

BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion



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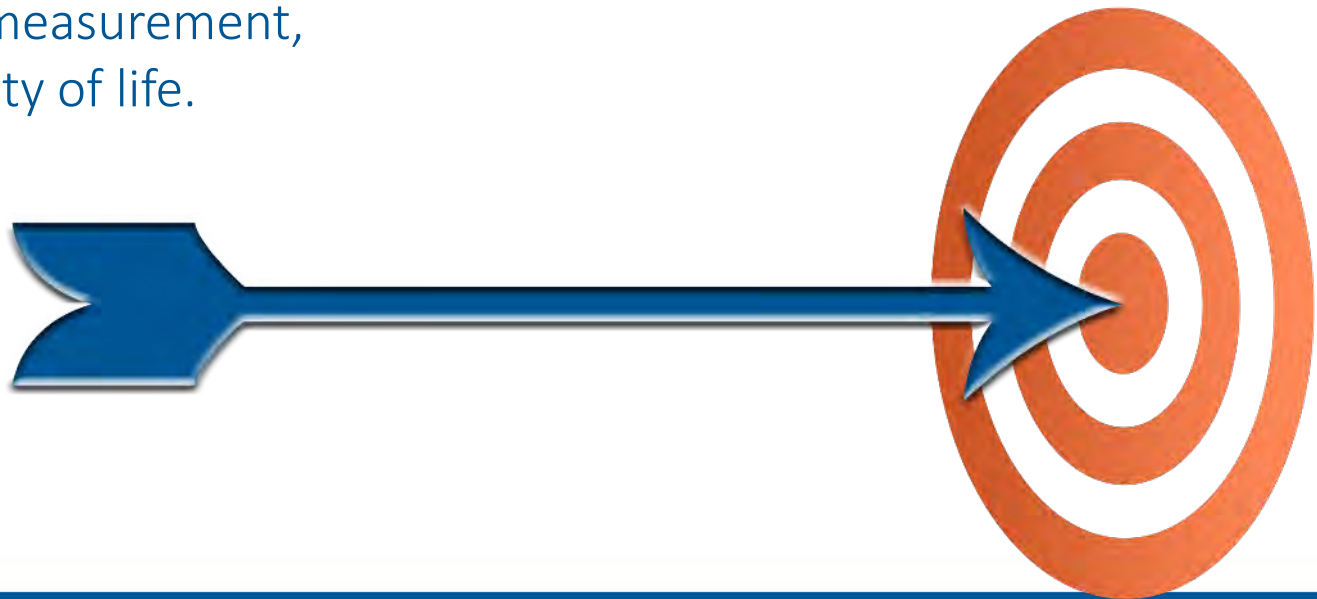
CQL | THE COUNCIL ON QUALITY AND LEADERSHIP ABOUT US

Vision

A world of dignity, opportunity, and community for **all** people.

Mission

CQL is dedicated to the definition, measurement, and improvement of **personal** quality of life.





CQL | THE COUNCIL ON QUALITY AND LEADERSHIP
ABOUT US

Change *Inspires* us.

“Quality is a continuous journey,
it’s not a destination.”

- Jeff Pederson, CHI Friendship



CQL | THE COUNCIL ON QUALITY AND LEADERSHIP

CQL PARTNERSHIP

- An *appreciative* approach to quality enhancement
- Opportunities not deficiencies
- Continuous quality improvement





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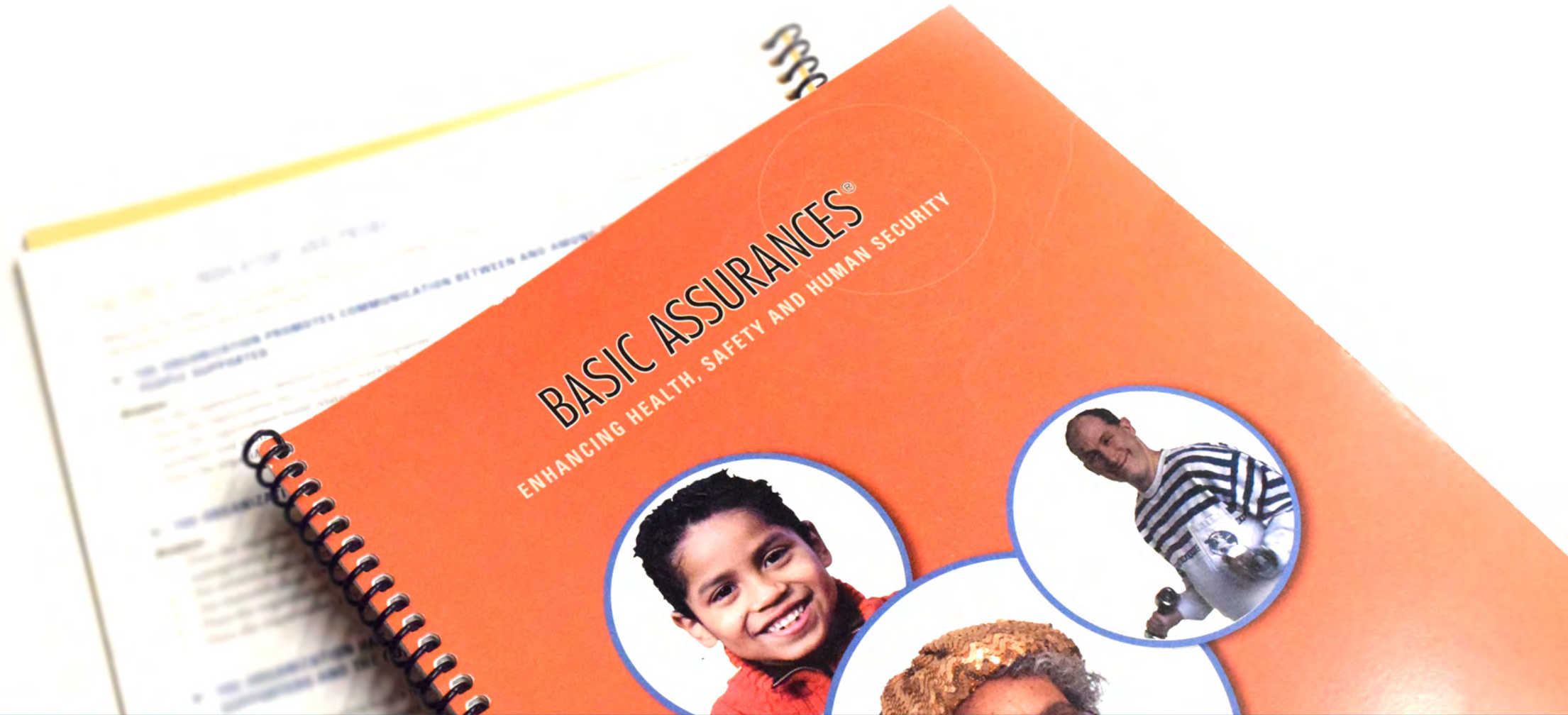
WEBINAR OVERVIEW

- Introduction to the Basic Assurances®
- Process and evidence collection
- Indicator A: The Organization Implements Policies and Procedures that Promote People's Rights
- Indicator B: The Organization Supports People to Exercise Their Rights and Responsibilities
- Indicator C: Staff Recognize and Honor People's Rights
- Indicator D: The Organization Upholds Due Process Requirements
- Indicator E: Decision-Making Supports are Provided to People as Needed
- Validation and Decision-Making
- Data
- Questions



BASIC ASSURANCES®

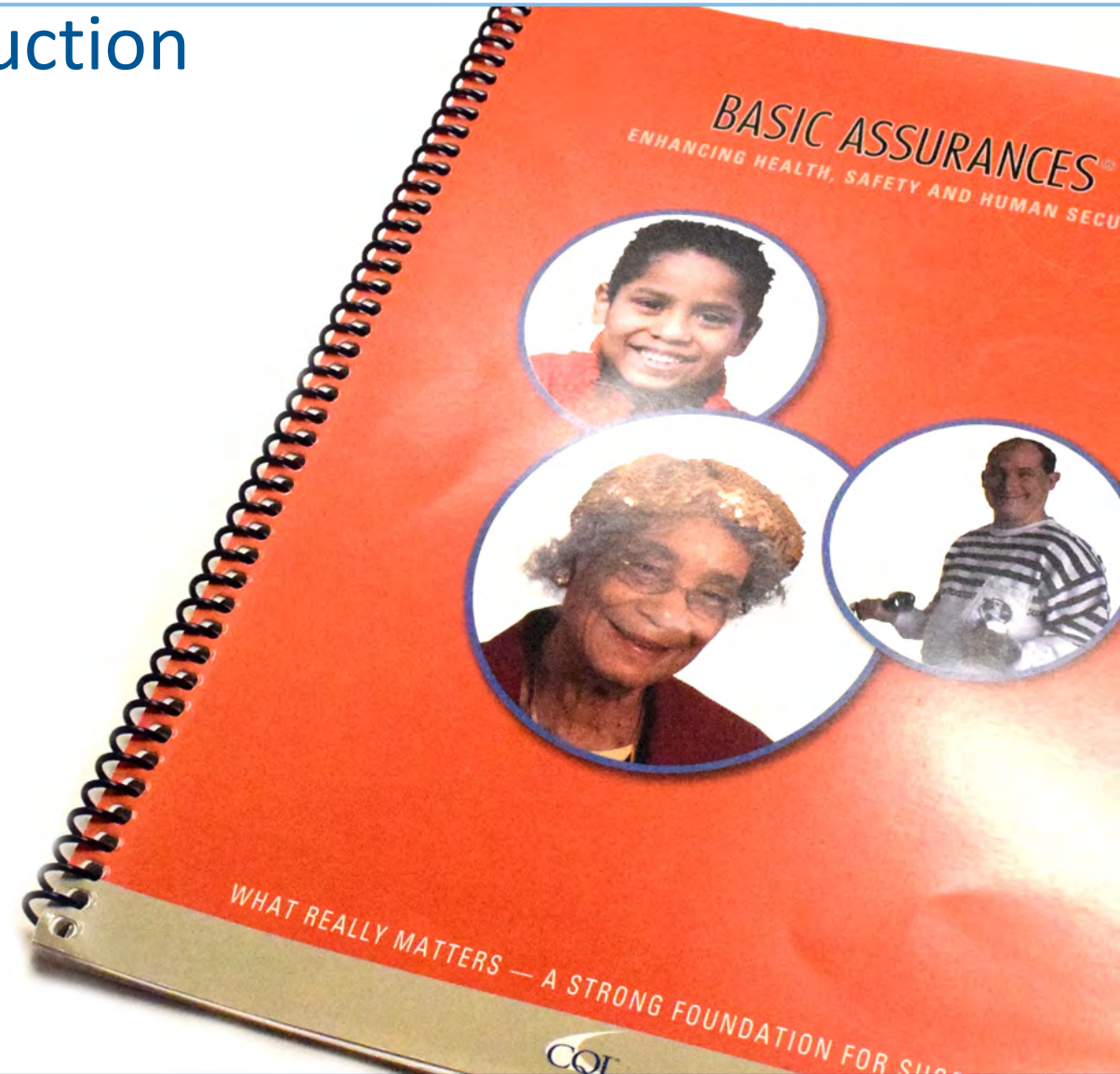
An Introduction



BASIC ASSURANCES[®]

An Introduction

1. Rights Protection and Promotion
2. Dignity and Respect
3. Natural Support Networks
4. Protection from Abuse, Neglect, Mistreatment, and Exploitation
5. Best Possible Health
6. Safe Environments
7. Staff Resources and Supports
8. Positive Services and Supports
9. Continuity and Personal Security
10. Basic Assurances[®] System





BASIC ASSURANCES®

An Introduction

Key Concepts

The Basic Assurances® focus on essential, fundamental, and non-negotiable requirements for all service and support providers

- Organizations are encouraged to implement consensus best practices in relation to each measure
- The Basic Assurances® require more than compliance with licensing and certification standards. We use this tool to understand the effectiveness of practice through the perspective of each person.



BASIC ASSURANCES[®]

Structure

Factor:

Rights Protection and Promotion (Topic Area)

Indicator:

1e Decision –Making Supports are Provided to People as Needed (Sub-Topic)

Probes: (Questions to support validation of the indicator)

1. Do people receive only the level of support needed to make their own decisions?
2. Does the organization review the need for advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee including supported decision making options?
3. Does the organization review the scope of advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee needed and desired by each person?
4. Does the person-centered plan document the need for and scope of advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee including supported decision-making options?
Is the plan then reviewed annually?
5. Is there a written plan to obtain advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee if those supports are needed?



BASIC ASSURANCES® System and Practice

Structure

Two components are evaluated: System and Practice

- Systems are those organizational supports that provide the structure for organizational practices. This may include policies, procedures, staff training or other types of systems
- Organizational practice is what is observed in daily operations. This demonstrates how an organization's systems are put into action



BASIC ASSURANCES®

Factor 1: Rights Protection and Promotion

Process and Evidence





RIGHTS PROTECTION AND PROMOTION Process and Evidence

- Document Review
- Observation and Visits
- Focus Groups
- Factor Review
- POMs

RIGHTS PROTECTION AND PROMOTION

Process and Evidence

Document Review

- Policies and procedures
- Committee meeting minutes
- Completed assessments
- Staff training records
- People's records (with permission)
- Support plans





RIGHTS PROTECTION AND PROMOTION

Process and Evidence

Observation and Visits

- Do people move freely? Do they have access to their personal possessions?
- Obvious rights restrictions such as locked doors, buzzers, etc.
- Interactions
- Charts and schedules
- Rules
- Access



RIGHTS PROTECTION AND PROMOTION

Process and Evidence

Focus Groups

- Focus groups may be conducted with people supported, staff, families and others depending on the types of services and accreditation
- Focus groups allow us to better understand systems and practices from the perspective of those that are affected by them
- Sample Questions:
 - What rights are most important to you? (people supported)
 - How do you support people to learn about rights? (staff)
 - Does the organization in any way limit the rights of your family member? (family)



RIGHTS PROTECTION AND PROMOTION

Process and Evidence

Factor Review

- Each factor is reviewed with organizational members that have a role in the implementation of systems and practice pertaining to that factor
- This is an opportunity for the organization to provide examples of what each area looks like in practice
- It is also an opportunity to ask questions and share best practices



RIGHTS PROTECTION AND PROMOTION

Process and Evidence

Personal Outcome Measures®

Personal Outcome Measures® allow us to better understand quality through the perspective of the person

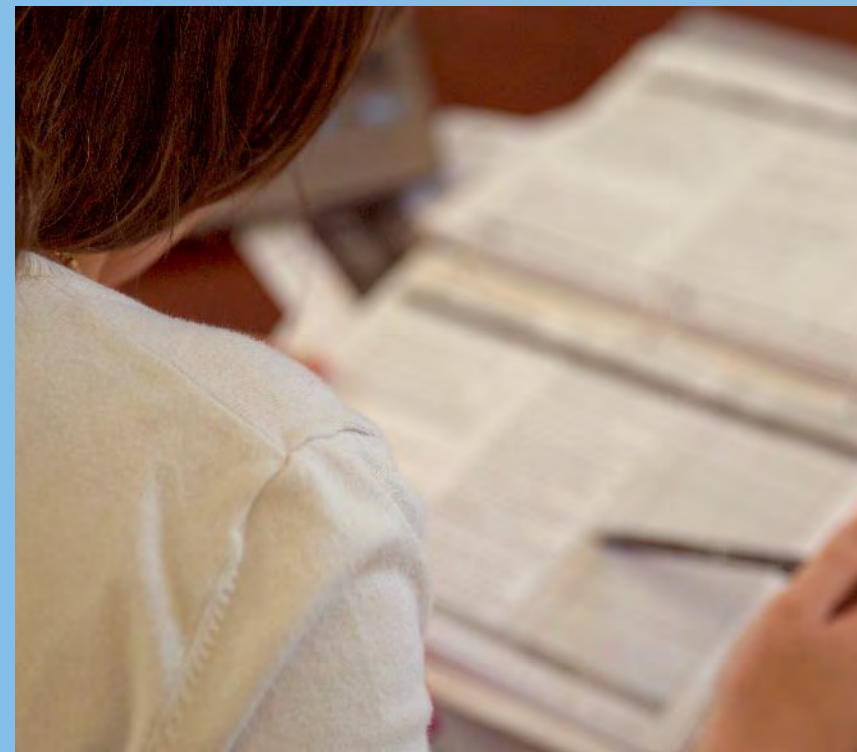
- The person's experience helps us to understand the effectiveness of systems and practices implemented by the organization
- Interviewees are often selected from categories such as people with a restriction in place, people with extensive health supports, or people that have experienced abuse and neglect



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion

Indicator A:
The Organization Implements
Policies and Procedures that
Promote People's Rights





RIGHTS PROTECTION AND PROMOTION

Probes

Indicator A: The Organization Implements Policies and Procedures that Promote People's Rights

- 1. Does the policy define the organization's commitment to protect and promote people's rights?**
- 2. Does the policy contain a listing of rights afforded to all citizens as indicated by the United Nation's Declaration of Human Rights and by the constitution and laws of the country in which people reside?**
3. Does the policy describe the organization's due process procedures?
4. Does the policy describe the organization's procedures for individual rights reviews and documentation?
5. Does the policy describe procedures for restricting a person's rights?
- 6. Does the policy prohibit use of a restrictive or intrusive medical or behavioral intervention without prior informed consent?**
7. Does the policy prohibit standing policies and practices that restrict people's rights?



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion

Indicator B:
The Organization
Supports People to
Exercise Their Rights
and Responsibilities





RIGHTS PROTECTION AND PROMOTION

Probes

Indicator B: The Organization Supports People to Exercise their rights and responsibilities.

1. Are people provided needed supports to exercise the rights that are important to them?
- 2. Are people provided supports only to the extent needed?**
- 3. Are people supported to advocate for themselves?**
- 4. Does the organization assess people's abilities to exercise their rights, especially those rights that are most important to them?**
5. Does the assessment address people's civil and legal rights and personal freedoms? Examples include, but are not limited to the ability to do the following:
 - a. move freely
 - b. manage money
 - c. send and receive mail
 - d. make and receive telephone calls and use other means of communication
 - e. visit and be visited by whomever they choose
 - f. access personal possessions
 - g. vote

Continued...



RIGHTS PROTECTION AND PROMOTION

Probes

Indicator B: The Organization Supports People to Exercise their rights and responsibilities. (Continued)

- 6. Does the person-centered plan document assessment results, including supports needed to protect and promote the person's rights?
- 7. Are the assessments of people's rights ongoing and reviewed at least annually?
- 8. Does the organization share information about people only with their written, informed consent or that of their legally authorized representatives?



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion

Indicator C: Staff Recognize and Honor People's Rights





RIGHTS PROTECTION AND PROMOTION

Probes

Indicator C: Staff Recognize and Honor People's Rights

- 1. Are staff trained to recognize and respect people's rights?**
2. Are staff trained to recognize and honor preferences in regard to how people choose to exercise their rights?
3. Are staff who complete assessments trained to honor people's goals and to support attainment of those goals in the best way possible?
- 4. Are staff trained in due process procedures?**
5. Are staff trained in procedures for placing a limitation or restriction on a person's rights?
- 6. Do staff demonstrate respect for and honor people's rights?**



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion

Indicator D: The Organization Upholds Due Process Requirements





RIGHTS PROTECTION AND PROMOTION

Probes

Indicator D: The Organization Upholds Due Process Requirements

- 1. Does the organization have, or have access to, a working and effective Human Rights Committee?**
2. Do the policies and procedures define Human Rights Committee membership, training, roles, responsibilities and procedures?
3. Does the Human Rights Committee oversee the use of restrictive or intrusive interventions that are part of a plan of behavioral or medical supports?
4. When restrictive or intrusive interventions are reviewed, is at least one-third of the Human Rights Committee membership present not affiliated with the organization?
5. Does the Human Rights Committee review policies, procedures and practices that have the potential for rights restrictions without an individualized assessment (such as blanket restrictions that affect more than one person)?
- 6. Does the Human Rights Committee review all individual rights restrictions?**

Continued...



RIGHTS PROTECTION AND PROMOTION

Probes

Indicator D: The Organization Upholds Due Process Requirements (Continued)

7. Does the Human Rights Committee review the frequencies and reasons surrounding the use of restraint for behavioral or medical purposes? Does the Human Rights Committee review reports of substantiated allegations of abuse, neglect, mistreatment, exploitation and other data that reveals the organization's practices with respect to human, civil and legal rights? Does it make recommendations to the organization for promoting people's rights?
8. Does the Human Rights Committee proactively promote and protect people's rights, such as direct interactions with people served to discuss issues surrounding rights and basic protections?
- 9. Does the Human Rights Committee maintain a record of its activities and document issues reviewed, actions taken and requested follow-up?**
- 10. Are people supported and encouraged to attend Human Rights Committee meetings and provide input?**
11. Does the Human Rights Committee review behavior support plans that include restrictive/intrusive procedures?



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion

Indicator E:
Decision-Making
Supports are Provided
to People as Needed





RIGHTS PROTECTION AND PROMOTION

Probes

Indicator E: Decision-Making Supports are Provided to People as Needed

- 1. Do people receive only the level of support needed to make their own decisions?**
2. Does the organization review the need for advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee including supported decision making options?
3. Does the organization review the scope of advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee needed and desired by each person?
- 4. Does the person-centered plan document the need for and scope of advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee including supported decision-making options? Is the plan then reviewed annually?**
5. Is there a written plan to obtain advocacy, guardianship, representative payee, and alternatives to guardianship and/or representative payee if those supports are needed?



RIGHTS PROTECTION AND PROMOTION

Past Webinars

Past webinars on best practices related to rights:

Archived webinars can be found on our website at: c-q-l.org/resource-library/webinars

- A Working and Effective Human Rights Committee
- Best Practice: What Rights Are Most Important?
- Supported Decision Making: An Emerging Model
- Money, Money, Money- My Rep Payee Manages That
- More...



BASIC ASSURANCES® WEBINAR SERIES

Factor 1: Rights Protection and Promotion



Validation and Decision-Making



RIGHTS PROTECTION AND PROMOTION Validation and Decision-Making

- Each probe is validated present or not present based on evidence obtained during the review
- Each indicator is validated at the systems and practice level
- Indicators are validated based on a preponderance of evidence related to an indicator, not based on a given number of probes found to be present or not present
- During an accreditation, when an **indicator** is found to be not present in systems and/or practice, an action plan is required
- The title of the indicator is not always a complete description of all of the elements contained within an indicator



RIGHTS PROTECTION AND PROMOTION

Validation and Decision-Making

Example:

Indicator 1B: The organization supports people to exercise their rights and responsibilities

There are a number of probes that address support to exercise rights:

1. Are people provided needed supports to exercise the rights that are important to them?
2. Are people provided supports only to the extent needed?
3. Are people supported to advocate for themselves?

Of key significance, probes 4 and 5 address the assessment of rights. This area is considered fundamental and would have an outsized impact in validation:

4. Does the organization assess people's abilities to exercise their rights, especially those rights that are most important to them?
5. Does the assessment address people's civil and legal rights and personal freedoms? Examples include, but are not limited to the ability to do the following: a. move freely b. manage money c. send and receive mail d. make and receive telephone calls and use other means of communication e. visit and be visited by whomever they choose f. access personal possessions g. vote



Red Flags

When red flags are noted, it may bear further investigation and inquiry. We will determine whether the situation is isolated or if there is a systemic pattern. Some red flags may jeopardize accreditation or require additional monitoring to maintain accreditation.

Red Flags Around Rights:

- Use of restraints to control behavior without adequate due process and/or clinical justification
- Repeated rights restrictions or denials without due process or restoration plan



Factor 1 Measurables:

- Human Rights Committee Review: Restrictions utilized, restorations, restrictions approved/not approved, % of people attending HRC meetings, advocacy (may be more abstract)
- Training for staff and people supported
- Percentages of people with guardians and rep payee
- POMs: People Exercise Rights, People are Treated Fairly



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Factor 1: Rights Protection and Promotion

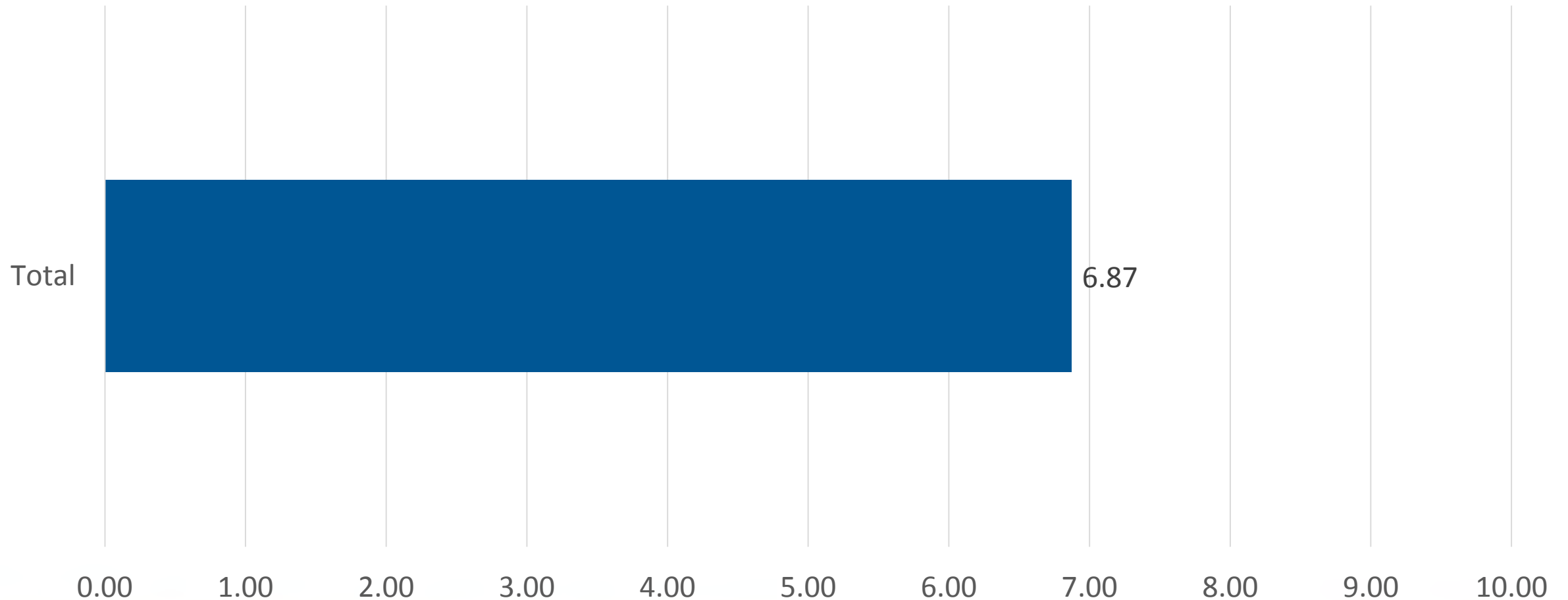


Factor 1 Data



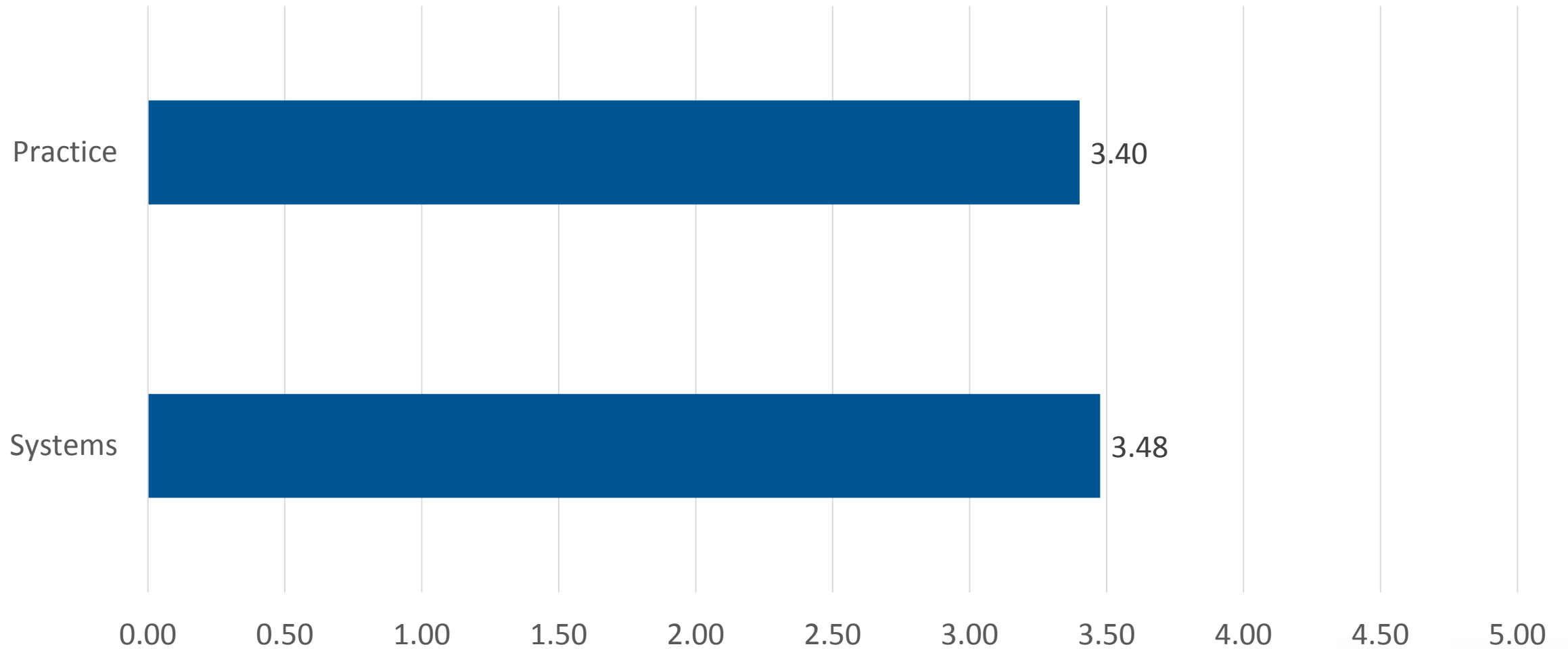
FACTOR 1

TOTAL INDICATORS PRESENT



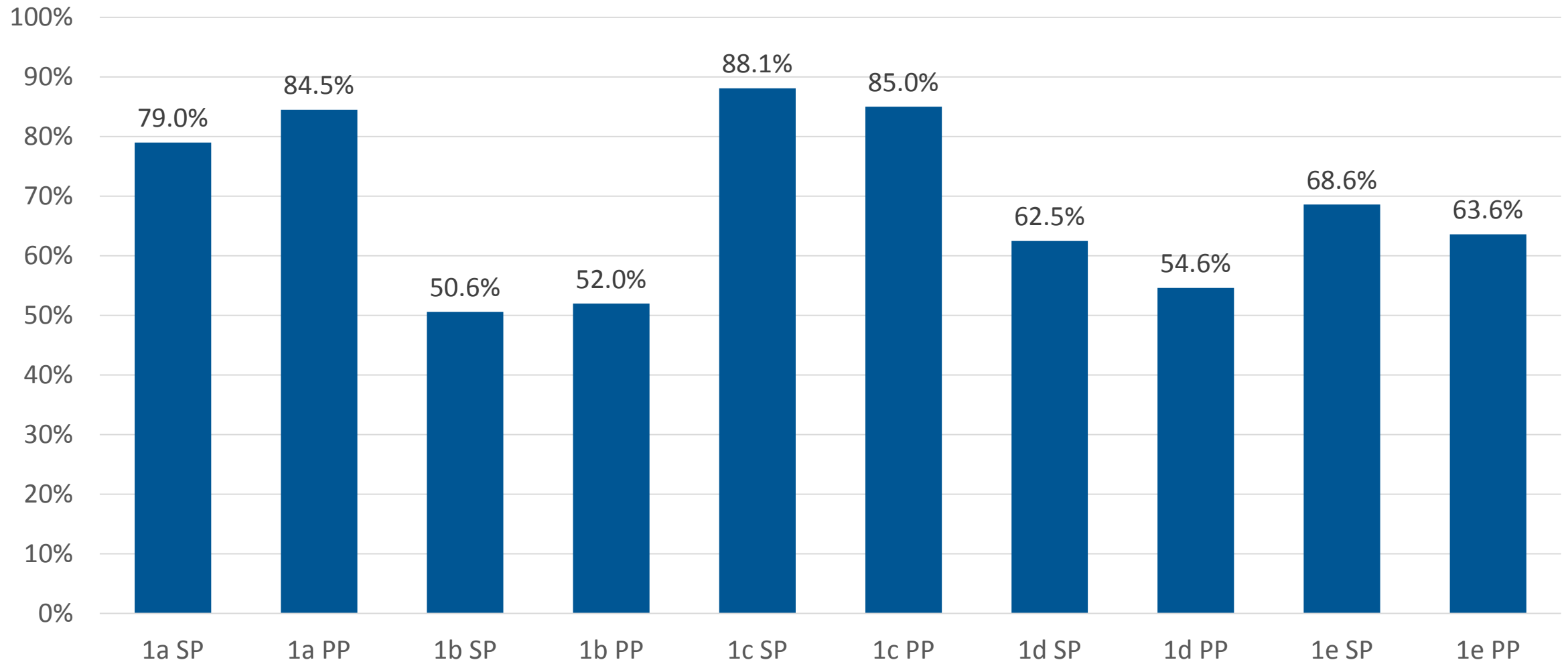


FACTOR 1



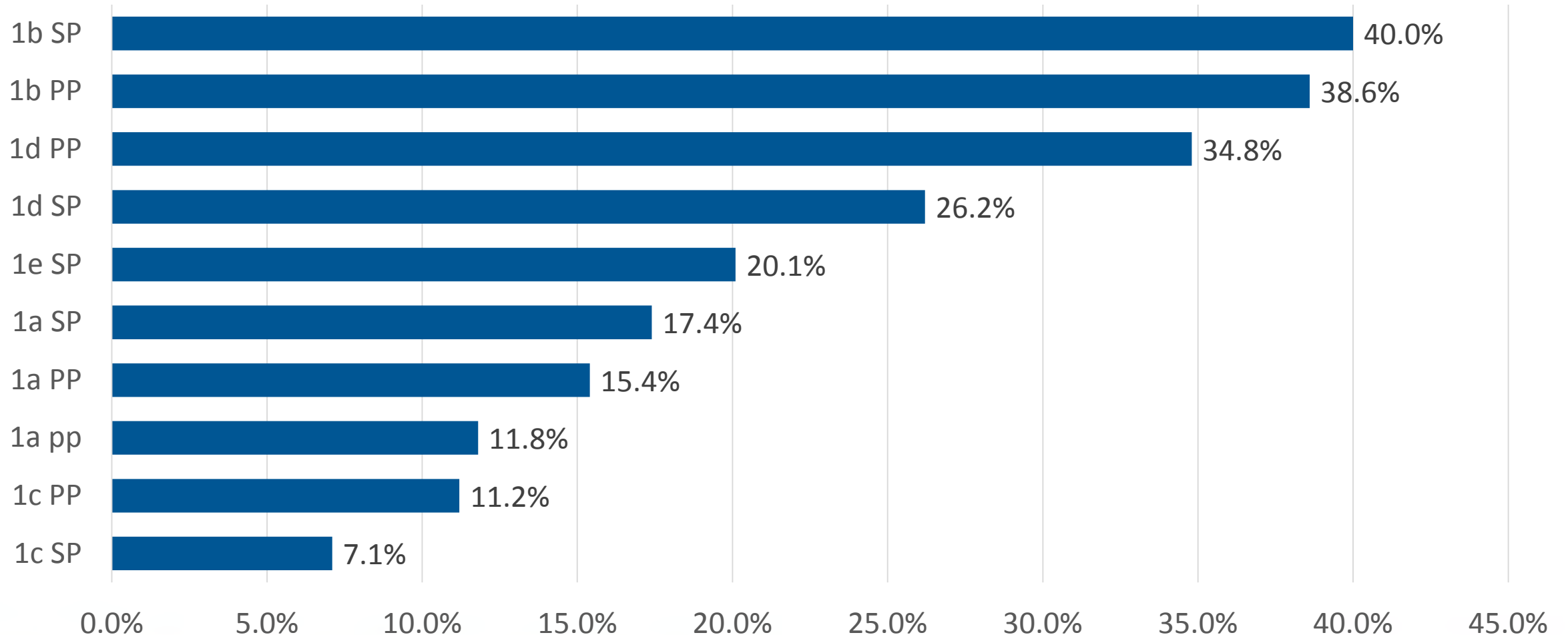


FACTOR 1: PRESENCE OF INDICATORS



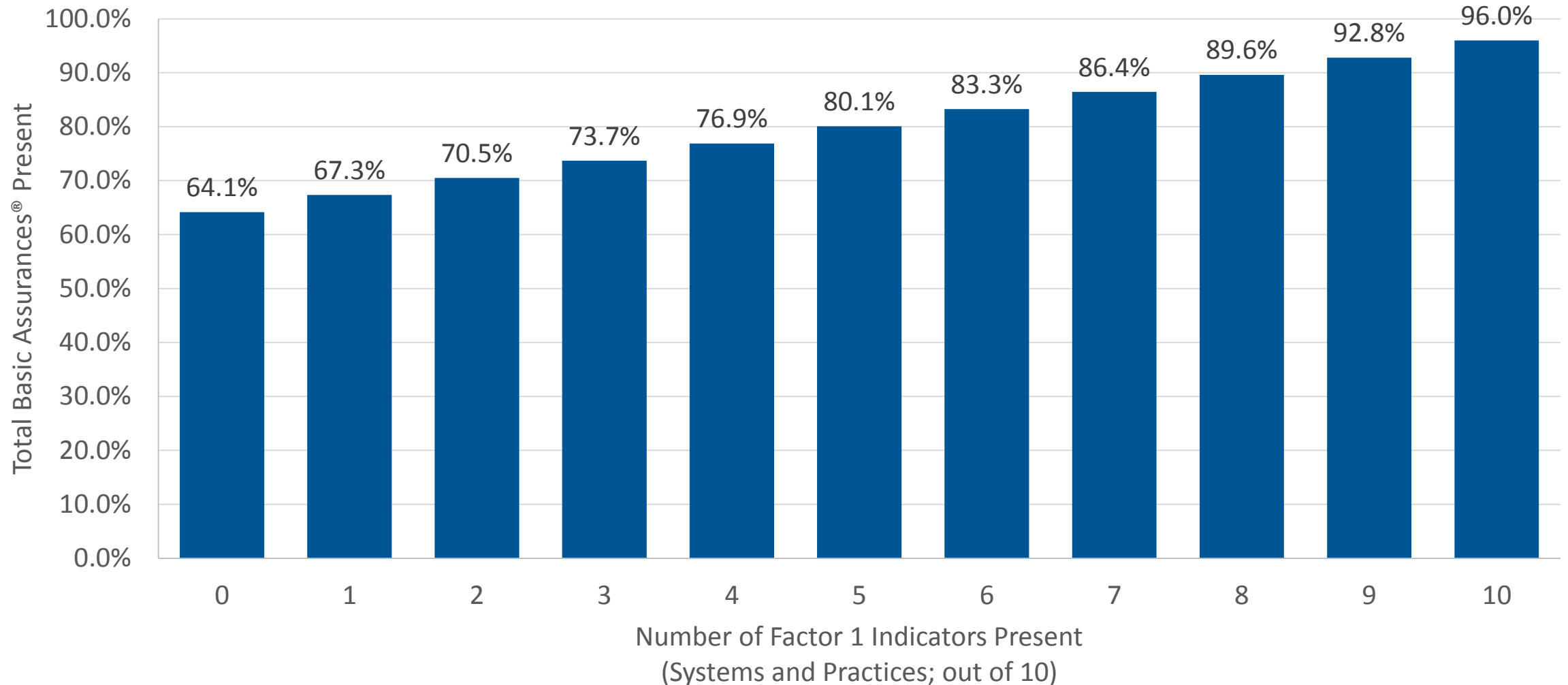


DISCREPANCIES BETWEEN ORG SELF-ASSESSMENTS & CQL REVIEW





IMPACT OF FACTOR 1 ON TOTAL BASIC ASSURANCES®



MOST IMPACTFUL PROBES

1b5 Does the assessment address people's civil and legal rights and personal freedoms?	0.617
1b4 Does the organization assess people's abilities to exercise their rights, especially those rights that are most important to them?	0.600
1d1 Does the organization have, or have access to, a working and effective Rights Committee?	0.593
1b1 Are people provided needed supports to exercise the rights that are important to them?	0.586
1d5 Does the Rights Committee review policies, procedures and practices that have the potential for rights restrictions without an individualized assessment (such as blanket restrictions that affect more than 1 person)?	0.573



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