

YOUR RIGHTS...

..... In a
**Texas Home
Living (TxHmL)
Program**



Published by
Texas Department
of Aging and
Disability Services

This book belongs to:

Table of contents

A note about your rights.	2
Important words and what they mean.	3
Your rights under Texas law.	6
The Texas Home Living Program principles	8
Your Person-Directed Plan and the IPC	8
Privacy and confidentiality.	9
Service delivery.	9
Your money.	10
Requesting a different provider.	11
Termination from the TxHmL program.	11
Fair hearings	12
How to make a complaint.	13
State offices	14
How to reach your service coordinator	15
How to reach your TxHmL provider.	16

A special note about your rights

This handbook tells you about your rights and privileges if you are receiving Texas Home Living Program services.

There are some basic things that guide 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 with the exercise of rights.** 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 who looks out for your best interest.

Consent (informed consent) – When you agree to do something or give permission to do something. You must understand what you are agreeing to, be at least 18 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 or legally authorized representative (LAR) – Somebody (often your parent or other adult family member) appointed by the courts if you are 18 or older, or your parent or parents if you are under age 18. Your guardian or 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.

Individual Plan of Care (IPC) – Lists the TxHmL Program services and maximum amount of each service that you are to receive during your “plan year,” with medical and other services and supports to be provided by resources other than the TxHmL Program. These services and supports are not meant to replace existing natural supports such as your family, friends or groups to which you may belong. This plan is also known as the IPC, and is based upon your Person-directed Plan and other information and assessments.

Person-directed Plan (PDP) – Describes goals and desired outcomes you and/or your LAR say are important to you. The PDP also describes the services and supports you need to reach your goals and outcomes, including existing services and natural supports that you may receive from other agencies or programs, or from your family, friends or groups to which you may belong. The PDP is part of 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.

Service Coordinator – The person who works at the local authority who helps you and your provider plan your TxHmL services to address your needs and preferences. This person will also help connect you to non-TxHmL services for which you are eligible.

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 or dreams. You, your LAR (if you have one) and your service coordinator are required members of the team. You can also include other people you want to be a member of your service planning team, such as your TxHmL provider.

Services and supports – Services and supports can include:

- **Community Support Services** such as
 - assisting you to participate in community activities,
 - assisting you to live independently or with family or friends,

- learning new skills in a day habilitation setting,
- getting a job and learning the skills you need to keep the job, and
- providing you and your family with respite.
- **Professional and Technical Supports Services** such as
 - nursing,
 - psychological and behavioral support,
 - adaptive aids and minor home modifications to help you do things more easily and/or independently,
 - specialized therapies such as speech therapy, occupational therapy and physical therapy, and
 - dental services.

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

Your rights under Texas law

(Texas Health and Safety Code, Title 7, Subtitle D)

If you have intellectual or developmental disabilities and live in Texas, you have the following rights:

- 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** You have the right to go to public school until age 22.
- 5** Before you receive services, a doctor or a psychologist must determine that you have an intellectual disability and explain to you what that means. If you do not agree with them, 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.
- 6** For issues that require consent, you should be able to understand what you are agreeing to. If you have a guardian, he or she may make decisions for you.

- 7** Before a guardian is named, you will have a court hearing 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.
- 8** If you are looking for a job and have the necessary skills to do the job, you cannot be denied the job 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.

The Texas Home Living Program principles

If you receive services in the Texas Home Living Program, you have all the rights listed in this handbook under Texas law. In addition, you can expect the rules listed below to be followed, including the rules to stay in this program. Your service coordinator and program provider will assist you with exercising your rights.

Your Person-directed Plan and the IPC:

- 1** You, and your LAR (if you have one), should participate in meetings in which your plans, services and supports, are discussed and decisions about those plans are made. You, your provider and your service coordinator will develop 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 will help you do things for yourself while ensuring your health and welfare in the community. They will supplement rather than replace your natural supports, such as family and friends, and other non-TxHmL resources. They may also prevent the need for institutional services. You must be advised in writing of all the TxHmL services available, the requirements to enroll and participate in the program and of any changes in these. Your service coordinator will explain this information to you and your LAR (if you have one).
- 3** You must be told about your service plan, including what areas of your plan are going well and what areas may need to be better, or may need to be changed. You, your LAR (if you have one) and your service coordinator should review your service plan as

often as needed to see if it is working for you or if changes are needed.

- 4** Your rights may 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 may ask your provider for a review of any decision to restrict your rights if you do not agree with it. You may change your mind and withdraw approval at any time or your LAR (if you have one) may withdraw approval at any time.

Privacy and confidentiality

Your program provider must help make sure that:

- 1** You are allowed to meet and talk with people in private, use the telephone in private and to send and receive mail without anybody opening it;
- 2** You have privacy during services and care of personal needs;
- 3** Your privacy is not violated by another person, including staff, unless you ask for their help; and
- 4** Your personal information, must not be shared without your permission.

Service delivery

Your program provider must help make sure that:

- 1** You get any help necessary to use 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, such

as registering to vote, getting citizenship information and training, getting advocacy information and services, and getting information about legal guardianship.

- 2** If you wish, you will be told the name of people who work with you and their qualifications. You should also be told that you may choose from available service providers and helped to do this.
- 3** You are free from unnecessary restraints during the provision of TxHmL Program services.
- 4** You are free from abuse, neglect, or exploitation by program provider staff.
- 5** You, or your LAR (if you have one) have access to program records about your services, including, if applicable, financial records.

Your money

- 1** You, or your LAR (if you have one), can manage your money. You can ask for training to manage your money or get help in managing your money. You can ask staff if you need help or have questions.
- 2** If you or your LAR want the TxHmL Program provider to help you manage your money or to manage your money for you, you should ask for this help in writing.
- 3** Your program provider must let you look at your financial records.
- 4** Your program provider must not charge you or your LAR for any services that the TxHmL Program pays for.

Requesting a Different TxHmL Provider

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

Termination from the TxHmL Program and rules to stay in the program

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

- you are no longer eligible; or
- you or your LAR (if you have one) refuse to cooperate or participate with your team in making your plan or in the delivery of your services; or
- you or your LAR (if you have one) request permanent discharge.

If you or your LAR (if you have one) have refused to cooperate and participate in the planning or the delivery of your services, your service coordinator must meet with you and your LAR to discuss why you are not cooperating and try to find a way to improve cooperation. Your service coordinator must explain to 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 be receiving TxHmL Program services, and you can help write that plan. It should include non-TxHmL Program



services and supports that you want and for which you are eligible.

Fair hearings

You may request 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, or you may call Consumer Rights and Services at 1-800-458-9858.

How to make a complaint

You and your LAR (if you have one) must be told by your TxHmL provider staff how to make a complaint about your TxHmL services. Staff will help you make a complaint if you need their help.

You may report a complaint to your service coordinator.

You can also report a complaint to Consumer Rights and Services at the Texas Department of Aging and Disability Services

1-800-458-9858

In addition, 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 (if you want help) to the Texas Department of Family and Protective Services, 1-800-647-7418.



State Offices

If you want help with complaints or violations of your rights regarding the Texas Home Living program, you should call:

Consumer Rights and Services, Texas Department of Aging and Disability 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 1-800-647-7418



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

Texas Education Agency 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 service coordinator

Your **service coordinator** is:

Your **service coordinator's telephone number** is:

Your **local authority rights officer** is:

Your **local authority's rights officer's telephone number** is:



How to reach your TxHml provider

Your **TxHmL provider agency** is:

Your **TxHmL provider contact** is:

Your **TxHmL 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
1-800-458-9858**



TEXAS

Department of Aging
and Disability Services

For additional copies of this publication,
contact Consumer Rights and Services

DADS Media Services 12P080 • October 2011 • Publication 118