



Your Rights

*In a Texas Home Living
(TxHmL) Program*

Learn about the rights
and privileges you have
when you receive services
through the TxHmL program.



TEXAS
Health and Human
Services

This book belongs to:

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A Note About Your Rights

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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 through the Texas Home Living (TxHmL) program.

Here are some basic ideas about your rights:

- ◆ **People have rights.** Rights are what you can do and how you are treated, based on federal and state constitutions, laws and rules.
- ◆ **Rights are not limited without due process.** Due process is a chance to have a hearing or review to decide if there is a good reason to limit your rights or services.
- ◆ **People are free from abuse and neglect.**
- ◆ **People have responsibilities.** Responsibilities are your duties that you must try to do, if you can.

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 with the Americans with Disabilities Act of 1990.

Important Words and What They Mean

Important Words and What They Mean

Advocate – A person, such as a family member or friend, who helps you make decisions and who looks out for your best interests.

Consent (informed consent) – When you agree to do something or give someone else permission to do something. You must understand what you are agreeing to, be 18 or older 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 – Your parent, if you are 17 or younger, or somebody appointed by the courts (often your parent or other adult family member).

Implementation plan – A plan describing the TxHmL services that will be delivered to meet your needs in your person-directed plan. It is also part of your service plan.

Individual Plan of Care – A list of the TxHmL services and maximum amount of each service you get during your “plan year.” Medical and other services and supports will be provided by resources outside of the TxHmL program. These services and supports don’t replace existing natural supports such as your family, friends or groups you belong to. This plan is called the IPC and is based upon your person-directed plan and other information and assessments. It is also part of your service plan.

Important Words and What They Mean

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Person-Directed Plan – Describes goals and desired outcomes you and your guardian, if you have one, say are important to you. This plan describes the supports and services you need to reach your goals and outcomes. It also includes existing services and natural supports you might receive from other agencies or programs, or from your family, friends or groups you belong to. The person-directed plan is called the PDP and is part of your service plan.

Planning meeting – A meeting with your service planning team to work on a service plan to help you reach your goals. This is sometimes called a “staffing.”

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

Rights – The things you can do and how you should be treated.

Service coordinator – The staff member who works at the local intellectual and developmental disability authority and who helps you choose the services you need. The service coordinator also helps you get other services you might qualify for that you can’t get through the TxHmL program.

Service plan – The plan for services and supports, which is made up of three documents: the person-directed plan, individual plan of care and implementation plan.

Service planning team – People who help you decide which services and supports will help you reach your goals and desired outcomes. You, your guardian, if you have one, and your service coordinator must be on this team. You can include other people you want on your service-planning team, such as your TxHmL provider.

TxHmL Services and Supports

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

- ◆ **Day habilitation** – Activities that help you learn new skills and might happen in the community or a group setting.
- ◆ **Dental treatment** – Services and care provided by a qualified dentist.
- ◆ **Employment services** – Help you get a job and learn the skills you need to keep the job.
- ◆ **Community First Choice and community support services** – Help you live on your own or with family or friends.
- ◆ **Respite care** – Gives your family or caretakers a break from caretaking.
- ◆ **Adaptive aids and minor home modifications** – Supplies, devices or changes to your home that help you do things by yourself.
- ◆ **Professional and technical support services** – Specialized therapies, nursing, behavioral support, speech therapy, occupational therapy, physical therapy, audiology and dietary services.

Your Rights Under Texas Law

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Your Rights Under Texas Law

If you have an intellectual or developmental disability and live in Texas, you have the same rights as all other citizens have, unless some of these rights have been taken away by a judge. You can't be treated differently because of your disability.

You have these rights under state law:

- 1.** You have the right to register to vote and to vote, practice a religion of your choice, keep your own possessions, contract for something, such as buying a house, and get married.
- 2.** You have the right to not let anyone 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, 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.** You have the right to get a determination of eligibility for services from the local intellectual and developmental disability authority. The local intellectual and developmental disability authority will explain the results of your determination of eligibility and what they mean. You can ask for a meeting to review your results. If you don't agree with the determination, you can ask for an administrative hearing to review it. You can also get a second opinion from another agency or organization that you would pay for with your own money.

6. For issues needing consent, you have the right to have the issues explained to you in a way you can best understand. If you have a guardian, he or she may make decisions for you.
7. You have the right to a hearing with a judge before getting a guardian. The guardian may be your parent or another adult. Only a judge can give you a court-appointed guardian who can make decisions for you. This hearing is considered due process.
8. You have the right to work and be paid fairly. If you are looking for a job and have the skills needed, you can't be denied the job because of your disability.
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 get.

TxHmL Rules

TxHmL services and supports help you do things for yourself while keeping you healthy and safe in the community. They work with your natural supports, such as family, friends and outside resources. They also help you live where you want to live.

If you get services through TxHmL, these rules apply to you.

Your Person-Directed Plan and the Individual Plan of Care:

1. You and your guardian, if you have one, should go to meetings and talk about your plans, services and supports. You should take part in all decisions about your service plan. You, your TxHmL provider and your service

coordinator will work on a service plan for you every year and change that plan when needed.

- 2.** TxHmL program supports and training programs are provided to you within program rules. These services and supports help you do things for yourself while keeping you safe and healthy in the community. They will add to your natural supports but will not replace them. Natural support might be family and friends and other resources not provided by the TxHmL program. They might also prevent the need for institutional services. Your service coordinator must tell you about all the TxHmL services available, the requirements to sign up and participate in the program and of any changes in these.
- 3.** Your service coordinator must tell you about your service plan, including what parts of your plan are going well and what areas might need to be better or might need to be changed. You, your guardian, if you have one, and your service coordinator should review your service plan as often as needed to see if it needs to be changed.
- 4.** Your rights might be restricted only to address your needs. You must be told of any restrictions that are part of your service plan. There should be good reasons for any restrictions. You can ask your TxHmL 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 guardian if you have one can withdraw approval at any time.

Privacy and Confidentiality

Your TxHmL provider must ensure that:

- 1.** You can 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.
- 3.** No one can violate your privacy. This includes staff unless you ask for their help.
- 4.** No one can share your personal information without your knowledge and permission unless the law says it can be.

Service Delivery

Your TxHmL provider must make sure that:

- 1.** You have help using public accommodations or services available to all citizens and to attend religious activities you or your guardian choose. You should get help that meets your needs in areas of your rights and self-advocacy, such as registering to vote and getting information on citizenship and training, advocacy services and legal guardianship.
- 2.** If you ask, your TxHmL provider must tell you 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 TxHmL services.
4. TxHmL provider staff do not abuse, neglect or exploit you.
5. You or your guardian, if you have one, are given access to program records about your services, including, if applicable, financial records.

Your Money

1. You or your guardian, if you have one, can manage your money. You can ask for training or get help managing your money. You can ask staff if you need help or have questions.
2. Ask your TxHmL providing in writing if you or your guardian, if you have one, want the TxHmL provider to help you manage your money or to manage your money for you.
3. Your TxHmL provider must let you or your guardian look at your financial records.
4. Your TxHmL provider must not charge you or your guardian for any TxHmL services.

Requesting a Different TxHmL Provider

You have the right to choose another TxHmL provider at any time. Your service coordinator will inform you or your guardian, if you have one, about your choices and will provide you with a list of TxHmL providers approved to serve the area(s) in which you want to live. Your TxHmL provider must help with your

Termination From the TxHmL Program

request to move to another TxHmL provider, including any changes to your plan that are needed.

Termination From the TxHmL Program and Rules to Stay in the Program

You might have to stop receiving services and supports from the TxHmL Program if:

- ◆ You are no longer eligible.
- ◆ You or your guardian, if you have one, refuse to cooperate or participate with your team in making your plan or in the delivery of your services.
- ◆ You or your guardian, if you have one, ask to leave the program.

If you or your guardian, if you have one, refuse to cooperate and participate in the planning or the delivery of your services, your service coordinator must meet with you and your guardian to discuss why you are not cooperating and try to find a way to improve cooperation. Your service coordinator must tell you in writing that not cooperating in service planning or service delivery may cause you to lose TxHmL Program services.

A discharge plan must be written if you will no longer get TxHmL Program services and you can help write that plan. It should include non-TxHmL Program services and supports you want and are eligible for.

How to Make a Complaint

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Fair Hearings

You can ask for a special review of a decision about your eligibility for the TxHmL Program if you disagree with that decision, or if your TxHmL Program services are reduced or ended. Your service coordinator can help you request a fair hearing.

How to Make a Complaint

Your TxHmL provider and service coordinator must tell you and your guardian, if you have one, how to make a complaint about your TxHmL services. Staff will help you make a complaint if you need help.

You can also report a complaint to the HHS Intellectual and Developmental Disabilities Ombudsman at **800-252-8154**.

You can report a complaint to your service coordinator.

TxHmL provider staff or your service coordinator will give you the toll-free number to report abuse, neglect or exploitation and will help you make the report to the Texas Abuse Hotline at **800-647-7418**.

State Offices

- ◆ To get help with complaints or violations of your rights in the Texas Home Living program, call
Texas Health and Human Services Intellectual and Developmental Disabilities Ombudsman
800-252-8154

You can also report complaints or violations of your rights by emailing **OmbudsmanIDD@hhs.texas.gov**.

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

Texas Abuse Hotline

800-647-7418

- ◆ If you need to make a complaint about a public school, call

Texas Education Agency

800-252-9668

- ◆ If you are hearing impaired and need TDD 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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Contacts

How to Reach Your Service Coordinator

Your service coordinator is:

Your service coordinator's phone number is:

How to Reach Your Local Intellectual and Developmental Disability Authority Rights Officer

Your local intellectual and developmental disability authority rights officer is:

Your local intellectual and developmental disability authority rights officer's phone number is:

How to Reach Your TxHmL Provider

Your TxHmL provider agency is:

Your TxHmL provider contact is:

Your TxHmL provider contact's phone number is:

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Notes

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
877-787-8999.

For additional copies of this publication,
contact the Intellectual and Developmental
Disabilities Ombudsman at
OmbudsmanIDD@hhs.texas.gov



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