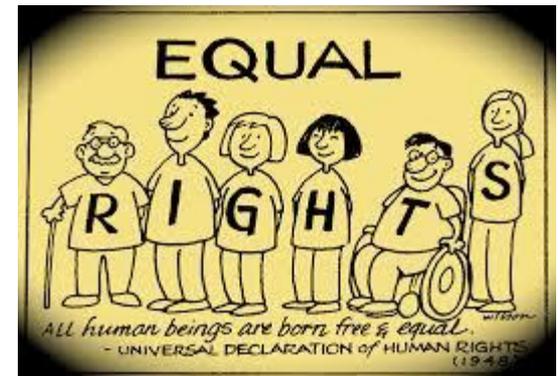


# Rights

The HCS/TxHmL  
Provider must  
protect and promote  
an Individual's Rights



# Let's Think about It!

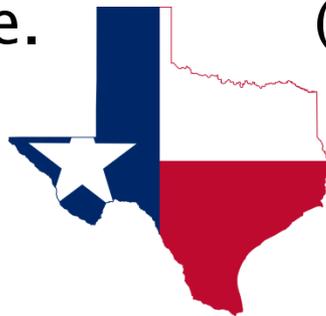


- ▶ The purpose of this section is to get you thinking about the “Rights” of individuals.
- ▶ Are they different for individuals with Intellectual Disabilities?
- ▶ This session will not provide an exhaustive list of an Individual’s Rights, but it will lay out a very broad overview of what it means to have Rights; and what some of those specific Rights are.



# What are Rights?

- ▶ According to the HCS and TxHmL Handbooks:
  - Rights are what you can do and how you are treated, based on federal and state constitutions, laws and rules.
  - People with an intellectual disability who live in Texas have the same rights that all citizens have, unless some of these rights have been taken away by a judge. (i.e., guardianship)



# These Rights Include:

- The right to vote
- The right to practice religion
- The right to keep your own possessions
- The right to contract for something (such as buying a house)
- The right to get married
- The right to fair and equal employment



# A Few of the Rights of Individuals in the HCS and TxHmL Waivers:

- ▶ The right to live and receive services where the individual can make as many of his/her own decisions as possible.



- ▶ The right to have treatment and services that are best for the individual.

# A Few of the Rights of Individuals in the HCS and TxHmL Waivers cont.:

## ▶ The Right:

- to live free from abuse, neglect or exploitation in a healthful, comfortable, and safe environment
- to have services providers who are responsive to the individual and, at the same time, are responsible for the overall functioning of the program
- to have privacy during treatment and care of personal needs



- to participate in social, recreational, and community group activities



# Are *Rights* ever taken away?

- ▶ Yes, it's referred to as "guardianship"
- ▶ Guardianship is a legal process designed to protect vulnerable persons from abuse, neglect (including self-neglect) and exploitation.
- ▶ Guardianship provides for the person's care and management of his or her money while preserving, to the largest extent possible, that person's independence and right to make decisions affecting his or her life.
- ▶ There are two types of Guardianship: guardianship of the person and guardianship of estate. Often both are appointed and for the purpose of training, it will be assumed that the term "guardianship" is all encompassing.

# What if the Individual that I am working with has been appointed a guardian?

- ▶ If the Individual you are working with has been appointed a legal guardian, the guardian must be involved in services and provide authorization and/or signatures when applicable.
- ▶ Having a guardian does NOT affect the quality of service a client is entitled to receive.

# Question.....



- ▶ Fred's staff comes for their regularly scheduled time. Fred is non-verbal and non-ambulatory but is able to use sign language to communicate. Fred asks his staff to take him to the polls to vote.
- ▶ Does Fred have the right to vote?

Yes or No

# Answer...

- ▶ ABSOLUTELY. If Fred has not been appointed a guardian, he retains all the same rights that any other individual has. This includes the right to vote.

# Question...



- ▶ Fred has been terribly ill for a period of time. Fred has been appointed a guardian; however, his guardian has not been able to take him to the doctor. Fred's guardian asks staff to take him. Staff takes Fred to the doctor and finds out that Fred is very allergic to his cat. The doctor feels that the only option is to get rid of the cat. Fred does not want to do that. When staff recaps Fred's visit with his guardian, she immediately says Fred is going to get rid of that darn cat.
- ▶ Can she make this decision?

Yes or No

# Answer..

- ▶ YES
- ▶ If this person has been granted guardianship, by a judge, she is allowed to make the decision regarding Fred's medical situations and regarding his possessions.
- ▶ Staff is able to “advocate” for Fred and offer other possible solutions but Fred's guardian is legally allowed to make the final decision.

# Question...



- ▶ Fred's staff is taking him for a follow-up visit to the very same doctor that recommended Fred get rid of his cat. Fred is still angry at this doctor and says he is not going back. Fred's guardian tells staff that it is not his choice and that he will go!
- ▶ Does Fred get to decide that he is NOT going back to this doctor?

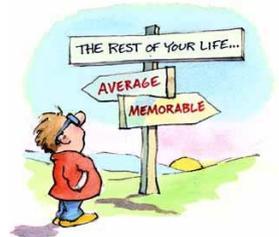
Yes or No

# Answer...

- ▶ Technically, NO
- ▶ Because Fred has been appointed a guardian, he is no longer able to make medical decisions such as this.
- ▶ Staff cannot however, make Fred get into the car and go to the doctor.
- ▶ Staff need to reach out to the CM at this point. The CM will follow-up with Fred and his Guardian. The CM may also get the Nurse and Administrator involved.

# Rights Ensure that People have Choices:

- ▶ GRSI is one of many private providers, authorized by the State to serve Individuals in the HCS and TxHmL Programs.
- ▶ Individual's select us by choice! 
- ▶ In the Waivers, Individuals have the right:
  - To be informed of the name and qualifications of any person serving or treating them and to choose among various available service providers
  - To be informed of their option to transfer to other HCS or TxHmL providers as often as desired



# In Conclusion:

- ▶ People with disabilities have Rights.
- ▶ Treat people with dignity and respect.
- ▶ Be kind.
- ▶ Value that Quality of Life is something we all define for ourselves and strive for. Having a disability DOES NOT exclude you from this.

