**Section 119.235 Individual rights and confidentiality**

To insure that the individual's rights are protected and that all services provided to the individual comply with the laws cited in subsections (a) and (b) of this Section, providers shall assure that:

a) The individual's rights are protected in accordance with the Code, except that the use of seclusion shall not be permitted.

b) The individual's right to confidentiality is in accordance with the Act.

c) Staff shall inform individuals entering a program of their rights in accordance with subsections (a) and (b) of this Section and of their right to contact the Guardianship and Advocacy Commission, Equip for Equality, Inc., and the provider's human rights committee. Staff shall offer assistance to individuals in contacting these groups, giving each individual the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc. This information shall be given to the individual and his or her guardian in writing. If the individual is unable to read, the information shall be read and explained to him or her in a language he or she understands. Staff shall, upon request, offer assistance to individuals in contacting the Commission and Protection and Advocacy.

d) There is documentation in the record that staff have advised the individual of his or her rights, provided justification for any restriction of the individual's rights in accordance with Chapter 2 of the Code or assisted in contacting the Guardianship and Advocacy Commission.

e) Providers have procedures that permit the individual or guardian to present grievances and to appeal decisions to deny, modify, reduce or terminate services up to and including the authorized agency representative. The procedures shall require, at a minimum:

1) Notification of a right to appeal actions to deny, modify, reduce or terminate services be given to the individual or guardian upon entry into the program;

2) Written notice shall be given, 10 days in advance, of actions to deny, modify, reduce or terminate services;

3) That no provider action shall be implemented pending a final administrative decision;

4) Time frames for notice of intent to appeal and the rendering of a final administrative decision; and

5) That no one directly involved in the action or decisions being grieved or appealed shall be part of the review of that action or decision.

f) The authorized agency representative's decision on the grievance shall constitute a final administrative decision and shall be subject to review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

g) The individual is not excluded, suspended or discharged from services and services are not reduced for exercising any of his or her rights.