



DOCUMENTATION OF RECEIPT of Program Handbook

Program: Adult Development

I _____ (print name) have received a copy of the Elizabeth Richardson Center (ERC) Adult Day Programs Consumer Handbook and it has been explained to me. This handbook is dated 3/2017.

I understand that it contains the following information:

- ERC Mission Statement
- Core Values
- Client Rights
- ERC's Grievance Procedures
- Transportation Procedures
- Workplace procedures, including:
 - o Descriptions of ERC programs
 - o Outcome expectations
 - o Guidelines for behavior
- List of the ERC Board of Directors
- Equal Opportunity laws
- Americans with Disabilities Act

Handbook received on (date): _____

Signature of individual/guardian

TABLE OF CONTENTS

Welcome to ERC.....	1
Description of ERC’s Adult Development Programs.....	2
Your Rights & Responsibilities.....	3
Violation of your Rights	4
Program Policies, Procedures and Guidelines.....	5 - 12
Conflict Resolution / Grievance Procedure.....	13
DDS Appeals Policy.....	14 – 17
Other ERC Services.....	18
ERC Board of Directors.....	18
Important Phone Numbers.....	19
Conflict of Interest.....	19
ERC Funding Sources.....	20
Solicitation Guidelines.....	20
Americans with Disabilities Act (ADA).....	21
Title VI of the Civil Rights Act of 1964.....	22
Disclaimer.....	22

WELCOME TO ERC

Our **mission** is to “enhance the quality of life for children and adults with disabilities”. We wish to do this by Enhancing lives, Removing barriers, and Creating opportunities.

ERC provides a broad range of services to meet the needs of our children and adult consumers. Adult Development is a Developmental Day Treatment Clinic Service/DDTCS. Other services at ERC include Early Intervention, Medicaid Waiver Community Living, Intermediate Care Facilities, and Ticket to Work.

It is ERC’s **vision** to be the regional provider of choice for services and solutions throughout the lives of individuals with disabilities.

ERC’s core **values** are:

We value our ERC Family

- We treat each other with **respect** and **dignity**
- We build relationships on **trust** and **integrity**
- We embrace our **diversity**
- We are committed to **inclusion** and **acceptance**
- We encourage **innovation** through **empowerment**
- We create **independence** through a **learning environment**

Your AD Case Manager is: _____

He or she works at: _____

His or her phone number is: _____

Your ERC Case Manager will...

- Help you plan your Adult Development services
- Help you create a plan with short and long term goals (your Individualized Program Plan).
- Help you with paperwork
- Help you to get the support you need to become more independent.

Your Transportation Provider is: _____

Phone number: _____

What to do to cancel your ride: _____

The Commission on the Accreditation of Rehabilitation Facilities (CARF) has accredited the Elizabeth Richardson Center (ERC) through July, 2017 for the following programs & services: **In the Community Services area:** Child & Youth services; Community Housing/Waiver & ICF homes; **In the Employment Services area:** Richardson Industries and Community Employment; **In the Community Integration area:** Life Skills, and all **Governance Standards** have been applied.

DESCRIPTION OF ERC'S ADULT DEVELOPMENT PROGRAM

1) Locations:

Life Skills	1763 Ford Ave., Springdale 72764	(479) 872-4663
Richardson Industries	3917 S. Old Missouri Rd., Springdale 72764	(479) 872-1800

2) Programming Hours:

The Adult Development (AD) Program is offered from 8:30AM - 2:30PM Monday through Friday. The AD Program is closed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day. There will be times when the AD programs will close (staff training, severe weather, etc.) We will notify you of the closing in advance. (See Severe Weather procedure on page 14.)

3) Service Options:

The Adult Development Programs at the Elizabeth Richardson Center (ERC) are designed to assist individuals with developmental disabilities 18 years of age and older* to acquire knowledge in the areas of home and community living including but not limited to pre-vocational skills, time and money management, social skills, computer skills, health/safety/hygiene skills, gardening, and sensory management.

(*For adults under 25 years of age, other conditions may apply.)

4) To Maintain Eligibility:

- a) You must have a current prescription for services from your primary doctor. This prescription must be renewed every year.
- b) You must express or demonstrate a desire to participate in programming. This means that you will actively participate in the program you attend, you will follow directions and not be a distraction to others.
- c) You must have identifiable needs for services, and specific goals or outcomes of program participation.
- d) You must not pose a danger to self or others.
- e) You must be capable of respecting the rights of others.
- f) You must be able to attend at least 80% of the scheduled days.
- g) If applicable, your guardian must be willing and available to assist with program planning.
- h) You must have Medicaid, private insurance or private pay that will reimburse for Adult Development services.
- i) If you work at either Richardson Industries or Life Skills and receive a pay check, you must complete career counseling with ARS (every 6 months for the first year, then annually) that includes completing and signing a release form before your counseling starts and a verification form when your career counseling is finished.

5) Participation in Meetings:

- a) ERC requires that you and/or your guardian participate in your annual IPP meeting and other program planning activities.
- b) You or your guardian may request additional meetings, if needed.

6) Service Outcomes:

- a) It is ERC's goal that each program's service outcomes are at least 80%.
- b) Reports are created to inform you of your productivity (when applicable), how your productivity affects your earnings while doing contract work, and how you might increase your earnings.
- c) Progress on goals is part of the quarterly report along with the production and earnings information.

7) Staff Qualifications:

ERC's staff meet state and federal licensing requirements. As a condition of employment, all new employees must complete ERC regularly scheduled New Employee Orientation, On-Site Training Orientation and Annual In-Service training.

8) Cost of Services:

- a) Many types of Medicaid funding pay for ERC adult services with no cost to the individual.
- b) If you lose your funding or otherwise become ineligible for funding, you and/or your guardian will be responsible for any costs associated with services.

YOUR RIGHTS and RESPONSIBILITIES

Your Rights

When you choose to receive services through ERC, you (or your legal guardian, if applicable) have rights. Those **rights** include:

- A. Being free from physical or psychological abuse or neglect, retaliation, humiliation, and from financial exploitation.
- B. Having control over your own financial resources.
- C. Being able to receive, purchase, have and use your own personal property.
- D. Actively and meaningfully making decisions affecting your life.
- D. Having access to information about you and your services so you can make good decisions.
- E. Having privacy.
- F. Being able to talk to and hang with any person or group of people of your choice.
- G. Being able to practice the religion of your choice.
- H. Being free from the inappropriate use of a physical or chemical restraint, medication, or isolation as punishment, for the convenience of the provider or agent, in conflict with a physician's order or as a substitute for treatment, except when a physical restraint is in furtherance of your health and safety.
- I. Not being required to work without compensation, except when you are residing and being provided services outside of the home of a member of your family, and then only for the purposes of the upkeep of your own living space and of common living area and grounds that you share with others.
- J. Being treated with dignity and respect.
- K. Receiving due process.
- L. Having access to your own records, including information about how your funds are accessed and utilized and what services were billed for on your behalf.
- M. Having access to our electronic record system (Therap).
- N. Having informed consent or refusal or expression of choice regarding:
 - 1. Service delivery.
 - 2. Release of information.

3. Concurrent services.
 4. Composition of the service delivery team.
 5. Involvement in research projects, if applicable.
- O. Having access or referral to legal entities for appropriate representation.
 - P. Having access to self-help and advocacy support services.
 - Q. Adherence to research guidelines and ethics when you are involved, if applicable.
 - R. Not being discriminated against if you have or may have Human Immuno Virus (HIV), Hepatitis B or Acquired Immunodeficiency Syndrome (AIDS). Your status will be kept confidential.
 - S. You have the right to ask for a summary of any monitoring or evaluating reports of this facility prepared by and received from federal, state, or local authorities.
 - T. Rights and responsibilities of citizenship and other legal and constitutional rights including;
 - o Freedom of speech
 - o Freedom to marry and have children
 - o Right to vote
 - o Right to go to court when needed
 - o Right to buy and sell property
 - o Right to be free from cruel and unusual punishment
 - o Right to equal protection
 - o Right to be served by public agencies
 - o Right to equal educational opportunities
 - o Right to equal employment
 - o Right to residential services in a humane and least restrictive environment

SECURITY CAMERAS AT ERC FACILITIES:

It is the policy of ERC to have security cameras in service locations. ERC recognizes the need to strike a balance between the individual’s right to be free from invasion of privacy and the organization’s duty to promote a safe environment for persons served, visitors and staff members.

The purpose of security cameras at ERC are to:

1. Promote a safe environment by deterring acts of abuse, neglect, harassment or assault.
2. Deter theft and vandalism and assist in the identification of individuals who commit damage to ERC property.
3. Assist law enforcement and regulatory agencies with regard to the investigation of any crime or allegation of any crime that may be depicted.
4. Assist in the daily operations of ERC.

The use of security cameras *will not* replace or otherwise substitute for trained and available direct care staff at a sufficient level to provide active treatment and ensure safety of persons served.



VIOLATION OF RIGHTS:

If you, your family, or guardian believes that ERC has violated your rights, you can do the following:

1. Speak to your staff or your Case Manager at ERC.
2. Initiate the Grievance Procedure (page 12).
3. Call Advocacy Services, Inc. at 1-800-482-1174 between the hours of 8:00a.m. and 5:00p.m. (CST), or an answering machine is available for messages after business hours.
4. Call The People First Self-Advocacy Group at 1-888-488-6040 for assistance.



PROGRAM POLICIES, PROCEDURES AND GUIDELINES

Every business or organization MUST have rules! The rules listed below are for protecting the rights and safety of ALL. Breaking these rules will result in disciplinary actions ranging from verbal counseling to suspension or immediate dismissal from ERC program(s).

ABSENTEEISM and TARDINESS

ERC programs are only effective when you attend regularly. Therefore, absences must be kept to a minimum.

If you must make an appointment during the day (for example, to see the doctor or dentist), please make it the first thing in the morning or late in the afternoon so that you will not miss work and/or programming.

If you do not maintain an 80% attendance of the days you are scheduled to attend each month, you may be discharged from the program. You will not be penalized for excused absences due to illness or vacations. If you know you will be on vacation or out for medical reasons – please call your Case Manager to get approval for your absence.

ACCESS TO RICHARDSON INDUSTRIES AND LIFE SKILLS

At Richardson Industries: You should use the east entrance for access and exit. Exceptions for emergency situations (such as fire drills) will be made. The rear loading dock door is for use by pickup and delivery personnel only.

If you arrive late at RI, you will need to come in the front doors to sign in. If someone is picking you up early (before 2:30p.m.) they will need to come in the front door to sign you out.

At Life Skills: You should enter using the side glass doors. If you arrive late or leave early, be sure to sign in or out at the front desk so that staff know where you are.

ACCESSIBILITY

Accessibility of facilities and services offered by ERC is very important. ERC is committed to meeting your accessibility needs whenever it is reasonably possible. If you have any accessibility issues or suggestions, please contact your ERC Case Manager.

ACCIDENTS/INJURIES

Staff trained in basic first aid will immediately attend to you if you are hurt. If you require emergency medical care, a staff member will call 911 and the paramedics will take you to the nearest hospital.

If an accident or injury requires treatment by a physician, but is not considered to be life threatening, your parent/guardian/emergency contact will be called to transport you for treatment. In the event this person is not available, the staff will arrange transportation (if necessary) to medical services.

ALLEGED ABUSE/NEGLECT/EXPLOITATION

ERC will report any alleged or suspected abuse and/or neglect to the appropriate agencies and departments (including police). ERC and its employees are mandated reporters.

Exploitation is when someone takes advantage of you, cheats you or steals from you. If you think this has happened to you, please talk to your Case Manager.

BEHAVE LIKE LADIES AND GENTLEMEN

1. Do not disturb others who are trying to work or learn. This means no yelling, no verbal taunting, and no watching videos on cell phones or other behavior that could disturb other adults who are near you.
2. Do not spread rumors, slander, gossip and/or lies!
3. Do not use abusive language, profanity, obscene gestures, or other improper behavior.
4. Do not hit or attempt to hit anyone. If someone hits you, report it. Do not hit them back! If you hit another person, your Case Manager will be notified. The staff and your Case Manager will decide what disciplinary action will be taken.
5. If we feel you are a threat to self or others, we will ask you to leave until we can create a plan to support you and others safely in the program.
6. Inappropriate social interactions such as kissing, “making-out”, inappropriate touching, etc. during programming hours is not allowed.

Please NOTE: acts of aggression and/or violence that are beyond the scope of training for ERC staff will result in police notification.

DISCHARGE FROM SERVICES

Under certain circumstances, you may be discharged or choose to no longer attend either Richardson Industries or Life Skills. Some of the reasons why you may be discharged:

- You no longer meet eligibility for AD Programming.
- You move out of ERC’s service area.
- You and/or your guardian make the decision to withdraw from ERC services.
- If any of your family interferes with the service delivery of a consumer by verbal or physical threats or acts of violence to ERC staff.
- If you do not meet ERC’s attendance goal of 80% and there are no extenuating circumstances.
- If you do not have a current prescription for services.
- If you do not complete or follow through with required medical and/or financial reporting requirements.

If you are being involuntarily discharged for behavior or other reasons, an Inter-disciplinary Team (IDT) meeting must be held.

If your Case Manager informs you that you are going to be discharged, they will complete an exit interview with you and prepare an exit summary report that includes:

- A summary of the results of services you have received
- Recommendations for future services
- Referrals to other services that are not available through ERC

The information listed above will be provided to you (and to your guardian if you are not your own guardian) and ERC will keep a record of what was given to you. Your Case manager will contact you for a follow-up conversation thirty (30) days after exit.

DRESS and HYGIENE

Training is geared toward developing work ethics, skills and attitudes. Wearing appropriate clothing to work each day is part of that attitude. Good grooming, neat appearance and good personal hygiene are important.

Dress Code:

Shoes: must be closed-toed with secured heel. No flip-flops or sandals.

Clothing should be clean and neat without holes or tears.

Minimal jewelry should be worn.

Not acceptable: Shirts with offensive/inappropriate language and/or graphics;
Shirts that allow others to see the stomach, undergarments or cleavage;
Shirts/tops that have shoulder straps that are less than 1” wide;
Pants that are ripped or torn;
Pants that show underwear or are not secured at the waist (in other words no “sagging”);
Shorts or skirts that are more than 3” above the knee;
Sleepwear of any kind;
Dangling jewelry of any type (includes body piercings).

NOTE: ERC is not responsible for any lost, stolen or damaged jewelry.

The staff and management of all ERC programs expect that you will:

- Bathe daily
- Use deodorant
- Brush your teeth
- Wash your hair
- Always be neat, clean and free from odor

If your personal cleanliness becomes an issue and is bothering other clients or staff who are near you, then your Case Manager may be contacted and you will be asked to go home to shower and change your clothes.

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EMERGENCY CONTACTS

If you move, or if your parents/guardians move, get new phone numbers or have a new email address it is very important that you keep your emergency contact information up-to-date so that we have the correct home phone, cell phone(s) and email addresses in order to reach the people who care about you if there is an emergency.

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HEALTH and SAFETY

Communicable disease/illness: If you are diagnosed with a communicable disease, you will need to have a physician’s release statement before being allowed to return to the day program.

If you become sick with a suspected infectious or contagious illness while in the day program, you will be isolated from other individuals until your parent, guardian or emergency contact can pick you up.

ERC staff or others working in the program will not be informed about your illness or other health information, unless:

1. You have an exposure incident involving possible infectious body fluids;

2. Communicable incidents are not containable through routine universal precautions; or
3. The Department of Human Services (DHS) or the Arkansas Department of Health specifies that you must be isolated and removed from the work setting.

When using the bathroom: Don't contribute to unsanitary conditions. Be careful when using the restroom. You should flush the toilet and wash your hands before returning to your assigned area. Do not loiter in the restrooms!

Safety Regulations:

1. You must participate in safety and evacuation drills.
2. You must wear safety equipment when required. ERC will provide the equipment.
3. No running, "horseplay", scuffling or other activity that could harm or endanger self or others.
4. Do not operate machinery and/or tools without proper training.
5. Operate machinery in a safe manner.
6. Report accidents to your supervisor or ERC Case Manager immediately.
7. Other than regular break times and lunch, you should not leave the building for any reason without notifying your direct supervisor or ERC Case Manager.
8. If you want to leave ERC property for any reason, you must make arrangements in advance with your Case Manager.

ILLEGAL BEHAVIOR

Falsifying Records: Do not falsify your records, ERC forms or checks.

Theft of Property: ERC will notify local law enforcement to investigate incidents of theft. ERC or others may choose to prosecute based on outcome of investigation.

Alcohol or Drug Use: ERC prohibits use of or being under influence of drugs (not prescribed by a physician) and alcohol when participating in ERC programs or being on ERC property. ERC may choose to notify local law enforcement based on the situation.

Destruction of Property: ERC prohibits the deliberate or careless damage to ERC property. This includes deliberately destroying or defacing equipment and/or training materials.

MEDICAL INFORMATION

VERY IMPORTANT – You must notify your Case Manager:

- Any time that you change doctors;
- If you get a new doctor (we need name/address/phone & fax numbers);
- If you change medication dosages;
- If your doctor prescribes a new medication;
- If your doctor takes you off a prescription medication;
- If there is some change in your health;

MEDICATION

WHAT ERC STAFF MAY DO TO HELP ADULTS WITH MEDICATIONS:

- Open the prescription bottle or the PRN medication bottle.
- Put the correct dose in your hand.
- Help you with water to take the medication.

WHAT ERC STAFF MAY NOT DO WITH MEDICATIONS:

- Cut a pill or alter a dose in any way.
- Put any medication directly in your mouth.
- Administer eye drops or other types of medication.
- Give medication that is not in a properly labelled prescription bottle.
- Apply medicated cream of any kind.

There MUST be a signed permission form from you or your guardian giving ERC permission to dispense any over the counter/PRN medications (like aspirin or Tylenol).

ERC Health and Safety policies and procedures require a *Medication Monitoring Plan* for persons served who must take medications while in the day program. *Medication monitoring* is the practice of providing a secure storage area and controlled access for medications that are brought into a program and used by the person served. The person served must take the medication without any assistance from the staff member.

If your doctor says that you must take your medication during service hours, you will need to notify your Case Manager prior to bringing medications to the program. Your case manager will assist you and/or your guardian with developing a *Medication Monitoring Plan*.

Medications include those that are prescribed by a physician and those that are taken that are considered “over the counter” or PRN medications.

A medication log is kept by ERC staff to document when prescription medications are given as well as any PRN medication that you might request.



MONEY AND VALUABLES

Please do not bring more money than you will need for each day. We want to protect your money but we cannot be responsible for money or valuable items you might bring to your day program. We recommend that you limit the money you bring to your day program to no more than \$20.

If a piece of jewelry cannot be replaced (family heirloom, etc.) or if it is very valuable, we recommend that you not wear this piece of jewelry to day programming at ERC.



PAY AND PAY PERIODS

If you are interested in pre-vocational training, you will have the opportunity to work and earn wages. Compensation is calculated based on quantity and quality of work produced for a two-week pay period. Weekly compensation will vary based on availability of work, the prevailing wage rate for the job and the amount of work you complete.

Pay checks for doing contract work (piece work) are distributed every other Friday. Normally your check will be given to you at work on pay day. If you are not at work, it will be mailed to your home or it may be picked up by someone who has written permission from you. We will not give your paycheck to someone unless they have permission from you in writing that says they are allowed to pick up your check.



PERSONAL BELONGINGS

It is very helpful for all your personal belongings to be labelled with your name. This includes jackets, back packs, lunch boxes, electronic devices and cell phones. Lots of back packs and lunch boxes are identical so it would help the staff to separate what items belong to which client.

By putting your name on it, this eliminates arguments about who owns that item.



PHYSICAL PUNISHMENT

ERC does not use any type of physical punishment. Any staff member engaging in such practices will be subject to dismissal.



RECORDS

You always have access to your records. All you have to do is ask your Case Manager.

Your records are confidential and will only be shared as outlined in the ERC’s Notice of Privacy Practices. You will be given a copy of our Notice of Privacy Practices and we will explain these guidelines to you.



SEVERE WEATHER PROCEDURES

When there is severe weather that makes travel difficult like ice or snow, ERC makes decisions by following what the Springdale Public School district does. If Springdale schools are closed – the Richardson Industries and Life Skills will be closed and there will be no bus service. A notice will be posted on ERC’s website (www.ercinc.org) as well as our Facebook page (www.facebook.com/ercnwa).

If there is severe weather that comes in during the day like a tornado or heavy snow that starts after the morning bus routes have run, then we may make the decision to close early. The staff and Case Managers at our day programs will make every effort to contact your parents/guardians or your staff to let them know approximately what time you will be arriving at your home. It is very important that you keep your emergency contact information up-to-date so that we have the correct home phone, cell phone(s) and email addresses for your emergency contacts.



SMOKING AND TOBACCO USE

Smoking and/or the use of any tobacco product is not allowed on any ERC property. ERC facilities and campuses are considered health care facilities under Arkansas state law. All health care facilities – by law – must be completely tobacco free. This includes cigarettes, e-cigarettes, chewing tobacco, patches, and any other form of tobacco use. If you are not your own legal guardian, you must have written permission from your guardian to go off of ERC property to use tobacco products. Giving tobacco products to another individual who is receiving services at ERC is prohibited.



TRANSITION TO ANOTHER PROGRAM

If you want to attend a different day program (RI or Life Skills), talk to your Case Manager. It will depend on the reasons why you want to transfer, the number of adults in the program you want to attend and other considerations.



TRANSPORTATION

Transportation is provided by ERC, but there are a limited number of seats available. Priority is given to individuals attending ERC day programs full time. If you have any issues with ERC provided transportation, call the Transportation Coordinator at 479-320-6636.

If you ride an ERC van, the following rules apply:

1. All people riding any transportation to and from ERC programs will behave like ladies and gentlemen at all times.
2. Food - If you are bringing your lunch or snack to an ERC program, it should be kept in a closed container and it should be eaten during day programming – not while you are on the van.
3. Drinks – You may drink water as long as it is in a container that can't spill liquid. No pop top cans or cups without a secured lid.
4. Cell phones may be used as long as you are not disturbing other riders.
5. If you are unable to get on the van unassisted, your caregiver should escort you to the van since drivers are not allowed to leave passengers unattended.
6. Van drivers are not responsible for conveying verbal messages to the main office or the ERC Case Managers.
7. In the mornings, the van driver will wait no more than four (4) minutes to pick you up. This is to ensure the routes stay on schedule.
8. Pick-up and drop off times can vary for up to ten (10) minutes of the scheduled times depending on the number of clients riding each day and traffic.
9. If the person who is supposed to meet you at the end of the day is going to be late getting to the pick-up point or will not be at home, they should call the Transportation Coordinator at 479-320-6636.
10. If no one is home when the van arrives or if they are not at the pick-up location, the route driver will contact the Transportation Coordinator to try and reach the responsible person. They will then complete their route and return to your home. If there is still no one to meet you, the driver will take you to your regular day programming site (RI or Life Skills), and your Case Manager will make arrangements to get you home.
11. If you are riding on an ERC van, we expect that you will be in attendance at least 80% of the time. If you are not consistent in your attendance, then your seat on that van may be given to someone else.
12. Private-pay clients must complete a Transportation Agreement stating that they agree to pay for these services.

NOTE: If the vans are not going to run, or will be late due to unforeseen problems (vehicle breakdowns, accident, etc.), you will be notified by the van driver or other ERC staff. You will receive information as to the nature of the problem (if applicable), and when to expect service to resume.

Medicaid transportation from several contract carriers is also available for transportation in some areas. Contact your Case Manager for details.



VISITORS

Visitors to the facility are welcome and encouraged within these guidelines to promote the services and programs of the ERC, to encourage business prospects for the ERC day programs and to ensure the safety and well-being of all clients, employees and visitors.

Visitors should use the front entrance at both programs. It is generally expected that visitors will limit their visit to that time needed to conduct the business at hand. Socializing in the work center/classrooms or office areas should be kept to a minimum.

Visitors are asked to sign in. They will be announced to the person or supervisor of the person they wish to visit. Visitors will be given a visitor badge by the receptionist prior to going beyond the lobby. Visitor badges must be returned to the receptionist upon the visitor's departure.



WEAPONS

ERC prohibits staff, individuals served, families and visitors to carry a concealed or unconcealed weapon (of any kind) onto ERC property including pocket knives. ERC property is defined as all facilities, vehicles and grounds (including parking lots) where ERC employees work or where individuals who are receiving services reside as well as all ERC vehicles used to transport employees or individuals who are receiving services. Any weapon will be confiscated by staff and returned to the individual at the end of the day. Repeated violation of this policy may be grounds for immediate termination or dismissal from ERC programs.



WORKING IN THE COMMUNITY

If you want to get a job in the community, talk with your Case Manager to help get you connected to ERC's Community Employment department. They will talk with you about the kind of job you want, help you with your résumé, coach you on interviewing skills and help you look for a job.

Once you are employed in the community, you will be discharged from the Adult Development program at ERC. You can still participate in ERC activities like team sports, Special Olympics and special functions like dances.



OTHER

You, your family, or guardians are not required to acknowledge dependency on or gratitude to ERC facility or staff.

You may be subject to interviews by licensing staff, adult maltreatment investigators and/or law enforcement officials for determining licensing compliance or for investigative purposes.



CONFLICT RESOLUTION / GRIEVANCE PROCESS

ERC CONFLICT RESOLUTION/GRIEVANCE POLICY

A. Program Appeals Policy:

- All Service/Program related complaints shall be given prompt and fair consideration. The use of this appeals process is your right.
- If you pursue a complaint through the appeals process, no one will be mad at you or punish you in any way for using this process.
- You are allowed to have someone help you with your appeal.
- A “complaint” is a specific violation, unfair application or misrepresentation of any of ERC’s rules, policies, or procedures alleged by you or your representative.
- Vague or general charges of “unfairness” that are not backed up by facts will not be processed through the appeals procedure.

B. Program Appeals Procedure: If you have a complaint, you should do the following:

Step 1:

- Report any problem to your staff.
- If things are still not better, talk to your case manager or your Direct Care Supervisor.
- If the problem is still not better, go to the next step.

Step 2:

- Ask your Case Manager to help you set up a meeting with the program coordinator/shift supervisor to try to solve the problem.
- If the problem is still not solved, go to the next step.

Step 3:

- Meet with the Program Director to try to solve the problem.
- A written decision will be provided to you within five (5) working days.
- If the problem is still not solved, go to the next step.

Step 4:

- Write to the Executive Director asking for a meeting to solve your problem within ten (10) working days from meeting date in Step 3.
- Make sure to write down the problem and everything you have done so far to try to solve it. If you need help, have your Case Manager help you write it down to make sure that you have told your story the way you want it told.
- Your meeting with the Executive Director will happen within twenty (20) working days from the date the Executive Director gets your written request.
- A written decision will be provided to you. If an agreement is not reached, go to the next step.

Step 5:

- Write to the Board of Directors and ask if they will meet with you to solve your problem within ten (10) working days from the meeting date in Step 4.
- Make sure to write down the problem and everything you have done so far to try to solve it.
- All written information about the grievance can be made given to you if you ask.
- The Board of Directors will listen to the grievance and review all of the written information.
- A written decision will be provided to you within ten (10) working days of the meeting of the Board of Directors. If an agreement is not reached, go to the next step.

Step 6:

- If your problem is still not solved, contact the licensing agency (DDS) within ten (10) working days of receipt of the written decision from the ERC Board of Directors.

DDS APPEALS POLICY

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	Appeals	1076

1. **Purpose.** This policy is provided to allow for appealing decisions made by Developmental Disabilities Services (DDS) regarding the following programs:

- A. Human Development Centers (HDCs)
- B. Community Programs and Services
- C. Medicaid Home and Community Based Waiver Services
- D. Licensure of Community Programs/Services and Certification of Providers of Waiver Services, Providers of Early Intervention Voucher Services and Independent (Self-Employed) Certified Case Managers (CCMs)
- E. Nursing Facility, PASSAR determinations. These determinations are made, as required, by the 1987 Omnibus Budget Reconciliation Act (OBRA) for persons with a MR/DD diagnosis who seek admission or for whose admission is sought to a Nursing Facility. It includes annual reviews for continued stay.

2. **Scope.** This policy applies to recipients of services, their parents/guardians, Community Programs, Service Providers, and Certified Case Managers, other interested parties and all DDS employees.

3. **General Provisions:**

A. **Who May File An Appeal.** Only persons identified in Section 2. **Scope** may file an appeal relative to decisions made.

An appeal filed by anyone other than those listed in Section 2. **Scope** above is not a valid appeal and will be rejected and denied by DDS.

B. **Conditions for Appeal** – Each person who may file an appeal has specific conditions which must be addressed for an appeal to be considered.

All decisions listed will be made in writing and provided to the appropriate persons by certified mail with signed return receipt kept on file.

Any appeal of a decision that is determined as not made by or under the control of DDS will be acknowledged with an explanation and referral to the appropriate agency to which the appeal should be presented.

C. Time Frames. Time frames are established to resolve issues in an orderly and timely manner. Failure to meet the established time frames will result in the appeal being rejected and denied.

D. Contents of the Appeal. All appeals filed must be in writing and contain, at a minimum:

- 1) The name, address and telephone number of the person filing the appeal.
- 2) The relationship of the person who is filing the appeal to the individual requesting or receiving services or the relationship to the program that is affected.
- 3) The decision that is being appealed.
- 4) The reason(s) the decision is being appealed.
- 5) The desired outcome of the appeal; what the person is seeking through the appeals process.
- 6) The law and/or facts that are being relied upon in the filing of the appeal.
- 7) The person who will present the appeal.
- 8) Whether the person will be represented and if so, the name, address and telephone number of the representative. This is not limited to legal representation.

NOTE: Appeals that do not contain this information will be rejected and denied.

E. Appropriate Person with Whom to File an Appeal. Appeals must be filed with the specific person identified in the following procedures. Failure to do so can result in the rejection/denial of the appeal.

F. Review Process. The review process is outlined for each party who may file an appeal.

G. Final Agency Action. The final agency decision is outlined for the program/providers identified.

4. Procedures:

A. Human Development Centers (HDCs). *(section removed, see Case Manager for complete procedures)*

B. Community Programs and Services.

- 1) The individual applying for or receiving services or the parents, guardians or surrogate parents of the individual, and DDS Community Program Administrator or Board Chair may file an appeal.
- 2) Appeals may be filed on decisions regarding individual service eligibility, funding of services, program funding and service provision.
- 3) Appeals must be submitted within ten (10) working days of the receipt of notification of a decision.
- 4) Contents of an appeal is outlined in 3.D.

- 5) Appeals must be filed as follows:
- Eligibility – Assistant Director, Client Services, DDS
 - Funding – Assistant Director, Program Management, DDS
 - Early Intervention – Office of Chief Counsel, Appeals and Hearings.

The appeal for a fair hearing shall be mailed to:

OCC – Office of Appeals and Hearings

Donaghey Plaza South

P.O. Box 1437 - Slot 1001

Little Rock, AR 72203-1437

Request for fair hearing shall include the information required in 3.D. above - Contents of Appeal. Persons appealing under fair hearings will receive a copy of the procedures to be following during the hearing.

- 6) Within ten (10) working days of the receipt of the appeal, (Except Early Intervention) the Assistant Director will schedule and conduct a meeting with all the parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.
- 7) If the person who filed the appeal is still dissatisfied, the decision may be appealed.
- If a party disagrees with a decision, the decision may be appealed within ten (10) working days by filing an appeal with the Director, DDS. Within fifteen (15) working days of receiving the appeal, the Director shall schedule and conduct a meeting with all parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.
- 8) The decision of the Director is the final agency action except for decisions regarding Early Intervention.
- 9) Early Intervention Program. The decision of the Fair Hearing Officers is final agency action.
- C. Medicaid Home and Community Based Waiver Services and or Nursing Facility Pre-admission and Annual Resident Review. *(section removed, see Case Manager for complete procedures)*
- D. Licensure of Community Programs/Services, Certification of Providers of Waiver Services, Providers of Early Intervention Voucher Services, and Independent (Self-Employed) Certified Case Managers (CCMs).

- 1) The President or Chair of the Community Program Board or Director of licensed Community Program/Services and for Certified Providers, the person certified may file an appeal.
- 2) Appeals may be filed on decisions regarding the granting of a license/certification or the taking of adverse action against a license/certification. Decisions regarding investigations of services concerns/complaints.
- 3) Appeals must be submitted within ten (10) days of the receipt of notification of a decision.
- 4) Contents of an appeal is outlined in 3.D. above.
- 5) The appeal must be filed with the Assistant Director, Administrative Services, DDS.
- 6) Within ten (10) working days of the receipt of the appeal, the Assistant Director will schedule and conduct a meeting with all the parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.

If a party disagrees with a decision, the decision may be appealed within (10) working days by filing an appeal with the DDS Director. Within fifteen (15) working days of receiving the appeal, the DDS Director shall schedule and conduct a meeting with all parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. Extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting will be recorded. Only the issues contained in the appeal shall be discussed and considered.

- 7) Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.
- 8) The decision of the DDS Director is the final agency action.

OTHER ERC SERVICES

CHILDREN'S SERVICES

ERC provides both home-based and center-based services to children ages birth to five (5) years of age and who have orthopedic, neuromuscular, and/or developmental disabilities and who require intense special education and enhanced therapies.

JOB PLACEMENT PROGRAM

This program is designed for adults with disabilities who are at least eighteen (18) years of age to obtain employment in the community.

INTERMEDIATE CARE FACILITIES RESIDENTIAL PROGRAM

This residential program at ERC consists of three, 10-bed community-based residences. Residents must be at least eighteen (18) years of age and have a developmental disability. Each resident receives an active treatment program that is designed to help him or her learn independent living skills. Training is generally provided on a one-to-five basis.

COMMUNITY LIVING SERVICES WAIVER PROGRAM (DDS Waiver)

This program provides services to persons who have a developmental disability while they reside in their own home. Each individual receives an active treatment program that is designed to help him or her learn independent living skills. ERC staff provide training on a one-to-one basis.

ERC BOARD OF DIRECTORS

FY 2017 - 2018

Jenna Johnston *President*

Bill Bowen *Vice President*

James Kennedy *Treasurer*

Amy Bates *Secretary*

Kris Allee

Sharon Lloyd

Ken Milbrodt

Joseph O'Connell

Joanne Rhyne

Lindsey Taylor

Elizabeth Rosencutter *Ex-Officio Board Member*

IMPORTANT PHONE NUMBERS

ERC PHONE NUMBERS

Administration Office	479-872-1800
Life Skills Program	479-872-4663
Child Development Centers:	
Fayetteville	479-443-4420
Huntsville	479-738-1751
Siloam Springs	479-373-6488
Springdale	479-927-1350
Residential Services	479-872-4657
Transportation Office/Assistant	479-320-6636

OTHER PHONE NUMBERS

Artie Herndon, DDS Service Specialist	479-521-1270
Adult Protective Services	800-482-8049
Arkansas DDS (Developmental Disabilities Services)	479-782-4555
LeFleur Transportation	479-935-8910
Ozark Regional Transportation	479-756-5901 x2 to schedule a ride

LOCAL ADVOCACY GROUPS

Advocacy Services	800-482-1174
The People First Self-Advocacy Group	888-488-6040

CONFLICT OF INTEREST

No member of the Board of Directors of ERC, Inc., or its principle employees may enter into business dealings or personal dealings with persons served by ERC, Inc. that may in fact appear, or have the possible intent of being in conflict of interest.

ERC FUNDING SOURCES

- Title XIX (Medicaid)
- Arkansas Department of Human Services
- Division of Developmental Disabilities
- Arkansas Rehabilitation Services
- Service Fees
- Grants
- Contracts with Employers / Businesses
- United Way of Northwest Arkansas
- Donations – Individuals, Clubs, Foundations
- Memorials/Gifts Honoring Individuals
- Federal Contracts
- Schools LEA Tuition

SOLICITATION GUIDELINES

It is the policy of ERC, that neither the organization nor individual employees on behalf of the organization, will solicit services and that we will adhere to the guidelines established by the state regarding the solicitation of services.

“Solicitation” in this context means any attempt to unduly influence an individual or his or her family or guardian to transfer from another certified provider to ERC.

Prohibition of Solicitation of Services Procedure

1. Solicitation is prohibited by:
 - a. ERC employees or any individual acting on behalf of ERC.
 - b. Any individual who provides or has provided professional or direct care services for ERC or any individual acting on his or her behalf.
2. The following methods of solicitation are prohibited:
 - a. With the intent of soliciting consumers, hiring an individual who has been previously employed by or contracted with another certified provider who subsequently contacts consumers on the individual’s caseload with the previous provider with the intent of inducing the consumer to transfer to the certified provider with which the individual is currently employed or contracted;
 - b. Offering cash or gift incentives to an individual served or his or her family or guardian to induce the individual served or his or her family or guardian to change providers;
 - c. Offering an individual served or his or her family or guardian free goods or services that are not available to other similarly stationed consumers to induce the individual served or his or her family or guardian to change providers;
 - d. Refusing to provide an individual served access to entitlement services for which the individual is eligible if the individual served or his or her family or guardian selects another certified provider to provide services to the individual;
 - e. Making negative comments to a potential individual served, his or her family or guardian, or an advocate regarding the quality of services provided by another certified provider other than for the purpose of monitoring or official advocacy;

- f. Promising to provide services in excess of those necessary to induce an individual served or his or her family or guardian to change programs;
 - g. Directly or indirectly giving an individual served or his or her family or guardian the false impression that the certified provider is the only agency that can provide the services desired by the individual served or his or her family or guardian; and,
 - h. Engaging in any activity that DDS determines was intended to be solicitation.
3. Only an authorized DDS representative may offer an individual or his or her family or guardian provider choice.
4. DDS investigates claims of solicitation that appear to be consistent with the definition of solicitation. If DDS makes a finding of prohibited solicitation, DDS imposes enforcement remedies consistent with the scope and severity of the solicitation. If a pattern of solicitation occurs, DDS may impose Licensure Revocation.
5. Marketing is distinguishable from solicitation and is considered an allowable practice. Examples of acceptable marketing practices include without limitation:
 - a. General advertisement using traditional media;
 - b. Distribution of brochures and other informational materials regarding the services provided by a certified provider if the brochures are factual and honestly presented;
 - c. Providing tours of a certified provider to interested individuals,
 - d. Mentioning other services provided by the certified provider in which a consumer have an interest; and,
 - e. Hosting informational gatherings during which the services provided by a certified provider are honestly described.

AMERICANS WITH DISABILITIES ACT (ADA)

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

EMPLOYMENT

1. Employers may not discriminate against an individual with a disability in hiring or promotion - if that person is otherwise qualified for the job.
2. Employers may ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities.
3. Employers will need to provide "reasonable accommodation" to people with disabilities. This includes steps such as job restructuring and modification of equipment.
4. Employers do not need to provide accommodations that impose an "undue hardship" on business operations.
5. All employers with 25 or more employees must comply, effective July 26, 1992.
6. All employers with 15-24 employees must comply, effective July 26, 1994.

TRANSPORTATION

1. New public transit buses ordered after August 26, 1990, must be accessible to people with disabilities.
2. Transit authorities must provide comparable para-transit or other special transportation services to bus services, unless an undue burden would result.
3. Existing rail systems must have one accessible car per train by July 26, 1995.
4. New rail cars ordered after August 26, 1990, must be accessible.
5. New bus and train stations must be accessible.

6. Key stations in rapid, light and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail).
7. All existing Amtrak stations must be accessible by July 26, 2010.

PUBLIC ACCOMMODATIONS

1. Private entities such as hotels, restaurants, and retail stores may not discriminate against people with disabilities, effective January 26, 1992.
2. Auxiliary aids and services must be provided to people with vision or hearing impairments or other people with disabilities, unless an undue burden would result.
3. Physical barriers in existing facilities must be removed, if removal is readily achievable.
4. All new construction and alterations of facilities must be accessible.

STATE AND LOCAL GOVERNMENT

1. State and local governments may not discriminate against qualified people with disabilities.
2. All government facilities, services and communications must be accessible consistent with the requirements of section 504 of the Rehabilitation Act of 1973.

TELECOMMUNICATIONS

Companies offering telephone services to the general public must offer telephone relay services to people who use telecommunication devices for the deaf (TDD's) or similar devices.

This information pertaining to ADA requirements is available in the following accessible formats:

- Braille
- Large Print
- Audio Tape
- Electronic file on computer disk
- Electronic bulletin board
(202-514-6193)

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

No person in the United States shall on the grounds of race, color, sex, national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. ERC operates in compliance with this law.

This facility is an Equal Opportunity Employer. ERC may make exceptions only when age or physical requirements constitute bona fide occupational hazard. It is the responsibility of this facility to guarantee the basic rights of employees and clients.

State and Federal Laws, Policies, and Procedures supersede any of the Policies and Procedures contained in this handbook.
