**Section 370.3020 Medical and Personal Care Program**

a) A resident shall be permitted to retain the services of his or her own personal physician at his or her own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage.

b) The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility.

c) Every resident shall be permitted to obtain from his or her own physician or the physician attached to the facility complete and current information concerning his or her medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand.

d) Every resident shall be permitted to participate in the planning of his or her total care and medical treatment to the extent that his or her condition permits.

e) No resident shall be subjected to experimental research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. The membership, operating procedures and review criteria for institutional review committees shall be prescribed under rules and regulations of the Department.

f)

1) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of the resident or others and such harm is documented by a physician or nurse in the resident's clinical record.

2) The resident, or guardian, shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication, unless such services are necessary to prevent the recipient from causing serious harm to him or herself or others. If such services are refused, they shall not be given. The Qualified Mental Retardation Professional shall inform a resident or guardian who refuses such services of alternate services available and the risks of such alternate services, as well as the possible consequences to the resident of refusal of such services.

g) Every resident, resident's guardian, or parent if the resident is a minor shall be permitted to inspect and copy all his or her clinical and other records concerning his or her care and maintenance kept by the facility or by his or her physician.

h) A resident shall be permitted respect and privacy in his or her medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have his or her permission to be present.