

**Cottonwood, Inc.
Policies and Procedures**

SECTION: Residential

POLICY NO: 30-012

SUBJECT: Final Rule Statement of Principles and Procedures

EFFECTIVE DATE: December 2020

Policy:

It shall be the policy of Cottonwood, Inc. that all persons served shall be afforded the following rights and protections as they relate to the provision of services provided by Community Service Providers (“CSP’s”) like Cottonwood, Inc. under the Home and Community Based Services IDD Waiver and the Kansas Developmental Disability Reform Act (“DDRA”) and applicable regulations. Cottonwood’s “Rights of Persons Served” annual review packet is also incorporated in this policy. Cottonwood, Inc. will incorporate all values expressed in this policy into informational resources provided to its employees and persons served. Staff will be trained in these principles as part of their required classroom training and initial shadowing in their respective assigned locations prior to working with consumers and annually thereafter as part of their licensing review training and annual performance evaluation review.

Procedures:

Rights- Each person served will annually review and acknowledge receipt of Cottonwood, Inc.’s “Consumer Rights” handout. In addition, employees will be required to review and attest to Cottonwood, Inc.’s “Performance Evaluation Report Form/Review of Rights of Persons Served” on an annual basis. Both documents are based on and in compliance with KDADS’ “Article 63-Developmental Disabilities- Licensing Providers of Community Services: Review of Rights of Persons Served.”

Training-Cottonwood, Inc. shall provide training annually to all employees and volunteers regarding the values expressed in this policy (see Cottonwood, Inc. policy 03-047 “Staff Training”). Each employee will receive initial training on the values and inherent human and civil rights expressed in this policy and referenced above as part of the orientation process for new employees and will also be required to receive an annual refresher training at the time of licensing and also at the time of their performance evaluation which serves as the documentation thereof. Additionally, Cottonwood, Inc. shall provide persons served annual training regarding their rights including the right to file a complaint/grievance, to have visitors of their choosing, and to participate in activities of their choosing outside of the service setting (“come and go”) as part of the person-centered support planning process. Receipt of such training will be documented.

Services- Cottonwood, Inc. provides various services to persons with Intellectual and Developmental Disabilities (IDD) including but not limited to:

1. Residential Services

2. Day services
3. Targeted Case Management

Persons served and/or their guardians are required to enter into and sign a legally binding service agreement should they choose Cottonwood, Inc. for services. This service agreement is inclusive of Cottonwood, Inc.'s "Consumer Handbook."

Residential Protections

Cottonwood, Inc. offers residential services to individuals with IDD who qualify for the Home and Community-Based ("HCBS") waiver and choose to live in a community served by Cottonwood, Inc. and choose Cottonwood, Inc. as their CSP.

Residency Agreement-In addition, Cottonwood, Inc. also owns, manages and leases affordable housing to persons with IDD. Persons served by Cottonwood, Inc. are not required to live in housing owned or managed by Cottonwood, Inc. in order to receive services. Should persons served choose to live in housing owned or managed by Cottonwood, Inc. they are required to sign a legally binding "Residency Agreement" that meets the requirements of the Kansas Landlord Tenant Act, the federal Fair Housing Act and any specific requirements of the Kansas Housing Resource Corporation if applicable (See Cottonwood Inc.'s "Residency Agreement").

Persons served are not required to receive medical, behavioral or other therapy services on-site and are free to choose when, where and from whom such services are provided. Day Services are not provided in Residential settings unless a medical professional has indicated that Day Services provided in the community or in a Day Setting are not in the best interest of the person served. Cottonwood, Inc. will then provide such services at home or in an alternative setting.

Persons served are not isolated solely due to their disabilities. Persons served have the same access to the greater community, services, and supports as those who do not have disabilities.

Privacy- All residential settings owned or managed by Cottonwood, Inc. shall have exterior doors that can be locked, and all residents and only appropriate Cottonwood, Inc. staff shall have keys. (See policy #30-027 "Staff Access to SIL Apartments"). Bedroom doors and bathroom doors will be lockable unless there is a safety risk that prohibits this. Any restrictions will be approved and documented in the individual's Behavior Support Plan. Designated Cottonwood, Inc. staff may enter the bedroom and bathroom with reasonable notice and during reasonable hours to perform needed maintenance, ensure habitability, and at any time in the event of an emergency threatening either the Consumer or the residence. Staff will knock on bedroom doors and bathroom doors and allow time for a response before entering so as to not surprise anyone.

Individuals who do not reside at a particular setting will make prior arrangements with a person(s) living there and/or a member of the person's support team to gain access to the setting. Requests will be granted if desired by the person(s) living in the setting and/or their designated decision makers.

Environment”). All living spaces in Cottonwood, Inc. residences are constructed so as to afford privacy with personal care. Staff will suggest a private space away from housemates and visitors should an individual want privacy while using the phone, internet, or other personal communication device (see policy #30-020 “Staff Accountability to Maintain Safe, Healthy, and Private Environments”, procedure #9).

No Cottonwood, Inc. residential setting has a larger than a single occupancy bedroom and does not support the use or construction of such occupancies except where persons served may request them.

Personal Enjoyment of Homes-Persons served shall have the right to arrange the furniture and decorate their living space as they see fit. Persons served shall have input regarding their daily routines including hygiene, recreation, meals and the delivery of services from Cottonwood, Inc. If the residential setting has laundry facilities the person served shall have access to such facilities and will be encouraged to do their own laundry (see policy #30-022 “Handling of Laundry”). Persons served shall have access to their residential dining area, common area, kitchen, microwave and refrigerator if so equipped. Persons served shall be encouraged to assist with their meal preparation and shall have input on when to eat, what to eat and with whom to eat (including the choice to eat alone). (See “Residency Agreement”).

Accessibility-Accommodations/modifications are completed as needed to maximize physical accessibility of residential sites. Examples include grab bars, shower benches, ramps, stair lift, etc. If an individual’s accessibility requirements exceed what is structurally and/or financially feasible at the current site, the individual and team will seek appropriate alternatives.

Community Integration- Persons choosing Cottonwood, Inc.’s residential services are encouraged to, supported in, and assisted with participating in community events, activities, and services of their choosing. Information will be shared regarding available opportunities. In group homes, house conferences will be the medium for such sharing. Cottonwood, Inc. will also post in a common area of all residential settings a list of community events and services. The ability to come and go as chosen will be limited only by support needs if the person lacks self-preservation skills to navigate safely without staff support. Staff availability is a factor. Should any chosen events require staff to attend as well or use company vehicles, staff will work with persons served to schedule and attend the activities and events of their choice, allowing for the limitations of both staff and Cottonwood, Inc. resources.

Persons served in congregate settings may have visitors in a manner of and at the time of their choosing as long as such visits do not violate local ordinance, state law, or the “Residency Agreement.”

Generic Community Housing- Cottonwood, Inc. will assist the person served and their natural supports to obtain safe, accessible and affordable housing for the person served should the individual wish to live in and around the community and receive residential services from Cottonwood, Inc. in a non-Cottonwood, Inc. leased or owned site.

Grievance Process-Persons served shall be afforded a process to file a grievance through both policy and the “Residency Agreement” if applicable (see policy #05-015 “Consumer Grievance and Appeal/Conflict Resolution”).

Rights and Restrictions- The rights of persons served by Cottonwood, Inc. shall not be restricted by Cottonwood, Inc. or other parties unless provided for by lawful court order, lawfully restricted by a court-appointed guardian or is a restriction provided for under Kansas Regulations including the person’s Person-Centered Support Plan (PCSP). In such cases, Cottonwood, Inc. shall make reasonable efforts to ensure that such restrictions do not affect the rights of other persons served.

DOCUMENTS INCORPORATED IN THIS POLICY

Cottonwood, Inc. Service Agreement

Cottonwood, Inc. Residency Agreement

Cottonwood, Inc. Policy #05-015F - Consumer Grievance and Appeal/Conflict Resolution

Cottonwood, Inc. Consumer Rights Handout

Cottonwood, Inc. Policy #03-047 - Staff Training

Cottonwood, Inc. Policy #30-027 - Staff Access to SIL Residences

Cottonwood, Inc. Policy #02-025 - Restricted Access

Cottonwood, Inc. Policy #30-020 - Staff Accountability to Maintain Safe, Healthy, and Private Environments

Cottonwood, Inc. Policy #30-022 - Handling of Laundry

Cottonwood, Inc. Accessibility Plan

DOCUMENTS INCORPORATED IN THIS POLICY BY REFERENCE

The Federal Americans with Disabilities Act (ADA)

The Kansas Developmental Disabilities Reform Act (DDRA)

Kansas Administrative Regulations 30-63 and 30-64 all.

The Kansas Landlord & Tenant Act.

The Federal Fair Housing Act.

COTTONWOOD, INC. POLICY CONFLICT

This policy shall supersede and override any other existing policies issued by Cottonwood, Inc. that are found to conflict with this policy.