

YOUR RIGHTS...

..... In Local
Authority
Services



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This book belongs to:

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A note about your rights

This handbook tells you about the rights and privileges you have if you are receiving services offered by a local authority.

There are some basic ideas about your rights

- 1 People have rights.** Rights are what you can do and how you are treated, based on federal and state constitutions, laws and rules.
- 2 Rights are not limited without due process.** Due process is an opportunity to have a hearing or review to decide if there is a good reason to limit your rights or services.
- 3 People are free from abuse and neglect.**
- 4 People have responsibilities.** Responsibilities are your duties that you must 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, such as a family member or friend, who helps you make decisions and looks out for your best interests.

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

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.

Determination of eligibility for services – Testing done by a doctor or psychologist to find out if you have an intellectual disability or related condition.

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

Guardian – Somebody appointed by the courts (often your parent or other adult family member) or your parent if you are under age 18. Your guardian or legally authorized representative (LAR) makes certain decisions for you, 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.

Person-directed plan (PDP) – A document that describes the goals and desired outcomes you and/or your legally authorized representative say are important to you. The PDP also describes the services and supports needed for you to reach your goals and outcomes. This 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 can do and how you should be treated.

Rights protection officer (RPO) – The local authority staff member whose job it is to help protect your rights.

Service Coordinator – The local authority staff member who assists you with planning your services to meet your needs and help you achieve your goals. The service coordinator refers you to available services and service providers, and monitors your services and outcomes.

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 and outcomes. You, your LAR if you have one, and your service coordinator are required members of the team. In addition, you can include other people you want to be a member of your service planning team.

Service coordination in the HCS and TxHmL programs

If you are enrolled in the HCS or TxHmL waiver program, you receive service coordination from the local authority and you have all the rights listed in this handbook for your service coordination services. You must look at the HCS or TxHmL Consumer Rights handbook to know your rights in those programs for your other services.

Your rights

If you have an intellectual disability and live in Texas, you have the following rights under state law:

- 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 register to vote and 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** Before you receive services, a doctor or a psychologist must determine that you have an intellectual disability or related condition and explain to you what that

means. If you do not agree with the determination, 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.

- 5** You have the right to go to public school until age 22.
- 6** 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.
- 7** For issues needing consent, you should be able to understand what you agree to. If you have a guardian, he or she may make decisions for you.
- 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.

Your rights in local authority services:

- 1** You have the right to your own plan for services. You have the right to help decide what your service plan will be and to talk with staff about how well your service plan is working. If you do not agree with your service plan or if your services are changed or stopped, you can ask for a meeting to discuss your concern. If you have a guardian, this may be one of the decisions he or she helps you make. Staff should

- 8** You can know how much you will have to pay for services. You will not be charged if you do not have any money.
- 9** You have the right to know the name, title, and qualifications of any staff working with you.
- 10** If you or your guardian choose to change or stop receiving certain services, this will not stop you from getting other services.
- 11** You have the right to be free from the use of physical restraints, except when ordered by a physician or used to protect yourself or others. You cannot be restrained as punishment or to make it easier for staff.

Your responsibilities

Along with rights come certain responsibilities. Responsibilities are your duties that you need to try to do, if you are able. 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 them 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 do not like your service plan, you can ask that the plan be changed.

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, and
- medical treatment.

Your guardianship should be designed to encourage your self-reliance and independence as much as possible. If you feel this is not the case, you should talk to your guardian.

Your guardian helps to protect your rights

Your guardian may participate in service planning meetings with you. 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.

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, they are 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.

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 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.

Administrative Hearing

If you or your guardian (or LAR if you have one) do not agree with the findings of your determination of eligibility for services, you can request an administrative hearing. You must submit a request to the local authority. This request must be made within 30 days after your determination.

How to make a complaint

If you have a complaint about your services or how you have been treated, you should call one of the following people or groups and tell them. Ask staff to help you do this if you need help.

Your Rights Protection Officer

You can talk to your local rights protection officer if you get services from the local authority. Their telephone numbers and addresses are posted at all local authority service locations.

State offices

If you want help with complaints or violations to your rights regarding local authority services, you should call

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

You may also e-mail to report complaints or violations to your rights here:

crscomplaints@dads.state.tx.us



If you think staff have abused you, neglected you, or taken advantage of you, you should call

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

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

Texas Education Agency (TEA)
Parent Information Line 1-800-252-9668



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

How to reach your Rights Protection Officer

Telephone numbers and addresses of local rights protection officers are posted at all local authority locations.

Your Rights Protection Officer is:

Your Rights Protection Officer's telephone number is:

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**



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