



# **PARTICIPANT RIGHTS & RESPONSIBILITIES POLICY**



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# **I. PROTECTION OF RIGHTS**

## **A. ALL PEOPLE SUPPORTED HAVE RIGHTS**

Participants have the same legal rights and responsibilities guaranteed to all other persons under the federal and state constitutions and federal and state laws. These rights can only be modified or suspended according to state or federal law. Rights cannot be restricted for participants who are their own guardians. See Section II. MY RIGHTS below for a list of specific rights of participants.

## **B. AWARENESS AND PROTECTION OF RIGHTS**

1. Staff are to be aware of the rights of participants and their responsibility to:
  - a. Protect and respect those rights.
  - b. Assist participants in being aware of their rights.
  - c. Assist participants in exercising their rights.
2. Staff will receive training in participant rights, protection of rights, and due process.
3. ABLED, Inc. will make available a list of advocacy contacts and staff will assist as needed.
4. ABLED, Inc. will screen all prospective employees by completing Child and Adult Protective Services and criminal background checks.
5. Participants will have their rights reviewed with them upon entry to services, annually at their Individual Support Plan meetings and when significant changes occur. The reviews will be documented on Section II. MY RIGHTS. The rights reviewed with the participant will be written in language which is easily understood. There will be an opportunity for the participant to ask questions regarding their rights, protection of those rights, and exercising those rights.
6. ABLED, Inc. staff are responsible for providing opportunities for participants to expand their experience and skill in self-advocacy. These opportunities may be formal such as support programs/staff objectives or informal such as supporting participants throughout the day. These opportunities must be varied and frequent.
7. Rights may not be limited, modified, or denied without due process and will not be used as a punishment for behavior or as privileges (see Section C).
8. Upon request, staff will provide the Policy and Procedure Concerning Complaint Mechanism to participants.
9. ABLED, Inc. staff will support the participant in forming and maintaining relationships with family members and others who may assist the participant in asserting and protecting their rights.
10. ABLED, Inc. staff will be familiar with the guardianship laws and regulations in order to protect participants served. There is a legal requirement to limit guardianship to the least authority needed. ABLED, Inc. staff will ensure that the protections are utilized when guardianship or



conservatorship is initiated.

11. Retaliation is prohibited against participants' services and supports due to the participant, family members, or legal representatives advocating on behalf of the participant. This includes initiating a complaint with outside agencies.

### **C. DUE PROCESS**

1. Rights may not be limited, modified, or denied without the consent of the ISP Team, including the participant and/or their legal representative.
2. Anytime a rights restriction is considered, the ISP Team must meet and discuss the following, which will be documented in the ISP and on the Human Rights Consent Review in Therap:
  - a. The specific right to be limited, modified or denied
  - b. The reason for the limitation, modification, or denial of the right
  - c. Other lesser restrictive/intrusive methods discussed and/or implemented prior to limiting, modifying, or denying the right
  - d. Reason for eliminating the other methods from consideration
  - e. Does the restriction affect other participants in the setting?
  - f. A goal for reducing and eliminating the restriction as quickly as possible
3. A Rights Restriction must not be used as punishment, for the convenience of staff, due to shortage of staff, as a substitute for habilitation, or as an element of an intervention plan or support program.
4. The restriction determined necessary for one participant must not affect other participants who receive services in that setting.
5. The ISP Team will also authorize a staff objective/intervention plan/support program for each rights restriction.
6. A new Human Rights Consent Review must be reviewed by the Rights Review Committee prior to implementation and annually thereafter. The information to be reviewed includes:
  - a. Human Rights Consent Review in Therap
  - b. Documentation supporting the restriction
  - c. Any associated staff objective, intervention plan and/or support program
  - d. ISP authorizing the restriction

NOTE: Proposed restrictions may receive interim approval from the Chairperson of the Rights Review Committee for implementation immediately upon consent of the participant and/or guardian. Interim approval will be given only in emergency instances when such action is needed to protect the safety of the participant and others. The Interim Approval will be documented on the Human Rights Consent Review in Therap.



## II. MY RIGHTS

1. I have the right to be treated as an individual.
2. I have the right to be treated nicely at all times. No one should hit me, hurt me, or say mean things to me.
3. I have the right to be alone with my family and friends.
4. I have the right to have some time to be by myself and a place to go to be by myself.
5. I have the right to use the telephone, write letters, or talk with anyone I want, about any subject I want.
6. I have the right to say what I think, what I want, what I don't want in whatever way I have of saying it and to be listened to.
7. I have the right to have friends, both men and women, and to socialize with them.
8. I have the right to marry and raise children if I want.
9. Receive services without regard to race, color, religion, sex, disability, national origin, age, or marital status.
10. I have the right to a safe, clean home.
11. I have the right to meals that are healthy and good for me. I have the right to help in planning and preparing those meals.
12. I have the right to have a job and make money.
13. I have the right to go to school or work and to meet other people.
14. I have the right to have programs and supports which help me communicate and socialize with other people so that they value me. I have the right to have people help me with the way I talk, walk, do things with my hands, let people know how I feel and interact with others.
15. I have the right to refuse any assistance, program or treatment offered, including medical treatment, without fear of losing all my services.
16. I have the right to go to the appropriate doctors (i.e., general practitioner, psychiatrist, eye doctor, podiatrist, or cardiologist) or dentist when I need to go as soon as I need to go.
17. I have the right to choose my doctors and dentists.
18. I have the right to go to the church of my choice or not to go to church at all.
19. I have the right to join activities and organizations which will help me contribute to my community.
20. I have the right to help decide the things that affect me.
21. I have the right to manage my own money as I am able. If I am not able to manage my own money, I have the right to receive the assistance and support I need.
22. I have the right to choose my own things and to keep those things in my possession.
23. I have the right to have the information in my file kept private. People should not give out



information about me without my permission.

24. I have the right to complain about things I disagree with. I have the right to talk about my complaints without being threatened by others who want me to change my mind.
25. I have the right to accept or refuse medications meant to control my behavior.
26. I have the right to have a locked door on my bedroom to maintain my privacy.
27. I have the right not to be hurt, embarrassed, threatened, or denied food or other services to control my behavior.
28. I have the right to be free from neglect, abuse, and harassment.
29. I have the right to learn about how laws are made, to vote for people who make the laws, and to say how I feel about the laws.
30. I have the right to say “no” if I am asked to be part of an experiment or study.
31. I have the right to keep my body private and to be supported in protecting myself from being taken advantage of.
32. I have the right to receive 60 days written notice before my agency terminates my services.
33. I HAVE THE RIGHT TO BE TREATED LIKE EVERYONE ELSE UNDER THE LAW!!!

### **III. RESPONSIBILITIES**

My first responsibility is to myself: to seek the best and then to do my best in every situation. My second responsibility is to other people. I will remember that other people also have rights. I should act in a way which would not limit or infringe upon their rights. My responsibilities include:

1. To take care of my health.
2. To try to get along with others.
3. To follow safety rules.
4. To keep myself neat and clean.
5. To obey laws.
6. To pay my bills.
7. To treat others with respect.
8. To terminate services from my agency.
9. To follow the rules as agreed to with ABLED, Inc.



## PARTICIPANT RIGHTS AND RESPONSIBILITIES ACKNOWLEDGEMENT FORM

I have reviewed MY RIGHTS and MY RESPONSIBILITIES. This procedure was reviewed with me, and I had the opportunity to ask questions, at the:

\_\_\_\_\_ Intake Meeting  
\_\_\_\_\_ Annual ISP  
\_\_\_\_\_ Upon Request

Participant  
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Legal Guardian:  
(If applicable) \_\_\_\_\_

Date: \_\_\_\_\_

ABLED, Inc.  
Representative: \_\_\_\_\_

Date: \_\_\_\_\_