

Rights of Individuals

to be Protected and Promoted by the HCS Provider

The HCS provider must protect and promote the following rights of the individual:

1. to manage, be trained to manage, or have assistance in managing financial affairs upon documentation of the individual's written request for assistance;
2. to access public accommodations;
3. to be informed of requirements for participation;
4. to be informed both orally and in writing of all the HCS Program services available and rules pertaining to the individual's enrollment and participation in the HCS provider's program, including those related to the use of restraint, as well as any changes in these that occur;
5. to be informed of the individual's individual plan of care (IPC) and implementation plan, including any restrictions affecting the individual's rights;
6. to participate in decisions and be informed of the reasons for decisions regarding plans for enrollment, service termination, transfer, relocation, or denial of HCS Program services;
7. to be informed about the individual's own health, mental condition, and related progress;
8. to be informed of the name and qualifications of any person serving or treating the individual and to choose among various available service providers;
9. to receive visitors without prior notice to the HCS provider unless such rights are contraindicated by the individual's rights or the rights of other individuals;
10. to have privacy in visitation with family and other visitors;
11. to make and receive telephone calls;
12. to send and to receive sealed and uncensored mail;
13. to attend religious activities of choice;
14. to participate in developing a pre-discharge plan that addresses assistance for the individual after he or she leaves the program;
15. to be free from the use of unauthorized restraints;
16. to live in a normative residential living environment;

17. to access free public schooling according to the Texas Education Code;
18. to live where the individual is within proximity of and can access treatment and services that are best suited to meet the individual's needs and abilities and enhance that individual's strengths;
19. to have a personalized IPC and implementation plan based on individualized assessments that meet the individual's needs and abilities and enhance that individual's strengths;
20. to help decide what the implementation plan will be;
21. to be informed as to the progress or lack of progress being made in the execution of the implementation plan;
22. to choose from the same services that are available to all community members;
23. to be evaluated as needed, but at least annually, to determine the individual's strengths, needs, preferences, and appropriateness of the implementation plan;
24. to complain at any time to a staff member or service provider;
25. to receive appropriate support and encouragement from a staff member or service provider if the individual dislikes or disagrees with the services being rendered or thinks that his or her rights are being violated;
26. to live free from abuse, neglect or exploitation in a healthful, comfortable, and safe environment;
27. to participate in decisions regarding the individual's living environment, including location, furnishings, other individuals residing in the residence, and moves to other residential locations;
28. to have service providers who are responsive to the individual and, at the same time, are responsible for the overall functioning of the HCS Program;
29. to have active personal assistance in exercising civil and self-advocacy rights attainment by provisions for:
 - complaints;
 - voter registration;
 - citizenship information and education;
 - advocacy services; and
 - guardianship;
30. to receive counseling concerning the use of money;
31. to possess and to use money in personal and individualized ways or be learning to do so;

32. to access all financial records regarding the individual's funds;
33. to have privacy during treatment and care of personal needs;
34. to have privacy during visits by his or her spouse if living apart;
35. to share a room when both the husband and wife are living in the same residence;
36. to be free from serving as a source of labor when residing with persons other than family members;
37. to communicate, associate, and meet privately with individuals of his or her choice, unless this violates the rights of another individual;
38. to participate in social, recreational, and community group activities;
39. to have his or her legally authorized representative (LAR) involved in activities, including:
 - being informed of all rights and responsibilities when the individual is enrolled in the HCS provider's program as well as of any changes in rights or responsibilities before they become effective;
 - participating in the planning for HCS Program services; and
 - advocating for all rights of the individual;
40. to be informed of the individual's option to transfer to other HCS providers as chosen by the individual or LAR as often as desired;
41. to be informed orally and in writing of any charges assessed by the HCS provider against the individual's personal funds, the purpose of those charges, and effects of the charges in relation to the individual's financial status;
42. to complain to the Department of Aging and Disability Services (DADS) when the HCS provider's resolution of a complaint is unsatisfactory to the individual or LAR, and to be informed of the DADS Office of Consumer Rights and Services telephone number to initiate complaints (1-800-458-9858); and
43. to be free from the use of seclusion.

40 TAC §9.174(b)