

SECTION .0200 -INFORMING CLIENTS AND STAFF OF RIGHTS

10A NCAC 27D .0201 INFORMING CLIENTS

- (a) A written summary of client rights as specified in G.S. 122C, Article 3 shall be made available to each client and legally responsible person.
- (b) Each client shall be informed of his right to contact the Governor's Advocacy Council for Persons with Disabilities (GACPD), the statewide agency designated under federal and State law to protect and advocate the rights of persons with disabilities.
- (c) Each client shall be informed regarding the issues specified in Paragraph (d) and, if applicable in Paragraph (e), of this Rule, upon admission or entry into a service, or
- (1) in a facility where a day/night or periodic service is provided, within three visits; or
 - (2) in a 24-hour facility, within 72 hours. Explanation shall be in a manner consistent with the client's or legally responsible person's level of comprehension.
- (d) In each facility, the information provided to the client or legally responsible person shall include;
- (1) the rules that the client is expected to follow and possible penalties for violations of the rules;
 - (2) the client's protections regarding disclosure of confidential information, as delineated in G.S. 122C-52 through G.S. 122C-56;
 - (3) the procedure for obtaining a copy of the client's treatment/habilitation plan; and
 - (4) governing body policy regarding:
 - (A) fee assessment and collection practices for treatment/habilitation services;
 - (B) grievance procedures including the individual to contact and a description of the assistance the client will be provided;
 - (C) suspension and expulsion from service; and
 - (D) search and seizure.
- (e) In addition, for the client whose treatment/habilitation is likely to include the use of restrictive interventions, or for the client in a 24-hour facility whose rights as specified in G.S. 122C-62 (b) or (d) may be restricted, the client or legally responsible person shall also be informed:
- (1) of the purposes, goals and reinforcement structure of any behavior management system that is allowed;
 - (2) of potential restrictions or the potential use of restrictive interventions;
 - (3) of notification provisions regarding emergency use of restrictive intervention procedures;
 - (4) that the legally responsible person of a minor or incompetent adult client may request notification after any occurrence of the use of restrictive intervention;
 - (5) that the competent adult client may designate an individual to receive notification, in accordance with G.S. 122C-53(a), after any occurrence of the use of restrictive intervention; and
 - (6) of notification provisions regarding the restriction of client rights as specified in G.S. 122C-62(e).
- (f) There shall be documentation in the client record that client rights have been explained.

*History Note: Authority G.S. 122C-51; 143B-147;
Eff February 1, 1991;
Amended Eff. January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016.*