



“Creating Opportunities, Exceeding Expectations”

**PARTICIPANT-PARENT- GUARDIAN
HANDBOOK**

Main office: 382 Main Street, Suite 205 Port Washington NY 11050
Ph. 516.767.7177 | Fax. 516.767.7179
Email: info@nicholascenterusa.org

Nicholas Center Ltd. is a 501(c) (3) non-profit organization as determined
by the Internal Revenue Service. TAX ID #45-2022370



Welcome to Nicholas Center!

We are pleased you have chosen us for your Home and Community Based Service Needs. Our primary goal is to improve our participants' independence to their utmost potential. We are dedicated to delivering quality services using the most innovative and person centered methodologies.

We are pleased to present you with this handbook which explains our policies and procedures. I hope you will take the time to read the information. If you have any questions or concerns, please feel free to contact me at nicolesugrue@nicholascenterusa.org or visit our website at nicholascenterusa.org.

We are looking forward to working with you and your family.

Sincerely,

Nicole Sugrue
Executive Director, Co-Founder



Our mission is simple: “To help individuals with autism lead productive and meaningful lives”

AGENCY ADMINISTRATIVE STAFF

Main Number 516-767-7177

Nicole Sugrue, Executive Director and Co-Founder nicole@nicholascenterusa.org (Ext. 402)

Laura Wootton, Executive Assistant and HR Director laura@nicholascenterusa.org (Ext. 410)

Stella Spanakos, Director of Development and Co-Founder stella@nicholascenterusa.org (Ext. 401)

Angie Lazaridis, Bookkeeper and Payroll angie@nicholascenterusa.org (Ext. 406)

PROGRAM ADMINISTRATIVE STAFF

Allison Shear, Clinical Director, LBA allisonshear@nicholascenterusa.org (Ext. 403)

Dave Thompson, Director of Workforce Development
davethompson@nicholascenterusa.org (Ext. 407)

Justina Fischetti, Supervisor of Direct Support Staff justinafischetti@nicholascenterusa.org

Jeremy Scalchunes, Supervisor of Vocational and Pre Employment Services
jeremyscalchunes@nicholascenterusa.org (Ext. 411)

Mia Dibra, Billing Supervisor mia@nicholascenterusa.org (Ext. 404)

LEAD PROGRAM COORDINATORS

Brooke Mellett, Coordinator of Community Integration,

Anna Moeller, Coordinator of Social Enterprise, Spectrum Bakes

Stefanie Weinz, Coordinator of Social Enterprise, Spectrum Suds

Rachel Guariglia, Coordinator of Health, Wellness & Active Lifestyles

BOARD OF DIRECTORS

Amy Beyer, President

Wesley Smith, Vice President

John Bowman, Treasurer

Patrick O. Bardsley, Secretary

Stella L. Spanakos, Member



Nicholas Center uses person-centered supports to allow individuals to be successful and to prepare them for leading productive and meaningful lives within the community! Each person is supported in accordance with their individualized life plans, using science-based methodologies to ensure optimal results. When necessary, a behavior plan can be developed and overseen by a Board Certified Behavior Analyst. All professional ethical standards, including Core Competencies and Code of Ethics for Direct Support Professionals are observed.

NICHOLAS CENTER HOURS

The center operates from 9:00am to 5:00pm weekdays. Programs for participants begin at 9:30am sharp (no early arrival please). If you are running late, you must immediately email attendance@nicholascenterusa.org as soon as you know you will not be here at 5pm, or call 516 767 7177 Select Option 2 and leave a message. We close promptly at 5pm – please ensure timely pick-up. We are closed on weekends. See Calendar for closures due to holidays and or staff trainings.

NICHOLAS CENTER ADDRESS AND WORK SITES

MAIN OFFICE: Nicholas Center, 382 Main Street, Port Washington, NY 11050

VOCATIONAL WORK SITES: SPECTRUM BAKES and SPECTRUM SUDS

416 Main Street, Port Washington, NY 11050

VOCATIONAL WORK SITE/HEALTH and WELLNESS/NAVIGATOR PROGRAM/ ACCES- VR

382 Main Street, Suite 108 Port Washington, NY 11050

SPECTRUM DESIGNS (Apparel Shop)

366 Main Street, Port Washington NY 11050

In addition to these listed vocational sites, we utilize the community at large for daily community integration and involvement. We are constantly developing new sites. If you have questions, restrictions or concerns about the sites, please contact our Clinical Director Allison Schear at allisonschear@nicholascenterusa.org. When warranted the participants are transported by van. All drivers and vehicles are fully insured.



PARENT/GUARDIAN INVOLVEMENT

Families and Guardians are an integral part of the Nicholas Center. The participants' self-image, behavior, and motivation to succeed depend on everyone working together. You are encouraged to participate in all activities and volunteer for our events.

Fundraising Events and Volunteers

Nicholas Center is a nonprofit, tax-exempt organization. In an effort to maintain the level of quality, innovation and individualized attention all participants receive at the Nicholas Center, we must supplement through fundraising events. We encourage each family to participate in all fundraising activities by donating or volunteering. Volunteers are needed to work at all levels on a variety of event and special projects. Together with our partner agency, Spectrum Designs, we have 3 major annual fundraisers per year our Rock n' Roll in March, our Night in White Gala in July and our Golf Outing which is held in September. In addition we have various 3rd party events. It is our belief that all families have something to offer, and it is always appreciated. It is our hope that everyone involved with the Nicholas Center will participate. You may support the events by attending, making a donation, securing auction and raffle items and or joining our fundraising committees. For additional information please contact the Executive Assistant at: laurawootton@nicholascenterusa.org.

Gifts are tax - deductible. Nicholas Center Ltd. is a 501(c) (3) organization as determined by the Internal Revenue Service. TAX ID #45-2022370

Amazon- Purchases

Amazon donates .5% of the price of eligible Amazon Smile Purchases to Charitable Organizations selected by customers. Please support the Nicholas Center by designating it as the charity of your choice.

On your first visit to Amazon Smile you need to select a Charitable Organization.

When shopping Amazon please use this link: <https://smile.amazon.com/>

The Nicholas Center is registered so all you need to do is type in Nicholas Center LTD and we will come up.

Amazon will remember your selection and every purchase will result in a donation.

You must be on smile.amazon.com in order for donations to be collected.

Champions for Charity

Each year during the last week of November the Americana holds its annual Champions for Charity event. Over 70 participating Americana Manhasset and Wheatley Plaza stores participate by donating 25% of designated full-price pre-tax purchases back to us!

Register for your Complimentary Champions Card.

Support the Nicholas Center by designating it as the charity of your choice.

Present card when making purchase.

Tip: Nicholas Center will receive 25% of Gift Cards purchases from stores. Buy store Gifts Cards to use for future purchases.

To Register call 516-627-2277 or go to championsforcharity.org



Community Involvement

Nicholas Center is about families working together toward a common goal. That goal is creating a better learning environment and a better experience for your loved ones.

The businesses of Port Washington are very support of Nicholas Center, Spectrum Designs and the individuals we serve. They purchase and sell our products, hire our individuals to work in the community, they create fundraisers for us and support our fundraisers. To show our gratitude we ask that you **volunteer to help in at least one Port Washington community event**. Volunteering doesn't mean a huge time commitment an hour or two once or twice a year makes a big difference.

Gifts and Donations

The Nicholas Center will gratefully accept any items from electronics to craft supplies. Please make sure the donated items are complete and in good condition.

Conflicts of Interest

Solicitation of Nicholas Center staff to work privately with a participant who attends our program or to provide services through another agency (ex. Self-Direction Self hired Staff) is strongly discouraged. We can provide these services to you through Direct Provider Purchased services, please ask your service coordinator and broker, if applicable. Additionally, In order to protect the confidentiality of clients and their families as well as employees of the Nicholas Center we follow HIPAA guidelines, employees are not encouraged to interact with current or former clients and or their families. Such interaction includes personal relationships and email, as well as social media such as Facebook, Twitter, and other social media outlets.

Gift Policy

Employees are not permitted to accept any gift, loan, discount or any item of substantial monetary value more than \$50.00 from any person or company that is seeking to conduct or is currently conducting business with Nicholas Center. Gifts, meals and accommodations of a reasonable and normal value up to \$100 provided to all employees may be accepted. You may also wish to show your gratitude for the staff by making a donation in the staff person's or persons 'name(s). A simple thank you note will also go a long way too!

If you have a Question about program services

Throughout the day our staff is dedicated and completely engaged in building the participants' skills and working to realize his/her potential. We respectfully ask that you do not use the staff's personal contact info to text, email or call regarding Nicholas Center matters. In order to provide each client with proper ongoing support, we request that you direct your questions to our Clinical Director Allison Schear. Please bear in mind that she may not be available to respond immediately to your call if she is working with a client or if it is after hours. You may email her allisonschear@nicholascenterusa.org. She will respond at her earliest availability. Alternatively, you may leave a message at the Main Office and it will be delivered to the appropriate party.



GENERAL POLICIES

Communications/Meetings

Progress notes are provided upon request, please allow for 5 business days for such a report. We can participate by phone for IEP, Circle of Support, Semi, Annual or Urgent Matter meetings. If available, we welcome you to conduct the meeting on our sites with advanced noticed, based on availability.

Visitors/Tours

Visitors that would like a tour of our facilities are required to make an appointment. You may contact the Executive Assistant, Laura Wootton. Tours are generally limited to families and organizations looking to secure services for themselves, family member, student or client.

Clothing

Participants should dress in weather-appropriate clothing. Always assume the participant will go outside. Unless the weather is excessively hot or cold, participant may go outside every day. In cooler weather, please send a jacket, gloves, hat, etc. All participants should apply sunscreen and provide additional sunscreen in the warmer months. As we often visit places of businesses, please refrain from ultra-casual clothes such as sweatpants, pajama pants or ripped /worn out clothing.

If the participant is enrolled in a Fitness Class **a change of clothes is required.** Gym shorts and t-shirts are preferred. You may send a few of each. Each participant has a locker for his/her clothes. When the clothes are soiled you have the option of having us send them to Spectrum Suds to be laundered or you may replenish them. If you would like us to have Spectrum Suds launder them the cost is \$10.00 per month. You will receive an invoice monthly from Spectrum Suds via email which may be paid through PayPal.

Technology

We work diligently to improve each individual's achievements. We want every individual to have the tools necessary to be successful. If the participant uses technology as a reinforcer, a learning and communication tool or to play games, etc., please send them with their own iPad, laptop or any other appropriate technology along with the chargers.

Although we supervise we will not be responsible for lost, stolen or broken items. Please make sure each item is clearly marked with the participant's name.

Birthday Celebrations

A birthday is an exciting time for our participants. If you wish to send a birthday pizza/cake/ snack, please check with us to find out what would be appropriate. Some of the participants adhere to special diets and it is a good idea to check before sending food.

Money and Personal Property

Personal property and money brought should be kept to an absolute minimum. Please remember that Nicholas Center cannot be held responsible for any lost or broken items that are brought into the facility.



Lunches

Nicholas Center does not provide lunch. Participants should come in with lunch and a drink each day. Water is available on site, we strongly encourage you to bring in a refillable water bottle with the participants name. Food should be prepared, mixed, and ready to eat. With the exception of heating food in a microwave, our staff will not be able to prepare meals for participants. Healthy meals are strongly encouraged. In the event the participant forgets a lunch they or their guardian/parent may place an order at a local eatery for delivery. We do not have cafeteria services that allow for impromptu meal offerings. You must contact a local eatery directly at least 1 hour prior to their scheduled meal time. Call 516 767 7177 ext. 410, to be notified of their lunch location and lunch time for that particular day.

Snacks

Snack time is an ideal time to practice fine motor skills as well as to build language skills. Participants are responsible for bringing in their own their own labeled daily snack. Healthy snacks are strongly encouraged. Participants may bring individual snacks each day or a larger portion (box or bag) to store and use for a longer period of time. If they are allergic to particular foods, or on a special diet, please let us know immediately.

Photos and Video Release

Nicholas Center may use full face photos and videos of participants for promotional purposes of the organization which includes print, press, television, radio and social media outlets.

If you do not wish to have your participant photographed please notify the Executive Assistant.

Transportation

Nicholas Center does not provide transportation. Participants are required to have reliable and an appropriate mode of transportation. **Participants are expected to arrive and depart on time.**

It is extremely problematic and disruptive when participants arrive late, leave early or do not depart on time due to transportation issues. Able Ride, NICE and other forms of transport that offer a "window time frame, **are not an acceptable mode of timely transportation unless the participant can wait alone without any support, communicate with the bus operator and safely navigate the community on his/her own.**" If you are using a taxi service such as Uber or Deluxe, Families/Guardians and Participants are responsible for communicating with the driver about our timely pick up and drop off policies. Drivers MUST wait until a staff member is physically present to receive them, prior to dropping the participant off. DOORS ARE LOCKED otherwise. They should NOT drop off and assume the door is open!

Community Outing Field Trips

On occasion, Nicholas Center may offer community outings and field trips. Permission slips to participate will be emailed to the parent/guardian. If the participant prefers not to attend a field trip, or if they arrive late and the group has already left, the participant's regular schedule will be followed. Depending on the type of trip, transportation may be provided by Nicholas Center.



HEALTH CARE and EMERGENCY PROCEDURES

Please keep your emergency phone numbers on file up to date at all times.

It is essential that we can reach parents and guardians to disseminate important information as well as provide information in case of an emergency. Please ensure that you're CONTACT and MEDICAL INFORMATION is accurate and up to date. **You may use the link below to update your information.**

<http://www.nicholascenterusa.org/guardian-contact-and-medical-form.html>

Accidents, Illnesses and Injuries

Nicholas Center does not have a Nurse on staff. A Nicholas Center staff member will contact the emergency contact listed immediately if a participant is ever injured or if a serious accident should occur. In the case of a medical emergency, the Center will call 911 for emergency help.

In the case of illness, if the participant needs to go home, the emergency contact will be notified to pick up the participant.

Medication

Nicholas Center employees are not permitted to administrate medication. If the participant requires medication then he/ she must be able to administer on their own or their aid (who is not an employee of Nicholas Center) may administer the medication.

ATTENDANCE

Nicholas Center Calendar

Prior to the beginning of a new fiscal year (July-June), families will be provided with a Nicholas Center calendar. It will indicate days closed due to holidays and staff training. This calendar is subject to change with notice to families.

Attendance

Regular attendance is expected of all participants and is necessary in achieving the most successful outcomes to occur. Therefore, it is important that each participant is consistent with his/her attendance each week. Due to family time and other important activities, Nicholas Center acknowledges the need for participants to vacation and have person time with their families. Therefore, we understand that, at times, a participant will be absent. With this understanding, Nicholas Center needs to be advised of **planned absences** at least four (4) or more weeks in advance. Along with this understanding, parents should keep absences to a minimum.

Nicholas Center can only allow a certain number of participants into the program so those that have a trend of absences, lateness and or leaving early could result in discharge from the program activities. To ensure continued services, the amount of absences should be followed as closely as possible. If there are an excessive number of absences, parents will be notified to determine if continued services are warranted.



Participants/Parents or Guardians **MUST** notify Nicholas Center of planned and unplanned time off and or lateness/leaving early by emailing attendance@nicholascenterusa.org or call our Attendance Line 516 767 7177 Select Option 2 and leave a message. Both the email and voice message goes to the Senior Staff and Directors.

NO SHOW / NO CALL is not acceptable. You must notify us via email or call if the participant is going to be late, absent, picked up early or going on vacation. Please use the following email to contact us: attendance@nicholascenterusa.org or call our Attendance Line 516 767 7177 Select Option 2 and leave a message.

INCLEMENT WEATHER CLOSURES/DELAYED OPENING

Nicholas Center will close for inclement weather conditions if the local schools are closed or if we are unable to clear parking lots and building areas. Parents will be notified via a text message and an email by 6:30am. If you choose not to send your participant on a day the center has not closed for inclement weather, please notify us by using **the following email:** attendance@nicholascenterusa.org. or call 516 767 7177 Select Option 2 and leave a message. If you have not received a phone call or email by 6:30am we are operating under our normal schedule.

PICKUP/DROP OFF PROCEDURES:

Below is our Drop Off and Pick Up procedures for our 3 locations. We ask that every parent and/or guardian carefully read and follow the procedures detailed below.

The safety of the individuals we support within all of our community sites is our utmost concern. We must be especially vigilant during arrival and dismissal times.

If you have other people who drop off or pick up your participant please make sure they know these rules. If you fail to follow these procedures, you will be putting their safety at risk.

Please immediately notify any personnel, support staff, cab and bus services of Nicholas Center's PICK UP /DROP OFF PROCEDURES

Pickup and Drop Off:

- Please arrive on time
- Please do NOT block the driveways, if all spots are full.
- Please find on-street parking if necessary
- The arrival/dismissal doors will be locked. Under no circumstances, should anyone be dropped off or let out of the vehicle until a Nicholas Center staff person is at the door signaling "Arrival/Departure" has begun.
- You must make eye contact with the staff person at the door who is doing arrivals/dismissals.
- You must be attentive and out of the car to make visual confirmation that you are prepared to receive the participant being dismissed. Or come to the door to collect him/her once the arrival/dismissal door is open.
- We will not WALK the individuals to the car.
- NO PARTICIPANT WILL BE ALLOWED TO WALK ACROSS A STREET UNATTENDED TO A VEHICLE
- Arrival/Dismissal time is not the appropriate time to speak to/or leave messages with staff or tour the program. Please call the main office to schedule meetings/leave messages 516 767 7177
- Transportation personnel will not be allowed to use the facilities (bathrooms, sinks, etc.)



Early Arrivals:

- Participants are not to arrive early. Doors will be locked. There is no one there to supervise the participant until their scheduled start time.
- Early arrivals will not be accommodated. Please make immediate arrangements to have supervision of the participant until their actual start time.

Nicholas Center Staff person will be at the door at designated start times and will remain there 8 minutes thereafter.

Late Arrivals:

It is considered a late arrival if you arrive 8 minutes or more after your scheduled time.

1. Park your car
2. Call the following number: 516 767 7177 **select option 2 and leave a message**
3. Tell them who is late and your specific location (ex. "Nina is here, we are at 416 Main Street")
4. We will send someone to the door to receive them
5. Do not leave until a Nicholas Center Staff person receives the individual at the door.

ABSENT/LATE/EARLY DISMISSAL:

If participant is going to be late, absent, picked up early or going on vacation please use the following email to contact us: attendance@nicholascenterusa.org

OR

you may call our ATTENDANCE LINE at 516-767-7177 select option 2 and leave a message.

If the participant is a PAID EMPLOYEE at Spectrum Designs you must also notify Spectrum's HR Manager Mackenzie Jameson 516 767 7187 mackenzie@spectrumdesigns.org:

It is extremely disruptive when participants arrive late or leave early therefore if you are going to be late or pick up your participant early you must pick up or drop off during the times listed below. We cannot accommodate drop-offs or pickups during any other times.

9:30am, 11:30am, 1:30pm or 3:00pm.

Arrival/Departure Doors:

416 Main Street (Spectrum Suds/Bakes): Use the front door facing Main Street.

382 Main Street (Pre Vocational / Fitness Center/Community Center/Navigators)

Participants that are dropped off and picked up at 382 Main Street may use the door located off the back parking lot from Prospect Avenue or front door on Main Street.

Please do not drop off before 9:30am.

DO NOT PULL INTO THE PARKING LOT.

(SEE DIAGRAM)

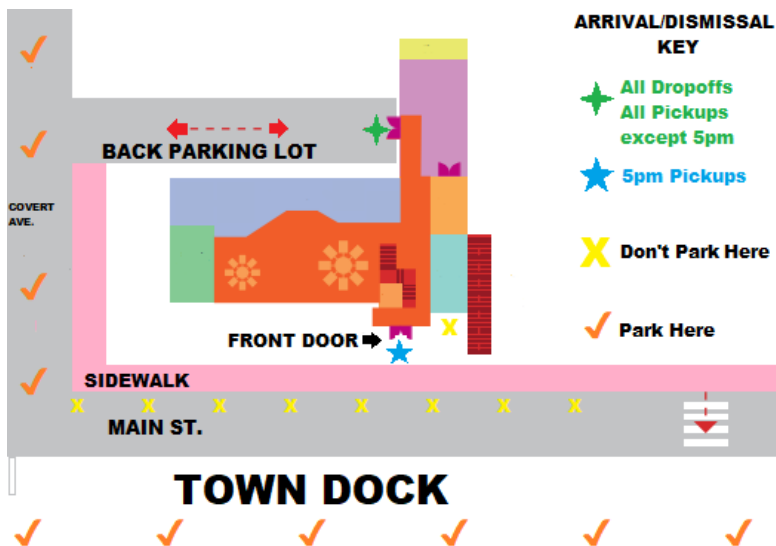
Participants must be met and escorted to and from to their car by their driver. Drivers may park on Prospect Avenue (Side Street), Main Street or the Town Dock.



366 Main Street (Spectrum Designs) Use Covert Street Parking Lot door. Do NOT use the Main Street front door (see 5:00pm pickup exception below).

Participants that depart at 5:00pm ONLY from 366 Main Street must be picked up at the front Entrance. (SEE DIAGRAM BELOW)

Participants must be met and escorted (from the front door) to their car by the person picking them up. Drivers may park at the town dock.



EMERGENCIES:

We understand emergencies and inconveniences might occur from time to time. Please call us at 516-767-7177 as soon as possible, so we can assist you.



Person-Centered Planning

This NOTICE is for people who receive OPWDD funded Home and Community Based Services (HCBS) or OPWDD funded service coordination services.

1) You have a right to participate in a Person-Centered Planning Process

Person-centered planning is a process that can help you to learn more about what personal goals are important to you. This includes information about how and where you want to live and how you want to participate in your community. Person Centered Planning also helps you and others determine what supports and services are needed to help you move toward your goals. This information will help you work with your service coordinator and others to develop an Individualized Service Plan (ISP) that is specific to your needs and goals.

This means that

- the person centered planning process is all about you;
- you are in charge of the planning process;
- you choose who works with you to develop your person centered ISP and you can choose who you want to assist you in making decisions; and
- you will be supported to make informed choices about what supports and services you want and need. This support may come from family, friends, staff, or someone who has legal decision making authority in your life.
- If you have someone who has legal decision making authority, he or she may choose to be a part of the process and may choose to make decisions on your behalf.

It also means that the person centered planning process

- takes place at times and places that are convenient for you; and
- will share information with you in a way that you can understand it, for example, people speak to you or materials are provided to you in the same language that you speak or using other ways of communication that work for you.

If there is conflict or disagreement when you are planning your services and supports, there are ways to resolve them and you will be told about them.

2) You have a right to a Person Centered Plan of Services

Usually this will be your Individualized Service Plan (ISP) and it will include

- your goals and desired outcomes;
- your strengths and preferences;
- your needs based on an assessment;
- the services and supports you need and who you have chosen to provide them;

- the services that you choose to self-direct;
- where you live and that you chose to live there or that you choose to move;
- the things that might cause a risk of harm to you and what will be done to make the risk smaller, including having a plan about what to do if something goes wrong; and
- the name of the person or agency you have chosen to watch over your plan to make sure that everything in the plan happens as it should.

Your person-centered plan/ISP must be clear to you and your circle of support. It must be written so that you understand it.

You must sign your person-centered plan/ISP to show that you agree with what the plan says. The person or agency you have chosen to watch over your plan to make sure that everything in the plan happens will also sign the plan. You will get a copy of the plan.

You will review the plan with your service coordinator at least twice a year, when something changes or when you want to change something in your plan.

3) **You have a right to object to your Plan of Services**

If you are 18 years old or older, **you may object to your plan of services**, including your person-centered service plan/ISP. In addition, the following people may object on your behalf: someone you choose, your legal guardian, someone you have given a power-of-attorney to make decisions for you, or the Consumer Advisory Board if they represent you. If you are capable of making your own decisions and you do not have a legal guardian, you may refuse to let someone else object on your behalf.

If you are under 18 years old, your parent(s) may also object to any plan of services for you. If you don't agree with them, you may choose someone to represent you, including legal counsel, to help you resolve the objection.

You must tell your service coordinator or your service provider that you object to something about the plan. Providers must have policies and procedures to resolve your objection and must tell you what they are and let you follow those policies and procedures. If you are unable to resolve your objection with the provider you can request a hearing with OPWDD.

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Official Compilation of Codes, Rules and Regulations of the State Of New York

Title 14. Department of Mental Hygiene

Chapter XIV. Office for People With Developmental Disabilities

Part 633. Protection of Individuals Receiving Services in Facilities Operated and/or Certified By
OPWDD

Section 633.4 Rights and Responsibilities of Persons Receiving Services;

Current through July 15, 2012

(a) Principles of compliance.

(1) No person shall be deprived of any civil or legal right solely because of a diagnosis of developmental disability (see glossary, section 633.99 of this Part).

(2) All persons shall be given the respect and dignity that is extended to others regardless of race; religion; national origin; creed; age; gender; ethnic background; sexual orientation; developmental disability or other handicap; or health condition, such as one tested for or diagnosed as having an HIV infection. In addition, there shall be no discrimination for these or any other reasons.

(3) The rights set forth in this section are intended to establish the living and/or program environment that protects individuals and contributes to providing an environment in keeping with the community at large, to the extent possible, given the degree of the disabilities of those individuals. Rights that are self-initiated or involve privacy or sexuality issues may need to be adapted to meet the need of certain persons with the most severe handicaps and/or persons whose need for protection, safety and health care will justify such adaptation. It is the responsibility of the agency/facility or the sponsoring agency to ensure that rights are not arbitrarily denied. Rights limitations must be documented and must be on an individual basis, for a specific period of time, and for clinical purposes only.

(4) No person shall be denied:

(i) a safe and sanitary environment;

(ii) freedom from physical or psychological abuse;

(iii) freedom from corporal punishment (see glossary);

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(iv) freedom from unnecessary use of mechanical restraining devices;

(v) freedom from unnecessary or excessive medication;

(vi) protection from commercial or other exploitation;

(vii) confidentiality with regard to all information contained in the person's record, and access to such information, subject to the provisions of article 33 of the Mental Hygiene Law and the commissioner's regulations. In addition, confidentiality with regard to HIV-related information shall be maintained in accordance with article 27-F of the Public Health Law, 10 NYCRR Part 63 and the provisions of section 633.19 of this Part;

(viii) a written individualized plan of services (see glossary) which has as its goal the maximization of a person's abilities to cope with his or her environment, fosters social competency (which includes meaningful recreation and community programs and contact others who are nonhandicapped), and which enables him or her to live as independently as possible. Such right also includes:

(a) the opportunity to participate in the development and modification of an

individualized plan of services, unless constrained by the person's ability to do so;

(b) the opportunity to object to any provision within an individualized plan of services, and the opportunity to appeal any decision with which the person disagrees, made in relation to his or her objection to the plan; and

(c) the provision for meaningful and productive activities within the person's capacity although some risk may be involved, and which take into account his or her interests;

(ix) services, including assistance and guidance, from staff who are trained to administer services adequately, skillfully, safely and humanely, with full respect for the individual's dignity and personal integrity;

(x) appropriate and humane health care and the opportunity, to the extent possible, to have input either personally or through parent(s), or guardian(s), or correspondent to participate in the choice of physician and dentist; or the opportunity to obtain a second medical opinion;

(xi) access to clinically sound instructions on the topic of sexuality and family planning services and information about the existence of these services, including access to medication or devices to regulate conception, when clinically indicated. This right includes:

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(a) freedom to express sexuality as limited by one's consensual ability to do so, provided such expressions do not infringe on the rights of others;

(b) the right to make decisions regarding conception and pregnancy pursuant to the mandates of applicable State and Federal law.

(c) the right of facilities to reasonably limit the expression of sexuality, including time and location thereof, in accordance with a plan for effective facility management;

(xii) observance and participation in the religion of his or her choice, through the means of his or her choice, including the right of choice not to participate;

(xiii) the opportunity to register and vote and the opportunity to participate in activities that educate him or her in civic responsibilities;

(xiv) freedom from discrimination, abuse or any adverse action based on his or her status as one who is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness;

(xv) the receipt of information on or prior to admission, regarding the supplies and services that the facility will provide or for which additional charges will be made, and timely notification of any changes thereafter;

(xvi) the use of his or her personal money and property, including regular notice of his or her financial status and the provision of assistance in the use of his or her resources, as appropriate;

(xvii) a balanced and nutritious diet. This right shall provide that:

(a) meals are served at appropriate times and in as normal as manner as possible; and

(b) altering the composition or timing of regularly served meals for disciplinary or punishment purposes, for the convenience of staff, or for behavior modification shall be prohibited;

(xviii) individually owned clothing which fits properly, is maintained properly, and is appropriate forage, season and activity; and the opportunity to be involved in the selection of that clothing;

(xix) adequate, individually owned, grooming and personal hygiene supplies;

(xx) a reasonable degree of privacy in sleeping, bathing and toileting areas;

(xxi) a reasonable amount of safe, individual, accessible storage space for clothing and other personal belongings used on a day-to-day basis;

(xxii) the opportunity to request an alternative residential setting, whether a new residence or change of room, and involvement in the decisions regarding such changes;

(xxiii) the opportunity, either personally or through parent(s), guardian(s) or correspondent (see glossary), to express without fear of reprisal grievances, concerns and

suggestions to the chief executive officer of the facility; the Commissioner of OMRDD; the Commission on Quality of Care and Advocacy for Persons with Disabilities; for people in developmental centers, and in the community on conditional release from a developmental center, the Mental Hygiene Legal Service and the board of visitors; and for people in developmental centers, the ombudsman;

(xxiv) the opportunity to receive visitors at reasonable times; to have privacy when visited, provided such visits avoid infringement on the rights of others, and to communicate freely with anyone within or outside the facility; or

(xxv) the opportunity to make, or have made on his or her behalf, an informed decision regarding cardiopulmonary resuscitation (see glossary), in accordance with the provisions of article 29-B of the Public Health Law, and any other applicable law or regulation. Each developmental center (see glossary) shall adopt policies/procedures to actualize this right.

(xxvi) the opportunity, if the person is residing in an OMRDD operated or certified facility, to create a health care proxy (see glossary) in accordance with 14 NYCRR 633.20.

(5) Implementation of many of the above rights entails inherent risks. To the extent reasonable, foreseeable and appropriate under the circumstances, such risks shall be described to individuals and/or their parents, guardians or correspondents. However, these individuals assume responsibility for those risks typically associated with participation in normal activities, to the extent the person's abilities permit such participation.

(6) Staff, volunteers, and family care providers shall be advised of the previously listed rights.

(7) None of the foregoing rights shall be limited for disciplinary (punishment) purposes, retribution or for the convenience of staff.

(8) Each person, and his or her parent(s), guardian(s), or correspondent, prior to or upon admission to a facility and subsequent to any changes that occur thereafter, shall be notified of his or her rights at the facility and rules governing conduct, unless the person is a capable adult who objects to such notification to a parent or correspondent. Such information shall be conveyed in the person's and/or the parent's, guardian's, or correspondent's primary language if necessary to facilitate comprehension. There shall be agency/facility or sponsoring agency policies/procedures to implement this process as well as the process whereby individuals can be made aware of and understand, to the extent possible, the rights to which they are entitled, how such rights may be exercised and the obligations incurred upon admission to and participation in the programs offered by the facility. (Note: Also see paragraph [b][4] of this section.)

(9) An individuals or his or her parent(s), guardian(s) or correspondent may object to the application, adaptation or denial of any of the previously stated rights made on his or her behalf in accordance with section 633.12 of this Part.

(10) Pursuant to section 33.16 of the Mental Hygiene Law, and subject to the limitations contained therein, a person (see glossary, subdivision [bw]), or other qualified party (see

glossary, subdivision 633.99[bs]), may make a written request for access to the person's clinical record.

(i) If the facility denies such access in whole or in part, it shall notify the requestor of his or her right to obtain, without cost, a review of the denial by the OMRDD Clinical Record Access Review Committee.

(ii) The Clinical Record Access Review Committee shall consist of an OMRDD attorney, an OMRDD practitioner, and a representative of the voluntary agency provider community. The chairperson shall be the OMRDD attorney, and requests for review of denial of access shall be addressed to the Office of Counsel for OMRDD.

(iii) The Clinical Record Access Review Committee shall conduct its deliberations and

reach its determinations in accordance with section 33.16 of the Mental Hygiene Law. If the committee upholds the facility's decision to deny access to the clinical record, in whole or in part, the chairperson shall notify the requestor of his or her right to seek judicial review of the facility's determination pursuant to section 33.16 of the Mental Hygiene Law.

(11) An agency/residential facility, and the sponsoring agency of a family care home, shall:

(i) help ensure that each adult person who formulates a health care proxy while residing at the facility does so voluntarily and without duress; and

(ii) if provided with a person's duly executed health care proxy, ensure that the health care proxy or a copy thereof, becomes part of the medical portion of that person's clinical record; and

(iii) if, for any reason, is of the opinion or has brought to its attention, that there is reason to believe that a person did not understand the nature and consequences of a health care proxy and/or did not execute a health care proxy willingly and free from duress, bring this to the attention of MHLS; or take action as set forth in section 633.20(a)(21) and (22) of this Part.

(12) There shall be a means to advise individuals and/or and their parents, guardians or correspondents, on admission and as changes occur, of the availability of the following parties to receive complaints and concerns, with current addresses and telephone numbers:

(i) The director of the B/DDSO.

(ii) The commissioner of OMRDD.

(iii) The Commission on Quality of Care and Advocacy for Persons with Disabilities (see glossary).

(iv) The Mental Hygiene Legal Service (see glossary), for developmental center residents and persons in the community on conditional release from developmental centers only.

(v) The board of visitors, for developmental center residents and persons in the community on conditional release from developmental centers only.

(vi) The commissioner or the commission may be contacted at the following locations:

(a) Commissioner

Office of Mental Retardation and Developmental Disabilities

44 Holland Avenue

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Albany, NY 12229

(518) 473-1997;

(b) Bureau of Quality Assurance

Commission on Quality of Care and Advocacy for Persons with Disabilities

401 State Street

Schenectady, NY 12305

(518) 473-4090.

(13) For those persons admitted to a facility prior to the implementation date of this Part, the facility shall ensure that such required information is shared with the person and/or, parents, guardians or correspondents within a reasonable time frame, if the facility has not already done so.

(14) In developmental centers, a statement summarizing the rights, duties, and requirements regarding cardiopulmonary resuscitation is to be posted in a public place.

(15) Meeting the communication needs of non-English speaking persons seeking or receiving services.

(i) Section 13.09(e) of the Mental Hygiene Law requires the commissioner to promulgate regulations to address the communications needs of non-English speaking individuals seeking or receiving services in facilities operated, certified or funded by the Office of Mental Retardation and Developmental Disabilities. For the purposes of this paragraph, non- English speaking refers to persons who do not speak English well enough to be reasonably understood, persons who are deaf or hard-of-hearing, and persons without

speech capacity who use alternative means of communication.

(a) No facility shall deny care and treatment to, or otherwise discriminate against, persons who are non-English speaking.

(b) Each facility shall facilitate access to services by persons who are non-English speaking when such persons seek, or are referred for services, and when such persons are in actual receipt of services.

(c) In addressing the communication needs of persons who are non-English speaking, each facility shall take reasonable steps to ensure that:

(1) the overall quality and level of services are equal to that made available to all other persons or referrals;

(2) necessary steps are taken to provide information in appropriate languages;

(3) interpreters are provided in a timely manner when necessary for effective communication; and

(4) parties serving as interpreters are sufficiently competent to ensure effective communication. Such interpreters may include, but are not limited to, facility staff, community volunteers or contractors. In no event shall service recipients or their families be charged for the use of interpreter services.

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(d) The clinical record for persons who are non-English speaking, shall identify any significant related effect on such persons' functioning and treatment, and identify associated recommendations for treatment including any reasonable accommodations.

(e) The non-English speaking person's adult family member, significant other, correspondent, or advocate may serve as an interpreter for the person if he/she and his/her family member, significant other, correspondent or advocate agree to the arrangement, the arrangement is deemed clinically appropriate, and the parties have been informed of the option of using an alternative interpreter identified by the provider. Providers shall not condition service delivery on the use of family members or significant others as interpreters.

(ii) Effective communication with non-English speaking persons shall be provided in accordance with Title VI of the Civil Rights Act of 1964 (42 USC 2000d). Said law is published by the West Publishing Company, St. Paul, Minnesota and is available for review at:

(a) the Department of State, Office of Information Services, 41 State Street, Albany, NY 12231; and

(b) the Office of Mental Retardation and Developmental Disabilities, Office of Counsel, 44 Holland Avenue, Albany, NY 12229.

(iii) Effective communication with persons who are deaf or hard-of-hearing shall be provided in accordance with the Americans with Disabilities Act of 1990 (Public Law 101-336). Said law is published by the West Publishing Company, St. Paul, Minnesota and is available for review at:

(a) the Department of State, Office of Information Services, 41 State Street, Albany, NY 12231; and

(b) the Office of Mental Retardation and Developmental Disabilities, Office of Counsel, 44 Holland Avenue, Albany, NY 12229.

(b) Standards of certification.

(1) There are written policies/procedures on notifying individuals and/or their parents, guardians or correspondents of the person's rights:

(i) on (or prior to) admission; and

(ii) as changes are made.

(2) OMRDD shall verify (see glossary) that the following information was provided to each individual and/or his or her parents, guardians or correspondents (unless the person is a capable adult and objects to such information being provided to a parent or correspondent):

- (i) rights and responsibilities;
- (ii) the availability of a process for resolving objections, problems or grievances relative to the person's rights and responsibilities;
- (iii) the availability of the following parties to receive complaints and concerns:
 - (a) the director of the B/DDSO;
 - (b) the commissioner of OMRDD;

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- (c) the Commission on Quality of Care and Advocacy for Persons with Disabilities;
- (d) the Mental Hygiene Legal Service, for residents of developmental centers and persons in the community on conditional release from developmental centers only; and
- (e) the board of visitors, for residents of developmental centers and persons in the community on conditional release from developmental centers only.

(3) Such information as required in paragraph (2) of this subdivision has been provided to all appropriate parties as follows:

(i) For persons admitted to the facility prior to implementation of this Part, OMRDD shall verify, at the first survey after implementation, that the information was provided to all appropriate parties.

(ii) For those persons admitted to the facility since the last survey, OMRDD shall verify that the information was provided to all appropriate parties.

(iii) When changes have been made, OMRDD shall verify that the information was provided to all appropriate parties.

(4) OMRDD shall verify that staff are aware of the rights of persons in the facility.

(5) OMRDD shall verify that affirmative steps have been taken to make persons at the facility aware of their rights to the extent that the person is capable of understanding them.

(6) For the person who has had limitations placed on any rights, there is documentation in the person's plan of services as the clinical justification and specific period of time the limitation is to remain in effect.

i Text of the New York Codes, Rules and Regulations (NYCRR) may be found at this link:

<http://www.dos.ny.gov/info/nycrr.html>. To view NYCRR text electronically, click the "**VIEW THE UNOFFICIAL NYCRR ONLINE HERE**" link at the top of the page. You will be directed to a webpage that lists titles for different sectors of government. Click on the link "Title 14. Department of Mental Hygiene."

Afterwards, click on Chapter XIV for OPWDD regulations. OPWDD Regulations are listed as Office for Mental Retardation and Developmental Disabilities. This is because the regulations were passed prior to the name



ACKNOWLEDGEMENT PAGE

SIGNATURE PAGE

I have received the Parent Handbook. I agree to abide by Nicholas Center policies set forth in the handbook. I understand that Nicholas Center reserves the right to alter its policies at any time without prior notice.

Participant Name

Parent/Guardian Signature

Date

Print Parent/Guardian Name

Address

City, State, Zip

Home Phone

Cell Phone