



Your Rights

*in Local Intellectual and
Developmental Disability
Authority Services*

Learn about the rights
and privileges you have
when you receive services
through the LIDDA 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 from a local intellectual developmental disability authority (LIDDA).

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

Advocate – A person, such as a family member or friend, who helps you make decisions and 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.

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 – Your parent, if you are 17 or younger, or somebody appointed by the courts (often your parent or other adult family member).

Habilitation coordinator – If you live in a nursing facility, a habilitation coordinator is a local authority staff member who assists you with planning and monitoring your specialized services.

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.

Important Words and What They Mean

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

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

Service coordinator – The local authority staff member who helps you plan 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. If you live in a nursing facility, a service coordinator can help you move back into the community.

Service plan – A document that describes the goals and desired outcomes you and/or your guardian say are important to you. The service plan also describes the services and supports needed for you to reach your goals and outcomes.

Service planning team – People who help you decide which services and supports will help you meet your goals and outcomes. You, your guardian, if you have one, and your service coordinator or habilitation coordinator must be on the team. You can include other people you want on your service planning team.

Specialized services – If you live in a nursing facility, specialized services are supports to help you learn skills to make you more independent.

Service Coordination in the Home and Community-based Services and Texas Home Living Programs

If you are enrolled in the Home and Community-based Services (HCS) or Texas Home Living (TxHmL) program, you get 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 Rights booklet to know your rights in those programs for your other services.

Your Rights

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 the follow rights under state law:

- 1.** You have the right to register to vote and to vote, to practice a religion of your choice, to keep your own possessions, to sign a contract for something, such as buying a house, and to 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 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 get a determination of eligibility for services from the local authority. The local 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 do not agree with the determination, you can ask for an administrative hearing to review the determination. You can also get a second opinion from another agency or organization that you would pay for with your own money.
5. You have the right to go to public school until age 22.
6. 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.
7. When you need to make a decision about something, 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 consent for you.
8. You have the right to work and be paid fairly. If you are looking for a job and have the skills to do the job, 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.

Your Rights in Local Intellectual and Developmental Disability Authority Services

1. You have the right to your own service plan. 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 change or stop, 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 review your service plan with you at least once a year. You can be told in writing how you are doing.
2. You don't have to take more medicine than you need. Staff must tell you about any medicine a doctor has ordered for you. Medicine can't be used to punish you.
3. Records about you are private. You and your guardian have the right to see your records unless your doctor says in writing that it would not be good for you. Other people cannot see your records unless you or your guardian agree in writing, or unless the law says it is all right.
4. You have the right to tell someone if you do not like your services or if you think someone is taking away your rights. You can tell your Rights Protection Officer. You can also call Texas Health and Human Services Intellectual and Developmental Disabilities Ombudsman at **800-252-8154**.

If you need help contacting these people, you can ask someone to help you.

5. Staff will explain your rights to you, so you can understand them. Your parents, your guardian, or your advocate can also be told about your rights, if you don't understand them. You can ask questions about your rights at any time.
6. You can decide to stop getting services at any time, unless a judge says it is not safe for you to stop getting services.
7. You should always be treated with respect. No one has the right to hurt you, say mean things to you, be too personal with you by touching you in the wrong way or make you feel bad by what they say or do to you. Tell staff, your parent, guardian or advocate if this happens. You can also report this to the Texas Abuse Hotline at **800-647-7418**.
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 can. You may not be able to do all these things by yourself and you can ask for help.

Your responsibilities are:

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 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 if you have one, and those who work with you. If you don't like your service plan, you can ask for it to be changed.

Your Guardian's Rights and Responsibilities

If you have a court-appointed 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
- ◆ What medical treatment you get

Your guardian should encourage you to be as self-reliant and independent as possible. If you have a guardian, you have rights outlined in the Texas Bill of Rights for Wards. If you can make a choice about something, your guardian should let you.

Your Guardian Helps to Protect Your Rights.

Your guardian should participate in the service planning team 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, he or she is given letters from the court to show the guardianship is current. Your guardian needs to share this letter with your service coordinator or habilitation coordinator.

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 the court gives your guardian permission to make certain decisions, then the local authority will need your guardian's permission before restricting any of your rights. You have the right to know about your guardian's decisions.

Administrative Hearing

The local authority will compete an assessment to see if you have an intellectual disability. This assessment is called a determination of intellectual disability. If you or your guardian (if you have one) do not agree with the results of the assessment, you can ask for an administrative hearing. You must ask the local authority for a hearing within 30 days after they give you the report.

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

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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

- ◆ To get help with complaints or violations of your rights regarding local authority services, 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

How to Reach Your Rights Protection Officer

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

Your Rights Protection Officer is:

Kayla Lusk margaretl@dentonmhmr.org

Your Rights Protection Officer's telephone number is:

940-381-1770 3835 Morse St, Denton TX 76208

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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