

## **CHAPTER 65.5-01-02 DEFINITIONS**

### Section

#### 65.5-01-02-01 Definitions

##### **65.5-01-02-01. Definitions.**

All definitions in North Dakota Century Code section 25-01.3-01 apply in this article except those defined in this section or unless the context requires a different meaning. As used in this article, unless the context otherwise requires:

1. "Access to records" means the right to inspect records pertaining to an individual or group of individuals, including the right to make copies of those records.
2. "Committee" is the committee on protection and advocacy as set forth in North Dakota Century Code section 25-01.3-02.
3. "Consent" means voluntary permission, given by an individual who has been provided full disclosure of relevant facts and who has the ability to understand those facts. Permission from an adult is presumptively a valid consent, unless there is clear indication of the absence of full disclosure, voluntariness, or requisite mental ability.
4. "Family member" includes only the following relatives who have maintained significant contacts with the individual involved: spouse, adult children, parents, adult stepchildren, stepparents, adult siblings, grandparents, and adult grandchildren.
5. "Grievance" is a written document that initiates an administrative review as described in chapter 65.5-01-05. A properly written grievance includes:
  - a. The name of the individual who is presenting the grievance;
  - b. The individual's status as applicant for services, a recipient of services, or a former recipient of services from the project; a parent of a minor applicant for, recipient of, or former recipient of services from the project; an individual's guardian acting on behalf of the individual, who is an applicant for, recipient of, or former recipient of services from the project;
  - c. The place where the incident occurred;
  - d. The date of the action or inaction that is the subject of the grievance;
  - e. The names of the project employees involved; and
  - f. A brief summary of the relevant facts.
6. "Guardian" has the meaning assigned to that term in North Dakota Century Code section 30.1-01-06.
7. "Individual" means a human being, including one who is deceased or whose whereabouts is unknown.
8. "Inquiry" is a written document that initiates a public inquiry as described in chapter 65.5-01-06. A properly written inquiry includes:
  - a. The name of the individual who is initiating the public inquiry;

- b. The status of the individual as a family member of an individual with a disability, service provider, or member of the general public;
  - c. An identification of the inquiry as concerned with a specific incident or with a general policy, procedure, or operations of the project;
  - d. If the inquiry concerns a specific incident:
    - (1) The date of the incident;
    - (2) The place where the incident occurred;
    - (3) The name of any service provider involved;
    - (4) The name of any individuals with disabilities who were primarily involved in the incident;
    - (5) The names of any project employees involved; and
    - (6) A brief summary of the relevant facts; and
  - e. If the inquiry concerns a general policy, procedure, or operations of the project:
    - (1) Identification of the general policy, procedure, or operations of the project that are the subject of the inquiry;
    - (2) If possible, an example or examples of undesirable effects of the current general policy, procedure, or operations of the project that are the subject of the inquiry; and
    - (3) Any proposed change in the general policy, procedure, or operations of the project that are the subject of the inquiry.
9. "Monitoring" means the review of habilitation, treatment, program, or educational plans, facilities, programs, and all other services and care provided to persons with disabilities, including implementation of these plans, services, and care.
  10. "Plan" means the product of a team, acting under law, to guide interaction with an individual or the range of services to be provided to an individual. This includes all plans whether designated as an essential lifestyle plan, individual education plan, individual habilitation plan, individual justice plan, individual program plan, individual service plan, individual treatment plan, individualized written rehabilitation program, or otherwise.
  11. "Project" is the protection and advocacy project, as set forth in North Dakota Century Code section 25-01.3-06.
  12. "Project's decision" is issued by the executive director after an administrative review conducted pursuant to chapter 65.5-01-05. This decision must include the reasons that support the decision and any action the project will take to implement the decision. This decision must not disclose any confidential information that the individual does not have the right to access. The decision must inform the individual that the project's decision may be appealed to the committee.
  13. "Records" means all records of every kind and nature.
  14. "Service provider" is an individual or entity that directly provides treatment or services to address needs related to a disability. Examples include services that address economic, educational, emotional, employment, housing, medical, mental health, personal, physical, psychological, psychiatric, or social needs. "Service provider" includes employees and board

members of a service provider. Advocacy and self-advocacy training and support are not considered services for purposes of this definition.

**History:** Effective December 1, 1990; amended effective June 1, 1998.

**General Authority:** NDCC 25-01.3-02, 25-01.3-03, 25-01.3-07, 28-32-02

**Law Implemented:** NDCC 25-01.2-03, 25-01.3-07, 30.1-01-06