

INDEPENDENT LIVING OF NIAGARA COUNTY (ILNC)

CONSUMER RIGHTS

Confidentiality

Every consumer and/or legal guardian of the consumer has the right to see their own Consumer Service Record (CSR). A consumer and/or legal guardian of the consumer can authorize the use of information in his/her file. This authorization must be granted in writing. Access to a CSR shall be given to the Chief Executive Officer, Chief Operations Officer, ILNC Director, Chief Human Resource and Compliance Officer, Direct Service Provider, and the ILNC Council. HIPAA requirements cover many of the services ILNC provides. To ensure Agency compliance with HIPAA regulations, in a specific written request, the consumer and/or legal guardian of the consumer will identify what information can be released and to whom, i.e. general and/or HIV related information. **No information** will be released without written permission of the consumer and/or legal guardian of the consumer.

Consumers and/or legal guardian of the consumer will be given a formalized appeal process in writing to remedy any unsatisfactory situations.

ILNC's CSR's on consumers are subject to review by appropriate funding sources and can be subpoenaed by the courts. The law does not protect the rules of confidentiality when injury to self or others is at stake. A CSR is maintained and is subject to quality review by the ILNC Council, consumer, and/or legal guardian of the consumer.

Consumer Appeal Process

It is our policy to provide effective and acceptable means for consumers and/or legal guardian of the consumer to bring problems and complaints concerning their receipt of services to the appropriate persons. Consumers and/or legal guardian of the consumer are encouraged to settle grievances informally through discussion with their Service Provider and/or using the resources of the ILNC Director and Chief Operations Officer. At all times during this process the consumer and/or legal guardian of the consumer have access to their CSR. If this does not remedy the situation, any Consumer and/or legal guardian of the consumer may bring up a grievance in the following manner:

Step I – Promptly (within 90 days of its occurrence or discovery) submit a written statement of the grievance to the ILNC Director, including notes of any informal meeting and discussions. The ILNC Director has the responsibility of responding to the grievance within 5 business days. If

necessary, a meeting will be set up to take place no later than 3 business days from the time the grievance was first submitted to the ILNC Director. The ILNC Director will render a decision. Written record shall be kept of this grievance and resolution and placed in the CSR.

If the ILNC Director fails to respond to the grievance or the Consumer and/or legal guardian of the consumer feels the decision is not acceptable or if a solution has been reached but is not adhered to, they may proceed to Step II. If the grievance is with the ILNC Director, the process will start with Step II.

Step II – Promptly (within 90 days of its occurrence or discovery) submit a written statement of the grievance to the Chief Operations Officer, including notes of any informal meeting and discussions. The results and response of the ILNC Directors in Step I should be included. The Chief Operations Officer has the responsibility of responding to the grievance within 5 business days. If necessary, a meeting will be set up to take place no later than 3 business days from the time the grievance was first submitted to the Chief Operations Officer. The Chief Operations Officer will render a decision. Written record shall be kept of this grievance and resolution and placed in the CSR.

If the Chief Operations Officer fails to respond to the grievance or the Consumer and/or legal guardian of the consumer feels the decision is not acceptable or if a solution has been reached but is not adhered to, he/she may proceed to Step III. If the grievance is with the Chief Operations Officer, submit a written statement of the grievance to the Chief Executive Officer.

Step III - Submit a written statement of the grievance to the ILNC Council, including notes of any meetings or discussions. This should be done promptly (within 90 days of its occurrence or discovery). The Council has the responsibility of responding to the grievance within 10 business days. If necessary, a meeting will be set up to take place no later than 8 business days from the time the grievance was first submitted to the Council. The Council will render a decision. Written record shall be kept of this grievance and resolution and placed in the CSR.

In all cases, the decision of the ILNC Council shall be binding. If the ILNC Council fails to respond to the grievance or the Consumer and/or legal guardian of the consumer feels the decision is not acceptable, or if solution has been reached but is not adhered to, they may contact:

- NYS Adult Career and Continuing Education Services (ACCES-VR), 1 Commerce Plaza, Room 1607, 99 Washington Ave., Albany, NY 12234 at

(800) 222-5627 (voice) or TTY: 7-1-1 for the NYS Relay and give the operator (800) 222-5627 (voice).

- If you are receiving services through NYS Office of Mental Health (NYSOMH), please contact NYS Justice Center for the Protection of People with Special Needs, 161 Delaware Avenue, Delmar, New York 12054-1310 at (518) 549-0200 (Voice) or TTY: 7-1-1 for the NYS Relay and give the operator (518) 549-0200. Report Abuse at (855) 373-2122 (staffed 24 hours a day, 7 days a week) or TTY: 7-1-1 for the NYS Relay and give the operator (855) 373-2122.
- If you are receiving services through Office of Alcoholism and Substance Abuse Services (OASAS), please contact Patient Advocacy, with 501 7th Avenue, New York, NY 10018 at (800) 533-5790. www.oasas.ny.gov or you can contact NYS Justice Center for the Protection of People with Special Needs, 161 Delaware Avenue, Delmar, New York 12054-1310 at (518) 549-0200 (Voice) or TTY: 7-1-1 for the NYS Relay and give the operator (518) 549-0200. Report Abuse at (855) 373-2122 (staffed 24 hours a day, 7 days a week) or (855) 373-2123 (TTY)
- You have the right to contact the Client Assistance Program, which is a resource designed to assist those who are applying for or receiving services from federally funded Independent Living Centers (ILCs). CAP also serves applicants and clients of ACCES-VR and the NYS Commission for the Blind. Contacting CAP for service is not a formal part of any ILC grievance process. CAP is exclusively operated by Disability Rights New York (DRNY). If you have questions, concerns or are experiencing disputes regarding this ILC, please feel free to contact DRNY for assistance: Disability Rights New York, 725 Broadway, Suite 450, Albany, NY 12207 (Main) 518-432-7861 (Toll-Free) 800-993-8982 (TTY) 518-512-3448 (Email) mail@DRNY.org

Additionally, ILNC has a compliance program to ensure that the Agency is compliant with all applicable laws and regulations and that all reasonable steps are taken to combat fraud, waste or abuse in all of its programs. Suspicion of fraud, waste or abuse in any of the programs overseen by ILNC should be reported to: Tina Brown, Chief Human Resource and Compliance Officer, 3108 Main Street, Buffalo, NY 14214, tbrown@wnyil.org, Local (716)-836-0822, ext. 102, or Toll-free Compliance Hotline 1-866-576-8042.


ILNC is a member of the Western New York Independent Living, Inc. Family of Agencies.

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By signing this form, I am confirming that as a Consumer of ILNC, I have been fully notified of the following:

- My rights and responsibilities as a Consumer.
- My right to confidentiality.
- The internal procedure and process of filing a grievance with our Agency.
- Who to contact if I am dissatisfied with the resolution of my complaint.

Relationship: Consumer Parent
 Guardian Designated Representative

 Print Consumer Name: _____ SSN (Last 4) _ _ _ _

Print Name if Parent/Guardian/Designated Representative:

 Signature: _____ Date _____

