

Accreditation Now

Rights of the Person Served Training 1

Note: This training is an overview of the rights of the person served within a human service setting. It is intended to provide a basic understanding of guidelines and practices for all employees and meet the CARF accreditation standards for training for all employees. It is not intended to be a substitute for competency-based training requirements.

Please read through this brief overview on the Rights of the Person Served. After completing this overview, complete the questionnaire that follows. This questionnaire will provide several scenarios that can occur in organizations in the area of Rights of the Person Served and are intended to improve your ability to conduct services in a manner that respects the basic rights of those you serve.

Rights of the Person Served Overview

Explicit policies and procedures in the area of basic rights of the persons, who are served by human service organizations, are the foundation for protecting persons against abuse or mistreatment by organizations or persons acting for the organization. The majority of persons who enter human service organizations are receiving treatment or assistance for conditions that may increase their vulnerability to potential abuse or behavior that may not be in the best interest of the person served. Most states have specific legal and regulatory guidelines in the areas of the rights and responsibilities of the person served.

Recent federal regulations (the Health Insurance Portability and Accountability Act (HIPPA) have strengthened the rights of consumers of health care services through a federal mandate. Many human service organizations also belong to associations that develop rights that are specific to certain areas of providing services. Overall “rights” provide basic guidelines through which persons and organizations can measure and monitor the level of how people are treated throughout the provision of services.

Organizations that are attempting to become CARF accredited, or who are maintaining CARF accreditation, are required to adhere to a specific set of guidelines and standards regarding the rights of persons served. These are usually in addition to other regulatory requirements in the area of “rights” and many times cover some of the same areas. This tutorial will provide a brief overview of the CARF “Rights of the Persons Served”, as an introduction to the standards of practice in this area.

Rights of the Person Served

A standard right of all human service organizations is the right to consent for treatment. All persons entering your organization for assistance should give their consent for treatment prior to any services/interventions being provided. When gaining consent, there should be a full explanation of the type of services to be provided and the possible risks involved. In an emergency situation that is life-threatening, consent can be obtained following the resolution of the immediate crisis.

All persons have the right to be involved in all aspects of their service planning. Service planning should not be provided in a “one size fits all” manner, although many of the services an organization provides will apply to all participants. If some goals apply to all participants, the individual’s strengths, abilities, needs, and preferences should be taken into account regarding the application of the goals and the interventions and practices used.

All persons also have the right to receive services in a manner that is responsive to each person’s unique characteristics, needs, and abilities. It is important that each person’s individual characteristics be recognized and respected.

Each person participating in services has the right to know how their records may be reviewed. Access may be through a review with a professional staff member, or with a designated third party advocate who possesses adequate skills and knowledge to conduct a review with a client. Some records, such as an individual plan, progress notes, or transition plan may be open and available for review at any time. An organization’s policies and procedures should provide the levels and procedures of record review.

All persons have the right to be treated free from any type of abuse. Physical punishment, threatening behavior, or exploitation of persons in any manner is a violation of the right to be free from abuse. A verbal comment that references a sexual act is considered an abuse of rights. Any exploitation of persons served for financial gain is also not appropriate.

All persons entering your services should have the right to express his or her preferences regarding the choice of a service provider, regardless of whether the system can offer a choice or not in some situations.

Any crisis intervention procedure, including seclusion or restraint, is required to have explicit policy and procedures in place protecting the person served should a crisis occur. All persons entering services have a

right to know if seclusion and/or restraint is used by the organization, even if it is used on an emergency basis only.

All persons served have the right to know the guidelines regarding confidentiality within the organization. The use of an authorization/release of information request should be explained in detail and follow specific regulatory guidelines at all times.