

YOUR RIGHTS...

..... In these
**DADS
Community
Programs:**

Community Attendant Services
Community Living Assistance and Support Services
Consumer Managed Personal Attendant Services
Day Activity and Health Services
Deaf Blind Multiple Disabilities Program
Family Care
Hospice Services
Medically Dependent Children Program
Primary Home Care
Program of All-Inclusive Care for the Elderly
Special Services to Persons with Disabilities



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● YOUR RIGHTS



A special note about this handbook

This handbook tells you about some general rights and responsibilities you may have if you are receiving services in the following Texas Department of Aging and Disability Services (DADS) community programs. Each program has its own rules and policies that have detailed information about these rights and responsibilities.

- Community Attendant Services (CAS)
- Community Living Assistance and Support Services (CLASS)
- Consumer Managed Personal Attendant Services (CMPAS)
- Day Activity and Health Services (DAHS)
- Deaf Blind Multiple Disabilities Program (DBMD)
- Family Care (FC)
- Hospice Services
- Medically Dependent Children Program (MDCP)
- Primary Home Care (PHC)
- Program of All-Inclusive Care for the Elderly (PACE)
- Special Services to Persons with Disabilities (SSPD and SSPD-SAC)

There are some basic ideas about your rights

- 1 People have rights.** Rights are about what you can do and how you are treated, based on federal and state constitutions, laws and rules.
- 2 Services are not denied, reduced or suspended 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 services.
- 3 People should be free from abuse, neglect and exploitation.**
- 4 People also have responsibilities.** Responsibilities are your duties that you must try to do, if you are able.

Staff can help you learn about your rights and responsibilities.

Some important words and what they mean

Appeal – To ask for a meeting or review when you disagree about a decision.

Case manager – The staff member who arranges services to meet your needs and help you achieve your goals. Sometimes this person is known as your service coordinator.

Informed consent – When you agree to do something or give permission to do something. You must understand what you are agreeing to, be over age 18, and not have a guardian or other legally authorized representative.

Guardian or Legally Authorized Representative (LAR) – Somebody appointed by a court (often your parent or other adult family member), your parent if you are under age 18, or someone designated as a power of attorney. Your guardian or LAR makes certain decisions for you. These decisions may be about your money, your rights, or your physical needs.

Service Planning Meeting – A meeting with your service planning team to develop a service plan that will help you meet your goals. This is sometimes called a staffing, an interdisciplinary team meeting (IDT), service planning team meeting (SPT) or a service coordination team meeting (SCT).

Service Planning Team – A group of people who help you decide what services and supports will be included in your service plan. You, your guardian or LAR, if you have one, and your case manager are members of the team. In addition, you can have other people help you with your plan if you want them to.

Services and supports – Each community program offers certain services and supports. Some services and supports that may be available in your community program are:

- Personal Assistance Services help you perform activities of daily living, such as getting dressed, taking a bath or preparing a meal, or help you live in the community.
- Day Activity and Health Services are provided during the day, usually on weekdays, and may include nursing services, personal care services, physical rehabilitation and recreational activities.
- Habilitation Services help you learn new skills for daily living or in community activities.
- Respite care may give your family or caregiver the opportunity to attend to interests and responsibilities while someone else provides services to you.
- Adaptive aids and minor home modifications help you do things more easily or independently.
- Professional services are provided by a licensed professional and include nursing, psychological services, counseling, speech therapy, occupational therapy, physical therapy, and dental services.

Your case manager can help you understand all the services, and supports available in the community program you are in, as well as the rules that apply to that program.

Your rights in a DADS community program

If you are receiving DADS community services you should know:

- 1** You have the same rights all citizens have, unless some of those rights have been taken away by a judge. These rights include the right to vote, to practice a religion, to keep your own possessions, to agree to buy things, and to get married.
- 2** No one should hurt you, take advantage of you, or ignore your needs.
- 3** You have the right to choose where you live; however, the program you receive services from may have rules about the places you may live and continue to receive services.
- 4** You may have the right to go to public school until age 22.
- 5** For issues needing consent, you should be able to understand what you agree to. If you have a guardian, he or she may make decisions for you.
- 6** You will have a hearing in court with a judge before a guardian can be named. Only a judge can give you a guardian. That guardian may be a parent or another adult.
- 7** If you apply for a job and have the skills to do the job, you should not be denied the job just because of your disability. If you have a job, you should be paid in accordance with applicable laws.
- 8** You should have your own plan for services. You may help decide what your plan will be and talk with staff about how well your plan is working. If you do not agree with your plan, if you move, or if your services

are stopped, you may ask for a meeting to review your case. If you have a guardian, this may be one of the decisions they help to make. Staff should review your plan with you at least once per year. You may ask for a written report of how you are progressing

- 9** You should be informed about the medication you are taking. Medicine should not be used to punish you.
- 10** Your provider must protect information about you. This means that your provider cannot talk about you to others or let other people see records about you unless you or your guardian agree in writing or unless the law says it is all right. The law allows your provider to talk about you and give records about you to others involved in your care.
- 11** You have the right to tell someone if you do not like your services or if you think someone is not treating you correctly. You can call Consumer Rights at 800-458-9858. If you need help contacting these people, you should ask someone to help you.
- 12** Staff should explain your rights to you so you can understand them. Your parents, guardian, family member or other person who helps you can also be told about your rights, if you don't understand them. You can ask questions about your rights at any time.
- 13** You can decide to stop getting services at any time or change your mind about the services you receive.
- 14** If you have to pay for certain services, you may ask and should be told how much you will have to pay before you receive those services.
- 15** If you think you have been abused, tell someone you trust, such as a staff person, your parent, guardian,

family member or other person who helps you. Report possible abuse to the Texas Department of Family and Protective Services at 800-252-5400.

- 16** You may ask and should be told if the staff working with you have the knowledge and skill required for that position. You should know the names of the staff working with you.
- 17** You may choose the provider or the provider agency of your services, if they meet DADS requirements for the program.
- 18** If you need interpreter services, your provider or provider agency must make one available to you or your representative upon request.
- 19** If you or your guardian do not agree with the service plan team's decision to deny a request for services, you can appeal that decision.

Your guardian's rights and responsibilities

If you have a 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.
- Medical treatment.

Your guardianship should be designed to encourage your self-reliance and independence as much as possible. If you feel this is not the case, you should talk to your guardian. However, it is the court's decision what rights you may retain.

Your guardian helps to protect your rights

Your guardian may participate in the planning meetings with you and your service planning team. Your guardian may look at your records and talk with staff about you. Your guardian can file complaints for you.

Your guardian has to tell the court every year about how you are doing. For a guardian of the estate, this is called an annual accounting. For a 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, they are given letters from the court to show the guardianship is current. They should share this letter with your staff. Your guardian helps protect your rights.

Your responsibilities in a DADS community program

Along with rights come certain responsibilities. Responsibilities are things that you must try to do, if you are able. You may not be able to do all these things by yourself, and you can ask for help.

- 1 You should follow the rules and regulations of your program.
- 2 You should tell staff what you need.
- 3 You should speak up at your planning meeting and tell your team about your goals and dreams.
- 4 You should try your best to follow the service plan developed by your service planning team.

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.

If you or your family members want to report complaints or violations to your rights, you should call Austin, Texas:

**Consumer Rights and Services
Texas Department of Aging and
Disability Services 800-458-9858**

You may also email to report complaints or violations of your rights to:

crscomplaints@dads.state.tx.us

If you think someone has abused you, neglected you, or taken advantage of you, you should call and report this to:

Texas Department of Family and Protective Services 800-252-5400



If you live in an assisted living facility and think someone has abused you, neglected you, or taken advantage of you, you should report this to:

**Consumer Rights and Services
Texas Department of Aging and Disability Services 800-458-9858**

Other resources

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

Texas Education Agency 800-252-9668



Other places you can call if you have complaints or need help:

Disability Rights Texas 800-252-9108

The ARC 800-252-9729

If you are hearing impaired and need a telecommunication device for the deaf to help you talk on the phone, call:

Relay Texas (voice). 800-735-2988

(TDD) 800-735-2989

Texas Department of Aging and Disability Services

DADS toll-free Consumer Rights
and Services number:

800-458-9858

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.

The following website will give you additional information about the Medicaid Estate Recovery Program:

*[www.dads.state.tx.us/services/
estate_recovery/index.html](http://www.dads.state.tx.us/services/estate_recovery/index.html)*

Or call 800-458-9858 for assistance.



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