



## **Patient Rights and Responsibility Policies January 2023**

### **Patient Rights, Responsibilities, and Ethics**

At Progressive ABA Therapy Group, we value and respect client rights. Some of these are fundamental rights such as rights to informed consent to treatment, the right to stop treatment, and the right to privacy/confidentiality. For the purpose of this document, client/patient refers to a minor child receiving therapy and their parent. Some of these rights include, but are not limited to:

1. A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.
2. A patient has the right to a prompt and reasonable response to questions and requests.
3. A patient has the right to know who is providing medical services and who is responsible for his or her care, or the care of their minor child.
4. A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.
5. A patient has the right to know what rules and regulations apply to his or her conduct.
6. A patient has the right to be given by the healthcare provider information concerning planned course of treatment, alternatives, risks, and prognosis.
7. A patient has the right to refuse any treatment, except as otherwise provided by law.
8. A patient has the right to be given, upon request, full information, and necessary counseling on the availability of known financial resources for his or her care.
9. A patient who is eligible for Medicaid has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicaid assignment rate.
10. A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.
11. A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.
12. A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.
13. A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.
14. A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.
15. A patient has the right to express grievances regarding any violation of his or her rights, as stated in Ohio law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.



### **Reasonable Access to Care**

At Progressive ABA Therapy Group, clients will be afforded the opportunity to obtain care regardless of gender, race, sexual orientation, disability, handicap, national origin, religion, or other federally protected personal characteristic. All individuals who are referred or seek to obtain treatment will undergo the same assessment and treatment planning procedures. During intake, specific variables such as religious affiliation and other personal values will be discussed to ensure that this policy of reasonable access to care is followed.

### **Nondiscrimination and Non-Harassment Policy**

Clients have a right to receive services in a manner free from discrimination and harassment.

- **Discrimination** is the unfair or prejudicial treatment of people and groups based on their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.
- **Harassment** is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

Progressive ABA Therapy Group does not and shall not engage in discrimination or harassment based on race, color, religion (creed), sex, gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, pregnancy, military status, or any other basis protected by law, in any of its activities or operations.

### **Access to Translation Services**

Progressive ABA Therapy Group believes that access to translation services is a right for clients who might speak English as a second language or are not fluent in English. Further, we believe that we obtain the best information regarding the needs of our clients and their families from different backgrounds by providing for translation services. Progressive ABA Therapy Group has developed the following policy to determine who might need access to translation services and provide them.

- 1) During the assessment phase, staff will assess whether English is the first language spoken by the client and their family. This can be done via a question on the intake packet **or** by observation of the clinician in the assessment that the client and their family may not speak English as a primary language. If it is observed, it should be noted on the intake packet by staff conducting the intake.
- 2) If the clients are not able to vocally indicate their preferred language in English, they will be provided with a "point to your language" form with various examples of languages.
- 3) Once the preferred language is identified, Progressive ABA Therapy Group will arrange for written and spoken interpretation services for the client.



- a. The client will be given new intake paperwork in the language indicated in step 2 using the Microsoft Word Translation Service.
- b. Progressive ABA Therapy Group will utilize an available real time interpretation service (i.e., <https://www.altalang.com>) for the remainder of the face-to-face clinical interview. This service will be utilized during treatment during parent meetings and report review. Clients will be explained their HIPAA rights regarding the use of the translator during the initial interview.

### **Confidentiality and Limits to Confidentiality**

Information regarding the nature of your child's treatment is protected by law and generally cannot be disclosed to other individuals without your consent. When we begin therapy, we will have you sign a document outlining what we can share and with who we can share it with. For instance, you have the choice to give us consent to share treatment data with your child's pediatrician but might decide not to give us consent to share it with another individual (i.e., schoolteacher). You or your child's healthcare is also subject to the Health Insurance Portability and Accountability Act (HIPAA), which is a law that dictates we share your information in confidential and protected ways. If the need arises for us to transfer your information, we will do so in the most secure manner we can. You may request a copy of you or your child's records at any time, but we almost always need your consent to release your child's records, except under special circumstances.

### ***Limits to Confidentiality***

In certain cases, we must disclose information that clients tell us, even without their permission. If you or your child makes threats significant enough for us to believe our client is a danger to themselves or others, we are ethically required to address this and may report the issue to authorities to prevent harm from occurring. If we observe signs of neglect or abuse to any individual (a child, elderly person, individual with a disability), suspicion of substance abuse that can endanger the child, etc. we are required to call the appropriate protective agency to report this for investigation. Finally, if we are required by a legal order (subpoena or search warrant for example) information must be disclosed accordingly.

### **Communication**

Effective communication between families and treatment team members is a vital part of the therapy process. If you have any questions or concerns for your treatment team members, we can be reached by phone Monday - Friday between the hours of 8 AM – 5 PM. Emails may be accepted and responded to outside of those hours. Please understand that your phone calls and emails are extremely important to us, therefore, we will strive to return all calls and emails within 24-48 hours. Remember, e-mails, text messages, and other electronic communication are not protected means of communication and may pose a risk of disclosure of the information they contain. It is usually best to speak to your therapy team in person about issues related to treatment.



### **Informed Consent Policy**

Clients have a right to be informed about treatments they are receiving. The primary purpose of the informed consent process is to ensure that clients at Progressive ABA Therapy Group are provided information necessary to enable them to evaluate a proposed procedure or treatments before agreeing to the procedure. Informed consent is a person's agreement to allow something to happen, made with full knowledge of the risks involved and the alternatives. This means procedures and policies need to be explained to you and your family in a way that you totally understand what is being suggested, as well as reasonable alternatives. For clients at Progressive ABA Therapy Group, consent is obtained at the onset of treatment and as procedures need to be changes or when significant modifications are made during treatment.

Some examples of significant modifications when consent needs to be obtained include:

- a) At the onset of treatment
- b) When functional analysis procedures are implemented
- c) When behavior plans are implemented
- d) When punishment or corrective procedures are utilized
- e) When Safety-Care or crisis management procedures appear to be warranted
- f) Any time where the procedures deviate from the standard course of ABA treatment.

Time in which consent is not required:

- a) Adding or removing a program to a child's treatment goals
- b) Selecting targets or programs for existing programs.
- c) Removing a mastered program or removing targets at the supervisors' discretion.

### **Nature of Clinical Policies-Rights of Clients**

Progressive ABA Therapy Group has an ethical responsibility as an organization to ensure quality control of services delivered under the organizations' name. Therefore, Progressive ABA Therapy Group implements quality control measures and implement policies with respect to clinical operations when the need becomes apparent through changes in laws, accreditation standards, payor standards, results of internal audits, and changes in best practices.

### **General Mission of Clinical Policies**

Progressive ABA Therapy Group adopts the principles outlined in Van Houten and colleagues' seminal article *The Right to Effective Behavioral Treatment* (1988). The seven principles outlined in this paper are:

#### ***An Individual Has a Right to a Therapeutic Environment***

A physical and social environment that is safe, humane, and responsive to individual needs is a prerequisite for effective treatment...a therapeutic environment imposes the fewest restrictions necessary, while ensuring individual safety and development. Freedom of individual



movement and access to preferred activities, rather than type or location of placement, are the defining characteristics of a least restrictive environment

***An Individual Has a Right to Services Whose Overriding Goal is Personal Welfare***

The primary purpose of behavioral treatment is to assist individuals in acquiring functional skills that promote independence. Both the immediate and long-term welfare of an individual are considered through active participation by the client or an authorized proxy in making treatment-related decisions.

***An Individual Has a Right to Treatment by a Competent Behavior Analyst***

Professionals responsible for delivering, directing or evaluating the effects of behavioral treatment possess appropriate education and experience. The behavior analyst's academic training reflects thorough knowledge of behavioral principles, methods of assessment and treatment, research methodology, and professional ethics.

***An Individual Has a Right to Programs That Teach Functional Skills***

The ultimate goal of all services is to increase the ability of individuals to function effectively in both their immediate environment and the larger society.

***An Individual Has a Right to Behavioral Assessment and Ongoing Evaluation***

Prior to the onset of treatment, individuals are entitled to a complete diagnostic evaluation to identify factors that contribute to the presence of a skill deficit or a behavioral disorder. A complete and functional analysis emphasizes the importance of events that are antecedent, as well as consequent, to the behavior of interest. For example, identification of preexisting physiological or environmental determinants may lead to the development of a treatment program that does not require extensive use of behavioral contingencies.

***An Individual Has a Right to the Most Effective Treatment Procedures Available***

An individual is entitled to effective and scientifically validated treatment. In turn, behavior analysts have an obligation to use only those techniques that have been demonstrated by researchers to be effective, to acquaint consumers and the public with the advantages and disadvantages of these techniques, and to search continuously for the most optimal means of changing behavior.

***An Individual Has a Right to Personal Liberties***

We also acknowledge the points brought up in Bannerman and colleagues (1990) in their article: *Balancing the Right to Habilitation with the Right to Personal Liberties: The Rights of People with Developmental Disabilities to Eat Too Many Doughnuts and Take a Nap.*

**Patient Responsibilities**

A patient is responsible for providing to the healthcare provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses,



hospitalizations, medications, and other matters relating to his or her health. These include the following responsibilities:

- a) A patient is responsible for reporting unexpected changes in his or her condition to the healthcare provider.
- b) A patient is responsible for reporting to the health care provider whether he or she comprehends a contemplated course of action and what is expected of him or her or their child
- c) A patient is responsible for following the treatment plan recommended by the healthcare provider, especially prescribed parent training as part of an ABA service plan.
- d) A patient is responsible for keeping appointments and, when he or she is unable to do so for any reason, for notifying the healthcare provider or health care facility within 12 hours of the appointment.
- e) A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider's instructions.
- f) A patient is responsible for assuring that the financial obligations of his or her healthcare are fulfilled as promptly as possible.
- g) A patient is responsible for following healthcare facility rules and regulations affecting patient care and conduct.
- h) A patient is responsible for treating Progressive ABA Therapy Group employees and other parents/children with respect and dignity.