



Suspension Policy & Code of Conduct

Suspension based on 8.604.3

An individual's rights may be suspended only to protect the individual from endangering such person, others, or property. Rights of an adult person receiving services may be suspended only by a developmental disabilities professional in a manner which will promote the least restriction on the person's rights and in accordance with rules and regulations herein or by a court order.

1. When suspension of an individual's rights is under consideration, the rights to be affected shall be specifically explained to the individual with notice as defined in section 8.600.4 of these rules of such proposed activity given to the appropriate parties.
 - I. "Notice" means written notification hand delivered to or sent by first class mail that contains at least all of the following:
 - a) The proposed action
 - b) The reason or reasons for that action
 - c) The effective date of that action
 - d) The specific law, regulation, or policy supporting the action
 - e) The responsible agency with whom a protest of the action may be filed including the name and address of the director
2. When a right is proposed to be suspended, it is reviewed by the individual's interdisciplinary team (IDT) and, if suspended, is documented in the Individualized Plan. The person's Individualized Plan must include a statement of what services and supports are required and plans for implementing such services and supports in order to assist the person to the point that suspension of rights is no longer needed.
3. When a right has been suspended, the continuing need for such suspension shall be reviewed by the individual's IDT at a frequency decided by the team, but not less than every six months.
 - I. Such review shall include the original reason for suspension, current circumstances, success or failure of programmatic intervention, and the need for continued suspension or modification.
4. At the time a right is suspended, such action shall be referred to the Human Rights Committee (HRC) for review and recommendation. Such review shall include an opportunity for the person who is affected, parent of a minor, guardian or authorized representative, after being given reasonable notice of the meeting, to present relevant information to the HRC.

5. Emergency action may be taken by a developmental disabilities professional, specifically designated for this purpose, by the director of the community centered board, program approved service agency or regional center to suspend the right(s) of a person receiving services if such action is imminently necessary to protect the health and safety of the person, others, or property. When such emergency action is necessary, the least intrusive means of right(s) suspension shall be utilized in order to protect the health and safety of the person or others, or property, and the following requirements must be adhered to:
 - I. The person assigned case management responsibility pursuant to section 8.607.1.E, must be notified of the right(s) suspension within 24 hours;
 - II. The suspended right(s) shall be specifically explained to the individual and notice as defined in section 8.600.4, sent to the appropriate parties within 24 hours of the suspension of the right(s)

Suspension from Services and Supports

1. The community centered board (CCB) shall ensure that an interdisciplinary team (IDT) is convened, to review the cause for suspension and to revise the Individualized Plan.
2. Provisions for temporary suspension of specific services or supports received by an individual may be made if, in the opinion of the community centered board, program approved service agency or regional center, a person receiving services has demonstrated a serious physical threat to the health or safety of the person or others and such is necessary to protect the health or safety of the person or others.
3. Suspension is considered temporary in nature, may not be used to effect termination from services or supports, and must be fully documented in the record of the person receiving services including provisions of when original services or supports will resume.
4. Suspension of specific services or supports received by an individual shall not relieve the community centered board, program approved service agency or regional center of responsibility to provide case management services, modified services or supports that may be provided in an alternative setting, and continued habilitation and planning to facilitate the person's return to the original services or supports, if appropriate.
5. Services and supports may not be suspended if such suspension would place such person at risk of loss of a place of abode.