

YOUR RIGHTS...



In a
Texas Home
Living
Program



TEXAS
Department of Aging
and Disability Services

For additional copies of this publication, contact Consumer Rights and Services

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A special note about your rights

This handbook tells you about the rights and privileges you have if you are receiving services in offered through the Texas Home Living (TxHmL) Program.

There are some basic things that guide your rights.

- 1 People have rights.** Rights are what you are allowed to do and how you should be treated.
- 2 Rights are not limited without due process.** Due process is a review process that makes sure your rights are not taken away from you without a good reason.
- 3 People are free from abuse and neglect.**
- 4 People have responsibilities with the exercise of rights.** Responsibilities are your duties that you need to try to do, if you are able.

Staff can help you learn about your rights and responsibilities.

All services are provided in compliance with the Civil Rights Act of 1964, as amended, and in the Americans with Disabilities Act of 1990.

Important words and what they mean

Advocate – A person who helps you make decisions and looks out for your best interests.

Consent (informed consent) – When you agree to do something or give permission to do something. You must understand what you are agreeing to, be over age 18, and not have a guardian.

Due process – A review process to make sure your rights are not taken away from you without a good reason.

Guardian or Legally Authorized

Representative (LAR) – Somebody appointed by the courts (often your parent or other adult family member) if you are age 18 or over, or your parent if you are under age 18. Your guardian or LAR makes certain decisions, as outlined in the court papers. These decisions may be about your money, your rights, and/or your physical needs.

Hearing – A special meeting to talk about something with which you or your guardian do not agree.

Individual Plan of Care (IPC) – Lists the TxHmL Program services and maximum amount of each service that you are to receive over your “plan year”, and medical and other services and supports to be provided by resources other than the TxHmL program. These services and supports are not meant to replace





existing natural supports such as your family, friends or groups to which you may belong. This plan is also known as the IPC, and is based upon your Person-directed Plan and other information and assessments.

Person-directed Plan (PDP) – Describes the supports and services needed to reach the goals and desired outcomes you and/or your legally authorized representative (LAR), say are important to you. These services and supports are not meant to replace existing supports you may receive from other agencies or programs, or from your family, friends or groups to which you may belong. This plan may also be called your service plan.

Planning meeting – A meeting with your team to develop service plans that will help you meet your goals. (This is sometimes called a “staffing.”)

Responsibilities – What you need to do in order to have your rights and to continue your services

Rights – What you are allowed to do and how you should be treated.

Service Planning Team – A group of people who help you decide what services and supports can be provided that will help you meet your goals or dreams. You, your LAR if you have one, and the service coordinator are members of the team. In addition, you can have other people you want to help you with your plan.

Services and supports – Services and supports can include:

- **Community Support Services** such as
 - assisting you to participate in community activities,
 - assisting you to live independently or with family or friends,
 - learning new skills in a day habilitation setting,
 - getting a job and learning the skills you need to keep the job,
 - and providing you and your family with “respite.”



- **Professional and Technical Supports Services** such as
 - nursing,
 - psychological and behavioral support,
 - adaptive aids and minor home modifications to help you do things more easily and/or independently,
 - specialized therapies such as Speech Therapy, Occupational Therapy (OT) and Physical Therapy (PT),
 - and dental services.

Your service coordinator will help you understand these rules for these services.





Your rights under the Persons with Mental Retardation Act

If you are a person with mental retardation living in Texas, you have the following rights:

- 1 You have the same rights all citizens have, unless some of these rights have been taken away by a judge. These rights include the right to vote, to practice a religion, to keep your own possessions, to contract for something such as buying a house, and to get married. You cannot be treated differently because of your disability.
- 2 No one has the right to hurt you, take advantage of you, or ignore your needs.
- 3 You have the right to live and receive services where you can make as many of your own decisions as possible. This may be with your family, with your friends, alone, or where there are people trained to help you.
- 4 You have the right to go to public school until age 22.
- 5 Before you receive services, a doctor or a psychologist must determine that you have mental retardation and explain to you what that means. If you do not agree with them, you can also ask for a meeting to review your case. You can ask for a second opinion that you would pay for with your own money. You can ask for services from other agencies and organizations.
- 6 For issues needing consent, you should be able to understand what you agree to. If you have a guardian or LAR, he or she may make decisions for you.

- 7 Before a guardian is named, you will have a hearing in court with a judge. Only a judge can give you a guardian. That guardian may be a parent or another adult. This hearing is considered due process.
- 8 If you are looking for a job and have the skills to do the job, you cannot be denied it just because of your disability. If you have a job, you have the right to be paid fairly like everyone else.
- 9 You have the right to have treatment and services that are best for you. You can change your mind about any or all of the services you receive.



The Texas Home Living Program principles

If you receive services in the Texas Home Living Program (TxHmL), you have all the rights listed in this handbook under the Persons With Mental Retardation Act. In addition, you can expect the rules listed below to be followed, including the rules to stay in this program. You must be informed of these rights by the program provider/ case manager.



Your Person-directed Plan and the IPC:

- 1 You, and your LAR if you have one, should participate in meetings in which your plans, and your services and supports, are discussed and decisions are made about those plans.



You and your team will develop a plan for you every year, or more often if needed.

- 2 You can receive TxHmL Program supports and training programs, within program rules, that will help you do things for yourself while making sure of your health and welfare in the community; that will supplement rather than replace your natural supports, such as family and friends, and other non-TxHmL Program resources; and that will prevent the need for admission to institutional services. Your service coordinator will explain these rules to you and your LAR if you have one.
- 3 You must be told about your plan, including what areas of your plan are going well and what areas may need to be better, or may need to be changed. You and your service coordinator should review your plan often to see if it is working for you or if changes are needed.
- 4 You must be told of any restrictions that may be placed on you. This should only be done for good reasons and with the approval of your service-planning team. You may ask your case manager for a review of any decision to restrict your rights if you do not agree with it.
- 5 If you have a behavioral support plan that is restrictive, your service-planning team must approve it and you, or your LAR if you have one, must agree in writing. You may change your mind, or your LAR if you have one may change his/her mind, and refuse to give approval at any time.

Permanent discharge from the TxHmL Program and rules to stay in the program

- 1 You may have to stop receiving services and supports from the TxHmL Program if
 - you are no longer eligible
 - you, or your LAR if you have one, refuse to cooperate or participate with your team in making your plan or in the delivery of your services; or
 - you, or your LAR if you have one, request permanent discharge.
- 2 If it is felt you, or your LAR if you have one, have refused to cooperate and participate in the planning or the delivery of your services, the service coordinator must meet with you, and your LAR if you have one, to talk about why you or your LAR are not cooperating and try to find a way to improve cooperation. Your service coordinator must explain in writing that not cooperating in service planning or service delivery may cause you to no longer receive TxHmL Program services.
- 3 A plan, called a discharge plan, must be written if you will no longer be receiving TxHmL Program services, and you can help write that plan. It should include non-TxHmL Program services and supports that you want and for which you are eligible.



Privacy and confidentiality

Your program provider must help make sure that:

- 1 you are allowed to meet and talk with people in private, use the telephone in private and to send and receive mail without anybody opening it.



- 2** you have privacy during services and care of personal needs.
- 3** your privacy is not violated by another person, including staff, unless you ask for their help.
- 4** your personal information, must not be shared without your knowledge and permission.

Service delivery

Your program provider must help make sure that:

- 1** you are helped to use public accommodations or services available to all citizens, and to attend religious activities you or your LAR choose. You should be given help that meets your needs in areas of your rights and self-advocacy such as registering to vote, getting citizenship information and training, getting advocacy information and services, and getting information about legal guardianship.
- 2** if you want to know, you will be told the name of staff who work with you and what they know, have learned, or have done in the past that helps them be able to do a good job for you. You should also be told that you may choose from available service providers and helped to do this.
- 3** you are free from unnecessary restraints during the provision of TxHmL Program services.
- 4** you are free from abuse, neglect, or exploitation by program provider staff.

- 5** you, or your LAR if you have one, are provided access to program records about your services, including, if applicable, financial records.

Your money

- 1** You, or your LAR if you have one, can manage your money, receive training to manage your money, or receive help in managing your money. You can ask staff if you need help or need questions answered. If you, or your LAR if you have one, want the provider to assist you in managing your money, or want them to manage your money for you, you should ask them in writing.
- 2** If you, or your LAR if you have one, want the TxHmL Program provider to help you manage your money or to manage your money for you, you should ask for this help in writing.
- 3** You or your LAR if you have one, must agree in writing to all amounts of your money that the provider uses before your money is used. Amounts billed or charged to you for room and board, if applicable, for services or for other items must be reasonable and about the same as would be charged or billed by other businesses in the community.
- 4** Your program provider must let you look at your financial records.
- 5** Your program provider must not charge you or your LAR for any services that the TxHmL Program pays for.





Requesting a new provider

- 1 You have the right to choose another TxHmL Program provider.
- 2 Your case manager will inform you, or your LAR if you have one, about your choices and will provide you with a list of providers who have been approved to serve the area(s) in which you want to live.
- 3 Your TxHmL Program provider must assist and cooperate with your request to move to another TxHmL Program provider, including any changes to your plan that are needed.

Fair hearings

- 1 You can have a special review of a decision about admitting you to the TxHmL Program, if you disagree with that decision, if that decision takes too long; or if your TxHmL Program services are reduced, or ended for any length of time. Your service coordinator can help you request a fair hearing or you can call Consumer Rights and Services at 1-800-458-9858.

How to make a complaint

- 1 You, and your LAR if you have one, must be told by provider staff how to make a complaint. Staff will help you make a complaint if you need their help. You can also report a complaint to your service coordinator or the local Rights Officer.
- 2 Your service coordinator will tell you how to contact the local Rights Officer and will give you the telephone

numbers you can call if you have a complaint about service coordination or the TxHmL Program services.

- 3 Your service coordinator will give you the toll free number of the department's Office of Consumer Rights and Services, 1-800-458-9858, in order to report a complaint that your service coordinator or provider does not settle.
- 4 Your service coordinator will also give you the toll free number to report abuse, neglect or exploitation, 1-800-647-7418, and will help you make the report if you want their help.



State Offices

If you want help with complaints or violations to your rights regarding the Texas Home Living program, you should call Austin, Texas:

**Consumer Rights and Services
Texas Department of Aging
and Disability Services (DADS) 1-800-458-9858**



**You can call DADS Consumer
Rights and Services at
1-800-458-9858**

If you think staff have abused you, neglected you, or taken advantage of you, you should call and report this to:

Texas Department of Family and Protective Services (TDFPS) 1-800-647-7418

If you want to complain about public school, you should call:

Texas Education Agency (TEA) 1-800-252-9668

Other places you can call if you have complaints or need help:

Advocacy, Inc. 1-800-252-9108

Parent Association for the Retarded of Texas, Inc. (PART) (512) 453-7145

If you are hearing impaired and need TDD to make a phone call, you can get help from:

**Relay Texas (voice) 1-800-735-2988
(TDD) 1-800-735-2989**

Your Service Coordinator is:



Your Service Coordinator's telephone number is:

Your local Rights Officer is:

Your Rights Officer's telephone number is:



Notes:

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Texas Department of Aging and Disability Services

DADS toll-free Consumer Rights and Services number:

1-800-458-9858

Attention Medicaid Recipients

Under the Medicaid Estate Recovery Program, the state may file a claim against the estate of a deceased Medicaid recipient, age 55 and older, who applied for certain long-term care services on or after March 1, 2005.

For more information call
1-800-458-9858

