

# Jasper Mountain

## STATEMENT OF CLIENT RIGHTS

! At Jasper Mountain, all clients are to be treated with respect and dignity. A statement of client rights has been developed in the agency *Policies & Procedures Manual*, and these policies are included in this packet for your reference, as described below.

■ **Client Rights (Attached)** These policies include the following areas: Accessibility, Rights in Treatment, Assistance with Communication, Restricting the Right of Uncensored Communication, Restrictions on Personal Property, Care of Resident's Personal Money, The Right of Spiritual Development, and rights regarding Outdoor & Strenuous Activities.

■ **Confidentiality (Please See Agency "Notice of Privacy Practices")** The agency's policies on confidentiality are described in our *Notice of Privacy Practices*, which you are to receive upon your child's admission into our programs. If you also want a copy of these policies as they appear in a more detailed form from our *Policies & Procedures Manual*, please feel free to ask and we will give these to you as well. Both formats of this information cover the following areas: Use or Disclosure of Protected Health Information within Agency Treatment Programs, Release of Information to Clients, and Releases of Information Outside of Agency.

■ **Grievance Process (Attached)** If you have a concern about services that cannot be solved after trying to work it out with your therapist or the program directors, we have a grievance process that you can use to help resolve the problem, and we've attached the procedure. We want you to know that you will not get in trouble for expressing a concern, or for pursuing a formal grievance. In addition to your therapist and the agency program directors, the following people and resources are available to help solve any problem or to help you make a complaint or grievance:

- **Diana Hawkins, Jasper Mountain Parent Advocate & Consumer Affairs Consultant: 541-747-1235**
- **Julie Engel, Jasper Mountain Quality Assurance Coordinator: 541-747-1235**
- **Michelle Perin, Jasper Mountain Privacy Officer: 541-747-1235**
- **LaneCare--Quality Assurance Coordinator: 541-682-7584 Ombudsperson: 541-689-3968**
- **Addiction & Mental Health, Justin Hopkins: 503-945-7818**
- **Disability Rights Oregon: 1-800-452-1694 (TTY – 1-800-556-5351) DRO Address: 620 SW Fifth Ave. 5<sup>th</sup> Floor, Portland, OR 97204-1428**

In summary, the attached policies as well as the agency's Notice of Privacy Practices describe the rights of persons who receive services through Jasper Mountain. LaneCare clients also have an additional client rights statement, and you should receive LaneCare's statement along with our own. If you have questions or concerns about any of this information please feel free to ask.

# CLIENT RIGHTS

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It is the intention of this Agency to provide support and assistance to its service consumers. Consumers shall at all times be treated with respect, dignity and the right to self determination. The following client rights shall be posted in the administration waiting room and explained and a copy given at the time of admission. The child's rights shall be verbally explained in language the child can understand. The following client rights have been acknowledged:

## **Service Accessibility**

Jasper Mountain provides mental health services according to guidelines established by the county and state mental health division, state law and by policies of the Agency. No services are denied due to race, religion, gender, ethnicity, age, handicaps, sexual preference, or ability to pay. Services are provided within facilities that are conducive to young children and their families. Age appropriate accommodations are made for residents. Accommodations are also made for clients with physical disabilities. The intention of the Agency is to provide services to all consumers in a way that is optimally accessible and useful.

Accommodations are also made related to special communication needs. Bilingual clients will have the option of services in their language through bilingual staff or with the use of interpreters. Hearing impaired clients can have the availability of signing staff or sign language interpreters.

Particular care is to be given when clients of the Agency are receiving services or need services provided by managed care networks. When a consumer is eligible to use a range of services within a provider network (such as one operated by a managed behavioral health care organization) they are to be assisted in obtaining all needed services. This is accomplished through provided information or advocacy concerning available services as well as needed steps to access services provided by the managed care network.

Fees for Agency services are generally provided by contracts and not assessed to clients. The Agency believes that children deserve help regardless of the status of parents. On rare occasion that a contract does not cover the cost of services, third party insurance may be billed. In these cases, both the insurance carrier and the family will be provided with billing information including the fees for service, the manner of payment and any other condition including the consequence of non-payment. It is the Agency's goal not to have services to a child conditional upon payment issues.

The Agency does not provide treatment services to minors unless the legal guardian of the child consents to the treatment. If the Agency is contacted directly by a child, which is extremely rare, steps will be taken to gain the consent of the parent or legal guardian. If this

cannot be obtained, appropriate referrals will be facilitated to insure the child receives the help they need.

## **Rights in Treatment**

The client has the right to:

- Consent to treatment, prior to start of treatment services.
- Be involved in the treatment planning and revisions of the individual service plan
- Be informed of alternate treatment options.
- Know the risks of treatment
- Refuse some or all treatment including medications unless it is court mandated
- Receive medication as prescribed by the medical director to address the child's clinical needs.
- Have confidentiality as accorded by Oregon Revised Statutes, Federal Laws and associated guidelines as outlined in agency policies Section 2.G., *Confidentiality*, as well as in the Agency's *Notice of Privacy Practices*.
- Have identifying and clinical information about the child be protected from publication, both internal and external
- Receive humane treatment in the least restrictive environment that provides the child with protection from harm and preserves the dignity of the child and family
- Have an attorney for the family or child involved in treatment planning
- Have private and uncensored communication by mail, telephone and visitation
- Retain personal possessions and personal clothing
- Receive educational services in the least restrictive setting, and speak to an IEP team member confidentially, if the student has an IEP.
- Refuse to perform routine labor tasks
- Receive compensation for work projects performed in the program
- Be free from unusual or hazardous or experimental treatment procedures without voluntary informed consent
- For residents, have a safe, secure and sanitary living environment
- Be free from special treatment procedures that are not consistent with Agency policy
- Be informed of rules and regulations of the program
- Have opportunity for regular participation in developmentally appropriate indoor and outdoor play and recreation, both on campus and in the community
- Receive informed consent in writing regarding any fees for services
- Be provided informed consent for activities of the child outside the treatment center
- Be provided informed consent for spending time and developing therapeutic relationships with staff on- and off-site.
- Be notified if the client's therapist is to leave the Agency, either for a planned or unexpected departure, and be assisted in transitioning to another therapist.
- Be provided authorization for disclosure of clinical records.
- Have the ability to exercise all rights granted by State rule.

The legally responsible guardian of the child in the program retains the right at all times to refuse continued treatment of their child, in part or in whole, if this right is allowed under court order or state statute. A child can be withdrawn from any treatment program at any time by the legal guardian. In addition, some aspect of treatment can be rejected by the guardian after the issue is discussed with the program. Depending upon the rejected treatment (such as the refusal of a recommended medication), there may be anticipated consequences for the child or a change in the course of treatment. When possible, the Agency will work with the concerns and desires of guardians. As a part of this process, Agency personnel are to explain any risks and potential benefits of treatment modalities that are being recommended. However, if guardians refuse a particular treatment approach with the child which the Agency believes to be critical, the child may be terminated from the program after discussions with the guardian(s) and referrals to other services. The goal is to insure that all parties in the treatment process are in agreement with the direction of treatment and the desired goals. In the event of an involuntary termination of services, the client has the right to be given prior notice, information regarding available alternative resources, and information regarding the Agency's grievance procedures.

Consumers have the right to freedom of choice in services and may pursue services of other agencies at any time. They also have the right to all decisions concerning their treatment being made in a professional and ethical manner. All Agency personnel shall conduct their roles with the interests of consumers primary over self- interest.

## **Assisting with Communication and Restricting the Right of Uncensored Communication**

Effective communication is fundamental to providing services. The Agency is to do its best to facilitate good communication between the Agency and clients, their families, their caseworkers, attorneys and advocates. At times good communication will require dealing with language barriers. The Agency has bilingual staff, but if there is a need for a language that is not spoken by staff, steps will be taken to identify interpreter assistance. Other assistance may be in the form of sign language interpreters. Interpretive services are to be provided in person whenever possible. In addition, the Agency will not rely on family members to provide interpretation services. The Agency will do what is necessary to obtain communication assistance in order to facilitate the treatment process.

It is critical that while children are in intensive Agency services that positive supportive contact with the child's support system be maintained. Positive inclusion into the Jasper Mountain treatment family is an important step but this is only a vehicle to transition the child to a community family following treatment. Because of this goal, the positive connections that will support the child following treatment must be maintained and integrated into the process of treatment. Agency staff shall take whatever steps necessary to support and facilitate communication with family members and other members of the child support system including the caseworker, attorney, Court Appointed Special Advocate and

others who have legal access to the child. Facilitating communication includes making the child available for planned visits, available for phone contact and providing a place where the child can speak freely with his or her family.

Generally children have the right to uncensored communication through visits and/or phone contact with family members as well as caseworkers, attorneys, and court appointed advocates. There are times when it is not in the best interests of the child to have uncensored contact by phone, mail or personal visit with some individuals. Jasper Mountain does not make such decisions although staff may make a recommendation concerning restrictions on communication in some cases. When this issue arises, the decision is to be made by the caseworker as a representative of the court. Jasper Mountain will only restrict communication in circumstances where it is acting on instructions from the legal guardian or Court when the best interests of the child warrant the restriction. At such times, any restriction will be documented in the child's file as to the reasons for the action, including the anticipated harm that might be caused. The restriction on communication is to be proportional to the risk that is of concern and the matter is to be reviewed weekly by the therapist and monthly by the clinical review team. Written notice of limited communication will be given to the parent or guardian and explained to the child in understandable terms.

When appropriate restrictions are not applicable, children should have free access to incoming and outgoing mail, reasonable phone access in a private setting, and a suitable space for personal visits within the rules of the program. Children are to have unencumbered communication with the child's attorney and others permitted by State department rules, including but not be limited to, the child's caseworker, Court Appointed Special Advocate, Guardian At Litem, DRO advocate, and other advocates (as permitted by administrative rule).

## **Restrictions on Personal Property**

Personal property is allowable as long as it safe, developmentally appropriate and does not interfere with the child's plan of care. Adequate storage space is to be provided for the child's clothing and other possessions. Reasonable restrictions can be placed on possessions such as clothing with inappropriate symbolism, violent toys, videos or music, sexually suggestive material, or other items that would be of harm to an individual child. When restrictions are placed on personal possessions, written notice of the restriction is to be given to the child's family and verbal notice to the child. Documentation shall be placed in the child's file.

In the residential programs, children have the right to privacy when dressing in sleeping areas and in bathrooms. Children have the right to be safe from threats or acting out from other residents, particularly at night in their rooms. Every effort will be made to provide this safety. Residents have the right to have staff indicate they are entering their bedroom prior to walking in. Residents have the right to privacy of diaries and possessions. Possessions are to be searched for stolen or inappropriate items only after a team leader has agreed there is

reason to have a concern justifying the search. Residents have the right to be free of surveillance technology in living areas. Monitoring by motion detectors will be used in bedrooms to insure the protection of residents. Residents have the right to have a safe place to store their belongings free from access by other residents.

## **Client Treatment Information Access**

Clients have the right to review their treatment file. Oregon Law ORS 179.505 provides parents and legal guardians the right to immediate inspection of treatment reports and the child's file. This right is provided to non-custodial parents who maintain legal parental rights. Because of the age of residents, children are not routinely shown their file unless there is a therapeutic reason for doing so. Further description of the client/guardian's access to treatment information is addressed in *Policies, Section 2.G. Confidentiality*, as well as in the Agency's Notice of Privacy Practices.

## **Children's Rights (Language for Children)**

Most children who come to Jasper Mountain's residential programs have been treated badly by others, and many have treated others badly themselves. The Agency's programs are safe places where children have rights as well as duties. Having rights does not mean that you will always get what you want, or not have to do some painful growing. Having rights does mean that the program must help you achieve treatment goals and not make it more difficult for you. As a resident, it is important that you understand these rights:

- Staff are to treat you in a manner that is both kind and firm. You have a right not to be mistreated or hurt. If there is a problem, tell a staff member or your therapist.
- You should not be treated differently than other children just because you are a boy or girl, or because of your race or any other reason you can't change.
- You can talk to adults and say things that are private to you and that you don't want other children or non-staff to know.
- You can have family or friends visit if they are on your visiting list.
- You can go places and do things outside SAFE or JMC with staff as long as you are acting in a responsible and safe manner.
- If someone destroys or steals your things, you can have them returned or replaced.
- You can ask to contact your caseworker, your CASA, a DRO advocate, or your attorney when you need them. You can also ask to talk to one of the adults on your school goal team (called an IEP team) in private, and we will make sure this can happen.
- If you aren't being treated well, you can complain to staff or your caseworker and they will help you fix the problem.
- You can always eat meals unless you decide not to, your meals will not be taken away. You will not be physically punished or intentionally hurt.

- The better you do and the more you cooperate, the more decisions you get to make for yourself and the more privileges you will receive.
- You have the right to your feelings and expressing your feelings. However, keep in mind that others will usually treat you the way you treat them.

## **Rights for Children in Residence**

The following rights are acknowledged for residents of Jasper Mountain's residential programs. A copy of these rights has been written in words the children understand (see "Children's Language" above) and are to be explained to each child. The child is to indicate their understanding by telling his/her counselor.

Residents have the following rights:

- Safe, respectful care in harmony with the treatment plan and the physical and emotional needs of the child.
- Fair nondiscriminatory treatment.
- Confidentiality consistent with the Agency's open treatment policy.
- Visits by family or friends consistent with the overall plan developed by DHS and the SAFE or JMC treatment plan.
- Opportunities to interact with the community at large in school, field trips, outings and special events outside SAFE and JMC.
- Appropriate access to communication with people in the community when this is approved by the legal guardian and is deemed by the clinical team to be in the child's best interests.
- Protection of personal property. If property is destroyed or damaged by negligence of the program, its staff or other residence and not by the owner's behavior or carelessness, the resident has the right to compensation.
- Contact as applicable with the DHS caseworker, CASA, DRO advocate, IEP Team Members, and personal attorney.
- Grievance procedure.
- Safety and security from physical harm or material need of food, clothing or medical care.
- Self-determination within the bounds of the program's policies and procedures.

## **The Right of Spiritual Development**

Because of the age of the children in the program, they are developing understanding of ethical and moral questions and issues. The program assists their development by including exposure to spiritual and religious beliefs of a general and nondenominational nature. Weekly groups cover important spiritual/moral issues and children can express beliefs in the form of prayer before meals, at bedtime or at other times at their discretion. If parents or children have religious observances important to them, these observances are to be respected by the program. Within the expectations of the program for safety of the child and the

community, attendance at religious services is arranged. No coercion shall exist in the program regarding religious decisions.

## **Care of Resident's Personal Money**

For the best interests of the residents, no cash is allowed in the possession of residents during their stay in the program. Any money at intake is placed in an account through the Agency business office in the name of the child. Residents have access to money in their account for a variety of activities and purposes during the child's treatment. The resident is to get permission to spend money from this account from the program director. This process is not to be difficult, but one that insures supervision of purchases or uses of the money. Parents or guardians may obtain access to the child's account when desired. The amount in the account will be provided to the child's guardian at discharge.

## **Outdoor and Strenuous Activities**

While Jasper Mountain supports activities that provide children with an opportunity to better experience their abilities and skills, the Agency does not put children in situations of heightened risk. All activities are chosen for their therapeutic value and not for considerations such as inducing fear, pushing children through their resistance or other coercive practices.

As a part of the initial intake process, informed consent is received from the parent/guardian for the various types of outdoor or strenuous activities which may be available to the child. This consent includes potential benefits, risks and precautions taken to insure maximum learning for the child. The parent/guardian has the right to withhold permission for any of these activities.

In addition, all outdoor and strenuous activities are voluntary. At times a child's presence may be necessary for the program but the child is not forced to exert him or herself in an activity if he/she chooses not to participate.

# GRIEVANCE PROCEDURES

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## Consumer Grievance Procedure

If a consumer (child, adult or family member) is displeased with the service they receive or the way they have received it, they are encouraged to bring the concern to the attention of the assigned therapist or to the program director. The Agency encourages consumers to speak out about any dissatisfaction with the services they receive and every attempt shall be made to resolve the issue. If the consumer is still not satisfied, the consumer may file a complaint (verbally or in writing), called a grievance action. The subject of a formal complaint or grievance is to be dissatisfaction or concern about services or lack of services that are the responsibility of the Agency. Consumers should feel confident that expressing a complaint will not result in any form of retaliation. There are several steps available to the consumer to be followed in the order listed until the issue is satisfactorily resolved:

- Discuss the situation with the assigned therapist. If the situation is not resolved, the consumer can then ...
- Bring the matter to the attention of a program director either verbally or in writing. If there continues to be no resolution, the consumer can then...
- Submit a written grievance (complaint) to the executive director. If the consumer wants help putting the complaint in writing, assistance is available. If the situation is still not resolved, the consumer can then...
- Submit a written grievance to the Jasper Mountain Board of Directors: 37875 Jasper-Lowell Rd. Jasper, OR 97438.

**Filing a Complaint:** Formal complaints should be submitted to a supervisor or manager in the Agency, or directed to the Agency's Quality Assurance Coordinator. Formal complaints can be made in writing, describing the issues of concern and requesting action from the Agency in the matter. No special form is needed. If the consumer should want assistance in writing the complaint, he/she should feel free to ask for help, and the Agency will arrange for any assistance that is needed. Formal complaints can also be made verbally. To do so, the consumer should present the complaint verbally to a supervisory or managerial staff person, or to the Agency's Quality Assurance Coordinator, and say that the complaint is to be considered a formal complaint. If the issue is not able to be resolved by the appropriate program director, the verbal complaint is now to be put in writing, so that the Executive Director or Board of Directors can best understand what is being requested. If the matter has not been resolved with two previous attempts to do so, a written complaint will assist in providing clarity as to exactly what the concern entails. If the consumer should want any assistance in putting the complaint in writing, such help can be arranged.

**Once a Formal Complaint is Received:** The staff person who receives the written formal complaint is to give the information to the program director, who is initially responsible for responding to the written concern of the consumer. When a formal complaint is received, it

is to be reviewed by the director of the program. If the situation can be immediately resolved by either treatment team staff or the assigned therapist, the director is still to review the matter. The consumer is informed of the right to appeal the process at each step until the matter is resolved. If the matter is to be handled by the program director or Executive Director, there is to be a written response to the formal complaint or grievance within five calendar days. If the matter is referred to the Board of Directors, the consumer is to receive a written response within thirty calendar days of the Board receiving the written grievance.

**Other Grievance Resources:** If the consumer is a LaneCare Member, he/she also has a right to the LaneCare grievance procedure. The consumer also may have the right to take a grievance to a State Agency or advocacy organization such as the Department of Human Services or the Department of Education. Any grievances or concerns can also be referred to AMH (503-945-5763, 500 Summer St. NE, E-86 Salem, OR 97301) or Disability Rights Oregon (503-243-2081, 620 SW Fifth Ave. #500, Portland, OR 97204), depending upon the situation. Any unresolved grievance will be brought to the attention of the Board of Directors and pertinent contact source.

## **Expedited Grievance**

There are some situations in which time is of the essence. Clients may initiate an expedited grievance under the following cases: 1) In the client's opinion, the immediate health and safety of the child is at issue, 2) The issue involves currently prescribed medications or relates to an important medical issue for the child, 3) The issue cannot wait to be resolved in the regular timetable because of factors related to specific care of the child and not client convenience or how strongly the client feels about the issue.

An expedited grievance must be in writing, must state the reason a quick process is necessary, and what problems are likely to result if the normal grievance process is used. The written request for an expedited grievance will be reviewed by the executive director or designee and a decision regarding the expedited process will be provided the client within 24 hours of the request being received. If the expedited process is denied by management staff, the client can appeal to the Board of Directors and a decision on the expedited process will be given within 24 hours of being received by the Board. In cases where the issue clearly meets the three criteria for an expedited process, the Agency will approve the request as quickly as possible within the 24 hour time limit. If an expedited grievance is approved by the Agency, a written decision will be available, faxed, or e-mailed within 24 hours of the expedited process being approved. If the issue is clearly an immediate concern, the decision will be made as quickly as possible within the 24 hour limit.

## **Service Denial**

Jasper Mountain seldom, if ever, denies service to children or families. However, if this does occur the client has rights under the Agency, the mental health organization and perhaps the

Oregon Health Plan rules. In the process of developing the plan of care for a child or family, if a requested service is denied by the Agency, the client may appeal this denial. The client is to put in writing the service they are requesting and the reason they believe the service will assist in meeting the goals of the treatment plan. This written appeal will be reviewed by the executive director and a written response will be provided within five working days. The written response will include: the referenced service, a statement of reversal of the denial or statement of sustaining the denial, the basis for denial, and notification of the appeals process external to the Agency and the process and time frame for further appeal. A Notification of Denial Letter will also be sent to the appropriate Mental Health Authority in the event of such a denial for services.

## **Hearing Request**

For all clients, including Medicaid or CHIP eligible children, and parents or guardians who consent to treatment, an appeals process is available in the event of service denial or denial of a grievance. At the point that all Agency remedies have been exhausted with no satisfactory resolution, a hearing may be requested with at least three representatives of the Agency's Quality Assurance Committee and Board of Directors. The hearing is to take place within ten working days and a written decision will be provided the client within five working days. If the client continues to be dissatisfied with the decision, they may appeal to the State Division Administrator or designee.

The Quality Assurance Coordinator is assigned to assist with grievances, receive or assist the client with information about the process, and keep documentation of the formal complaint. All formal complaints will be kept in a file and will have information on the issue, including who filed the grievance, the date of the initial complaint, the nature of the concern and the resolution of the matter and the date of resolution. The grievance process is to be explained verbally and a copy given to clients at intake. No client is to be the recipient of retaliation for exercising any rights granted to him/her, including the right to a formal grievance or hearing.