ALL-0019  
03-ALL-ALL-0371

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