**Section 115.250 Individual Rights and Confidentiality**

a) The CILA agency shall share a copy and explain the contents of the most current Rights of Individuals form (IL 462-1201) with the individual and/or guardian when an individual enters the CILA and annually thereafter.

1) The rights of individuals shall be protected in accordance with Chapter II of the Code except that the use of seclusion will not be permitted.

2) The right of individuals to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act.

3) Every individual and/or guardian has the right to:

A) Remain in a CILA unless the individuals voluntarily withdraw or meet the criteria set forth in Section 115.215;

B) Contact the Guardianship and Advocacy Commission, Equip for Equality, Inc., the Department's Office of Inspector General, the CILA agency's human rights committee and the Department. Employees shall offer assistance to individuals in contacting these groups giving each individual the address and telephone number of the Guardianship and Advocacy Commission, the Department's Office of Inspector General, the Department, and Equip for Equality, Inc.;

C) Be free from abuse, neglect, exploitation, coercion, and restraint. Restraint is not permitted unless it follows the requirements specified in Section 115.245. Seclusion, time-out, aversive procedures, or any similar actions are prohibited.

4) Individuals or guardians shall be permitted to purchase and use the services of private physicians and other mental health and developmental disabilities professionals of their choice, which shall be documented in the plan.

b) Provider advisement of the individual's rights and justification for any restriction of individual rights shall be documented in the individual's record. For individuals in the Medicaid HCBS Waiver, any modification of additional conditions that restrict an individual’s rights related to provider-owned or controlled living arrangement must be supported by a specific assessed need, be justified in the Personal Plan, and be documented in the Personal Plan as specified in subsection 115.200(c)(7)(F)(i) through (viii).

c) Individuals or guardians shall be permitted to present grievances and to appeal adverse decisions of the CILA agency and other service providers up to and including the authorized CILA agency representative. The CILA agency representative's decision on the grievance shall be subject to review in accordance with the Administrative Review Law [735 ILCS 5/Art. III]. For all individuals enrolled in the DDD Medicaid HCBS Waiver, their rights to notices of action, appeals and fair hearings are detailed in 59 Ill. Adm. Code 120.

d) Individuals shall not be denied, suspended, or terminated from services or have services reduced for exercising any of their rights.

(Source: Amended at 47 Ill. Reg. 8485, effective May 31, 2023)