

Your Rights

In a State Supported Living Center

Learn about the rights
and privileges you have
when you live in a state
supported living center.



TEXAS
Health and Human
Services

This book belongs to:

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About your rights

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This handbook explains your rights if you are living in a state supported living center (SSLC).

There are some basic ideas about your rights.

- ◆ Rights are what you can do and how you should be treated. People have rights based on constitutional and state law.
- ◆ People have the right to be free from abuse and neglect.
- ◆ Rights restrictions may be limited or restricted if certain rights may be at risk of harm to you or others. Restrictions will be applied with due process. Due process means the chance to have a hearing or review to see if there's a reason to limit your rights or services.
- ◆ People have responsibilities that go with their rights. Responsibilities are duties you must try to do if you are able. Staff can help you understand and exercise your rights.

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

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Important words and what they mean:

Advance directive – A document that tells your doctor what sort of treatment you want if you get very ill. You can write a living will or arrange for a durable power of attorney for health care decisions.

Advocate – A person, such as a family member or friend who helps you make decisions based on your expressed (or known) preferences and interests.

Appeal – To ask for a special meeting when you disagree about a decision.

Assistant Independent Ombudsman (AIO) – Someone who works for the Office of the Independent Ombudsman. The AIO advocates for your rights and tells the leadership about concerns at the state center.

Behavior Support Plan – A comprehensive, individualized plan that focuses on modifying your environment in order to teach or increase your adaptive skills and build on your strengths and preferences.

Consent (informed consent) – Agreeing to do something or giving others permission to do something involving you. You must understand what you are agreeing to, be at least 18 years old and not have a guardian.

Constitutional rights – Certain rights that the United States Supreme Court says the United States Constitution guarantees each person living in a state center.

Important words

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Determination of Intellectual and Developmental

Disability – An assessment completed by a qualified professional to determine if you have an intellectual or developmental disability.

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

Guardian or legally authorized representative – Somebody who makes decisions for you as described in court papers. These decisions may be about your money, your rights or your physical needs. Your guardian or LAR is your parent or parents if you are under 18 years old. If you are 18 or older, your guardian or LAR will be appointed by the courts and could be a parent or other adult family member. There are alternatives to guardianship, including support from advocates that help you keep your rights to make your own decisions without having a guardian.

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

Human Rights Officer (HRO) – The person whose job it is to help protect your rights.

Implementation plan – A plan your provider develops that describes your Health and Specialty Care System services that will be delivered to meet your needs in your person-directed plan. The implementation plan is part of your service plan.

Individual Plan of Care (IPC) – A list of the Health and Specialty Care System services and maximum amount of each service you can get during your “plan year” with

medical and other services and supports to be provided by resources other than the Health and Specialty Care System program. These services and supports don't replace existing natural supports such as your family, friends or groups to which you belong. This plan is based on your person-directed plan and other information and assessments. The IPC is part of your service plan.

Individual Support Plan (ISP) – A meeting with you, your guardian and your IDT to develop service plans that will help you meet your dreams and goals.

Interdisciplinary Team (IDT) – A group of people, including you and your guardian, who will make recommendations for your services based on your goals through the use of a person-centered planning process.

Legal Authorized Representative (LAR) – A person approved by law to make decisions for you. This may be a guardian, your parent or managing conservator if you are a minor.

Office of Independent Ombudsman (OIO) – The independent ombudsman is appointed by the governor to make sure you are safe and your rights are protected. The ombudsman has an assistant at each state center.

Person-centered planning – Describes goals and desired outcomes you and your legally authorized representative say are important to you. This plan describes the supports and services you need to reach your goals and outcomes, including existing services and natural supports you can get from other agencies or programs, or from your family, friends or groups you belong to. This is part of your service plan.

Important words

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Supported Decision-Making Agreement – This is an agreement between you and someone you choose to help you get information you need to make decisions and help explain your decisions to others. You can make your own choices and keep your rights.

Positive Behavior Support Plan (PBSP) – A written, specialized program that staff can use to help you gain skills to be more successful in achieving your interests, wants and needs.

Qualified Intellectual Disabilities Professional (QIDP) – The staff member who arranges services to meet your needs and help you achieve your dreams and goals.

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

Rights – What you can do and how you should be treated.

Services and supports can include:

- **Residential assistance services** – Supervised living, residential support services and host home companion care. These services provide help in a group home or foster or companion care home.
- **Day habilitation** – A group setting or community activities to learn new skills.
- **Dental treatment** – Services and care performed by a qualified dentist.

- **Employment services** – Helps you get the skills to find a job and keep it.
- **Supported home living and community first choice** – Services that help you live by yourself or with family or friends.
- **Respite care** – Extra help that gives your family or caretakers a break.
- **Adaptive aids and minor home modifications** – Devices or changes to your home that help you do things by yourself.
- **Specialized therapies** – Nursing, behavioral support, speech therapy, occupational therapy, physical therapy, audiology, nutrition and more.
- **Transition assistance services** – Things to help you set up your home when you move out of certain types of facilities and enroll in Health and Specialty Care System.

Your service QIDP will help you understand the rules for these services.

State Supported Living Center (SSLC) – This refers to where you live at one of the following 13 state supported living centers: Abilene, Austin, Brenham, Corpus Christi, Denton, El Paso, Lubbock, Lufkin, Mexia, Richmond, San Antonio, San Angelo, or the Rio Grande State Center.

Your rights

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Your rights

If you have intellectual or developmental disabilities and live in Texas, you have the same rights all citizens have, unless some of these rights have been taken away by a judge. You cannot be treated differently because of your disability. Some rights include, but are not limited to:

1. The right to register to vote and to vote, to practice a religion, to keep your own possessions, to sign a contract (such as for buying a house) and to get married.
2. The right to not let anyone hurt you, take advantage of you or ignore your needs.
3. The right to make your choice about how you get services and where to live. You may live with your family, your friends or alone.
4. The right to contest a transfer if you or your guardian do not agree
5. The right to go to public school until age 22.
6. The right to receive medical and dental care and have your diagnosis reviewed, or get a second opinion if you do not agree with your doctor.
7. The right to ask for services from other agencies and organizations.
8. The right to understand what you are agreeing to when you give consent. If you have a guardian or LAR, they can make decisions for you.

9. The right to a hearing with a judge (due process) before getting a guardian. The guardian may be a parent or another adult.
10. The right to work and be paid fairly. If you are looking for a job and have the skills to do the job, you cannot be denied the job because of your disability.
11. The right to manage your money.
12. 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.
13. You have the right to be free from unnecessary drugs and restraints. An Individual Support Plan will help you learn new skills and decrease the need for drugs or physical restraint.
14. You have the right to due process.
15. You have the right to have services and supports that will help you do things for yourself like taking care of your own personal needs. A plan for your treatment will be developed by you, your guardian or LAR, and your team. You have the right to go to meetings about you and tell your team what you want to learn and be involved in. This includes your annual planning meeting. You can also invite a friend or advocate to your meeting.
16. You can send and receive your mail without anyone opening it. If you need help sending, opening or reading your mail, you can ask someone to help you.

Your guardian's rights and responsibilities

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17. You have the right to make decisions about your daily life, including things such as the clothes you wear.
18. You have the right to privacy during services and care of personal needs.
19. You have the right to make and receive telephone calls in private. You can ask staff to help you.

Your guardian's rights and responsibilities

If you have a guardian, there are certain decisions he or she can make for you. Your guardian might make decisions about:

- Your money.
- Where you live.
- What services you will receive.
- Medical treatment.

Your guardianship should be designed to encourage your self-reliance and independence as much as possible. If you have a guardian, you have rights outlined in the Texas Bill of Rights for Wards. If you feel this is not the case, you should talk to your guardian. You have the right to ask for an investigation of your guardianship or seek restoration.

Your guardian helps to protect your rights.

Your guardian should participate in the planning meetings with you and your team. He or she has the right to look at your records and to talk with staff about you. He or she can file complaints for you.

Learn more about your rights

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Your guardian has to tell the court every year about how you are doing. For the guardian of the estate, this is called an annual accounting. For the guardian of the person, it is known as an annual report.

The law requires all guardians to complete an annual accounting or report to the court no matter how long they have been a guardian. When your guardian files the annual accounting or report, he or she is given letters from the court to show the guardianship is current.

Your guardian needs to share this letter with your staff. Your guardian helps protect your rights. If you do not have a guardian or LAR, the state center director has designated a human rights protection officer to help protect your rights.

Learn more about your rights:

If you receive services in the Health and Specialty Care System program, your program provider must protect your rights in the program. You can expect your provider to follow the rights listed below. Your service IDT must tell you about these rights.

Your person-centered plan and the individual plan of care:

1. You and your legally authorized representative (LAR) (if you have one) talk about your plans, services and supports with your IDT. You should take part in all decisions about your care. You, your provider and your IDT will develop a service plan for you every year and change that plan when needed.

Learn more about your rights

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2. Health and Specialty Care System support and training programs are provided to you within program rules. These services and supports help you do things for yourself while ensuring your health and welfare in the community. They will add to your natural supports, such as family and friends and other non-Health and Specialty Care System resources. They might also prevent the need for admission to institutional services.

Your QIDP must tell you in writing about all the Health and Specialty Care System services available, the requirements to sign up and participate in the program, and of any changes in these. Your QIDP will explain this information to you and your LAR.

3. Your QIDP must tell you about what parts of your plan are going well and what parts need to be better or changed. You, your LAR and your IDT should review your service plan as often as needed to see if it is working for you or if it needs to change.
4. Your rights might be restricted by the program provider or staff only to address your needs. You must be told of any restrictions that are part of your implementation plan. There should be good reasons for any restrictions. You can ask your provider for a review of any decision to restrict your rights if you don't agree with it. You can change your mind and withdraw approval at any time or your LAR (if you have one) can withdraw approval at any time.

Privacy and confidentiality

Your program provider must help ensure that:

1. You are allowed to meet and talk with people in private, use the phone in private and to send and receive mail without anybody opening it.
2. You have privacy during services and care of personal needs. If staff help you with your personal needs, they should close the door so other people can't see you. Everyone should knock and wait for you to answer before entering your room.
3. If you are married and live in a home with others who receive Health and Specialty Care System services, you and your spouse can share a room. If you and your spouse live in different homes, you can have privacy when your spouse visits.
4. Your privacy isn't violated by another person, including staff, unless you ask for their help.
5. Your personal information isn't shared without your knowledge and permission.

Service delivery

Your program provider must help ensure that:

1. You have help using 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

Learn more about your rights

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such as getting citizenship information, getting advocacy information and services and getting information about legal guardianship.

2. If you want to know, you will be told by the provider 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 you can choose from available service providers and helped to do this.
3. You are free from unnecessary restraints during the provision of Health and Specialty Care System services.
4. You are free from abuse, neglect, and 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.
6. If you live with others, you can help make decisions about your home, including location or moves, furnishings and who you live with. You should not have to do things staff are paid to do in the home.

Your money

1. You or your LAR can manage your money. You can ask for training or get help to manage your money. Ask staff if you need help or have questions.
2. If you or your LAR want the Health and Specialty Care System provider to help you or to manage your money for you, ask the provider for this help in writing. Ask your provider for instructions.

Your responsibilities

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, including for room and board, if applicable. 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 Health and Specialty Care System services.

Your responsibilities

Along with rights come certain responsibilities. Responsibilities are duties you need to try to do if you can. You may not be able to do all these things by yourself, and you can ask for help.

1. You should not hurt others.
2. You should follow the rules of your program.
3. You should tell staff what you need.
4. You should speak up at your service planning meetings and tell your team about your preferences.
5. You should try your best to follow the service plan developed by you, your guardian or LAR and those who work with you. If you don't like your service plan, you can ask that the plan be changed.

Special meetings

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Special meetings

Guardianship hearing

If you have a guardian, the guardian had to go to court to tell the judge why he or she wanted to be your guardian to help you make decisions. This process in the court is known as due process. If your guardian is given permission by the court to make certain decisions, then your staff will need your guardian's permission before restricting any of your rights in those areas. You have the right to know about your guardian's decisions.

Human Rights Committee

Sometimes, your team may recommend limiting one or more of your rights. If they do, then a group of people will have a meeting to decide if they agree. This group is called the Human Rights Committee (HRC). You can tell the HRC how you feel about the restriction of your rights. The review is to make sure that your team does not restrict your rights without giving you a chance to talk about it and determine if less restrictive options have been tried first. This review is due process. If you have a guardian, the HRC will need your guardian's permission before restricting any of your rights. You and your guardian (if applicable) should be invited to take part in this meeting.

Administrative hearing

If you, your guardian or LAR do not agree with the findings of a determination of IDD, you can request an administrative hearing. You must submit a request to the center director. This request must be made within 60 days of the determination of IDD.

Fair hearings

You can ask for a special review of a decision about your eligibility for the Health and Specialty Care System program if you disagree with that decision, or if your Health and Specialty Care System program services are reduced or ended. Your QIDP can help you ask for a fair hearing.

Your Human Rights Officer

You can talk to your local human rights officer where you receive services. The telephone number is listed at the end of this handbook and on posters around the state center.

For more help

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For more help

The Office of the Independent Ombudsman was created to make sure that you are safe and are treated fairly. There is an assistant independent ombudsman (AIO) at the center where you live. This person is there to look into your complaints and talk about any concerns you, your guardian or LAR may have. The AIO does not work for the state center and will keep your talks private. The telephone number is listed at the end of this handbook and on posters at the state center.

Office of the Independent Ombudsman

877-323-6466

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

Disability Rights Texas

800-252-9108

The ARC of Texas

800-252-9729

Texas Advocates

512-522-6591

Make a complaint

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If you want to make a complaint:

Your Health and Specialty Care System provider staff must tell you and your LAR how to make a complaint about your Health and Specialty Care System services. Staff will help you make a complaint if you need help.

State offices

- ◆ If you want help with complaints or violations of your rights regarding the Health and Specialty Care System program, you should call:

**Texas Health and Human Services Commission
Complaint and Incident Intake**

800-458-9858

or email ciicomplaints@hhsc.state.tx.us

- ◆ If you think staff have abused you, neglected you or taken advantage of you, call:

Texas Abuse Hotline

800-647-7418

- ◆ If you want to complain about public school, call:

Texas Education Agency

800-252-9668

- ◆ If you are hearing impaired and need a telecommunications device for the deaf to make a phone call, you can get help from:

Relay Texas

Voice: 800-735-2988

TDD: 800-735-2989

Contacts

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How to reach your Human Rights Officer

Your Human Rights Officer is:

Your Human Rights Officer's telephone number is:

Your Assistant Independent Ombudsman is:

Your Assistant Independent Ombudsman's telephone number is:

How to reach your HSCS provider

Your Health and Specialty Care System provider agency is:

Your Health and Specialty Care System provider contact is:

Your Health and Specialty Care System provider contact's telephone number is:

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 or older who applied for certain long-term care services on or after March 1, 2005.

For more information, call

877-787-8999.

