

RESIDENT BILL OF RIGHTS

As a resident of a licensed residential treatment facility, you have certain rights outlined in Oregon State law. These laws are known as Oregon Administrative Rules (OAR) and Oregon Revised Statute (ORS). Your rights as a resident are listed below.

OAR 309-035-0155

- (1) **Statutory and Constitutional Rights.** Each resident will be assured the same civil and human rights accorded to other citizens. These rights will be assured unless expressly limited by a court in the case of a resident who has been adjudicated incompetent and not restored to legal capacity. The rights described in paragraphs (2) and (3) of this section are in addition to, and do not limit, all other statutory and constitutional rights which are afforded to all citizens including, but not limited to, the right to vote, marry, have or not have children, own and dispose property, enter into contracts and execute documents.
- (2) **Rights of service recipients.** In accordance with **ORS 430.210**, residents will have the right to:
 - (a) Choose from available services those which are appropriate, consistent with the plan developed in accordance with paragraphs (b) and (c) of this subsection, and provided in a setting and under conditions that are least restrictive to the person's liberty, that are least intrusive to the person and that provided for the greatest degree of independence;
 - (b) An individualized written service plan, services based upon that plan and periodic review and reassessment of service needs;
 - (c) Ongoing participation in planning services in a manner appropriate to the person's capabilities, including the right to participate in the development and periodic revision of the plan described in paragraph (b) of this subsection, and the right to be provided with a reasonable explanation of all service considerations;
 - (d) Not receive services without informed consent except in a medical emergency or as otherwise permitted by law;
 - (e) Not participate in experimentation without informed voluntary written consent;
 - (f) Receive medication only for the person's individual clinical needs;
 - (g) Not be involuntarily terminated or transferred from services without prior notice, notification of available sources of necessary continued services and exercise of a grievance procedure;
 - (h) A humane service environment that affords reasonable protection from harm and affords reasonable privacy;
 - (i) Be free from abuse or neglect and to report any incident of abuse without being subject to retaliation;
 - (j) Religious freedom;
 - (k) Not be required to perform labor, except personal housekeeping duties, without reasonable and lawful compensation;
 - (l) Visit with family members, friends, advocates and legal and medical professionals;
 - (m) Exercise all rights set forth in **ORS 426.385** and **427.031** if the individual is committed to the Department;

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- (n) Be informed at the start of services and periodically thereafter of the rights guaranteed by this section of the procedure for reporting abuse, and to have these rights and procedures prominently posted in a location readily accessible to the person and made available to the person's guardian and any representative designated by the person;
- (o) Assert grievances with respect to infringement of the rights described in this section, including the right to have such grievances considered in a fair, timely and impartial grievance procedure;
- (p) Have access to and communicate privately with any public or private rights protection program or rights advocate; and
- (q) Exercise all rights described in this section without any form of reprisal or punishment.

(3) **Additional Rights in Residential Treatment Facilities.** Residents will also have a right to:

- (a) Adequate food, shelter, clothing, consistent with **OAR 309-035-0159**;
- (b) A reasonable accommodation if, due to their disability, the housing and services are not sufficiently accessible;
- (c) Confidential communication, including receiving and opening personal mail, private visits with family members and other guests, and access to a phone with privacy for making and receiving telephone calls;
- (d) Express sexuality in a socially appropriate and consensual manner;
- (e) Access to community resources including recreation, religious services, agency services, employment, and day programs, unless such access is legally restricted;
- (f) Be free from seclusion and restraint, accept as outlined in **OAR 309-035-0167**.
- (g) To review the Residential Treatment Facility's policies and procedures; and
- (h) Not participate in research without informed voluntary written consent.

(4) **Program Requirements.** The program will have and implement written policies and procedures, which protect residents' rights and encourage and assist residents to understand and exercise their rights. The program will post a listing of residents' rights under these rules in a place readily accessible to all residents and visitors.

Stat. Auth: ORS 409.010 & ORS 44.3450

Stat. Implemented: ORS 443.400 to ORS 443.455 & ORS 443.991(2)

Signature of Resident: _____

Signature of Staff Person: _____

Date Resident Rights were explained: _____

Original to resident – photocopy in resident chart