

# RIGHTS OF INDIVIDUALS

## Policy and Procedure

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### POLICY

(Ref. 10 CCR 2505-10 8.604)

A Person receiving services or supports through MSS has the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitutions and federal and state laws, including but not limited to those contained in section 25.5-10, C.R.S., unless such rights are modified pursuant to state or federal law. Employees and contractors will be made aware of the rights of persons receiving services and the procedures for safeguarding these rights.

Each individual receiving services has the right to receive the following;

1. An Individualized Service Plan (SP) developed by his/her interdisciplinary team (IDT).
2. Access to appropriate dental and medical services and treatment to maintain health and prevent further disability, to the extent possible, and in accordance with applicable standards for residential services and supports. Individuals receiving services or supports shall receive assistance in securing appropriate medical and dental treatment pursuant to their SP.
3. Protection from abuse, neglect, exploitation, and mistreatment with service and support interventions meeting the requirements of section 25.5-10, C.R.S. Such programs shall be reviewed by the Human Rights Committee (HRC), and shall be implemented in accordance with Division for Intellectual and Developmental Disabilities (DIDD) Rules and Regulations and applicable Community Centered Board (CCB).
4. Practice of a religious belief with the opportunity for religious worship, which shall not be limited, arranged on the basis of staff convenience or preference. Individuals receiving services shall not be required to perform any act or be subject to any procedure that is contrary to his/her religious belief.
5. An opportunity to communicate freely and privately with persons of his/her own choosing:

- a. To send and receive sealed unopened correspondence or packages.  
Correspondence or packages shall not be opened, delayed, held, or censored by any person.
  - b. To have access to a telephone, both to make and receive calls in private.
  - c. To have frequent opportunities to meet with visitors and to have visits without prior notice but with consideration for roommates, if applicable.
  - d. To have opportunities for interaction with other persons and the community at large.
  - e. To have individual choice and mutual consent with regard to sexual interaction without rights prohibited by policies and procedures of Metro Support Services, Inc. Individuals receiving services shall have the right to training in human sexuality, growth, and development available when needed or desired.
6. No requirement to perform labor, however an individual may voluntarily engage in labor in accordance with the provisions of section 25.5-10 C.R.S., and applicable minimum wage laws.
- a. All labor performed shall be an integral part of the person's SP.
  - b. Compensation shall be in accordance with applicable minimum wage laws.
  - c. The individual receiving services may perform vocational training tasks without compensation, subject to a presumption that an assignment longer than three months to any task is not a training task, if the specific task or any change in task assignment is an integral part of the person's SP.
  - d. The individual receiving services, performing a vocational training task for which MSS is receiving compensation from any outside source, shall be compensated in accordance with the applicable minimum wage laws.
  - e. Personal housekeeping and/or self-care tasks, or tasks oriented toward improving community living skills shall be an integral part of an Individualized Service Plan. There shall be no requirement to perform housekeeping tasks without compensation other than those normally associated with personal responsibilities of the individual's own home and possessions, or unless the individual volunteers to assist. This shall be a personal choice, but never an expectation.
7. The right to be registered and vote in public elections and to be assisted by MSS contractual service providers or other staff to exercise this right. Voting shall be a personal choice, and not coerced or pressured by any provider or staff.
8. The right to a personal record which shall be maintained by MSS, and the right to review their Personal record upon request. This record shall not be a public record.

9. The right to have and manage personal possessions, including personal funds, with the presumption that the individual is able to manage his/her own funds unless the SP documents and justifies the limitation to self-management, and, where appropriate, reflects a plan to increase the skill.
10. The right to establish a committee to represent his/her interests to attempt to influence policies. The right to access the administration of MSS in order to express his/her interests and opinions on the policies of the Agency. No individual receiving services shall be retaliated against as a result of his/her attempts to advocate on his/her own behalf with MSS.
11. The right to read or have explained any rules, regulations, policies or procedures of DIDD, CCB, or MSS as they pertain to the individual's activities, services and supports; or to obtain copies of such rules, regulations, policies or procedures at a reasonable cost in accordance with section 24-72-205, C.R.S. Metro Support Services shall inform the person receiving services, parent and/or authorized representative of the rights of persons receiving services through a written summary of rights and a description of how to exercise them at the time of admission, or at the time any changes are made in the description of a right. The agency will provide ongoing instruction to persons receiving services on how to exercise their rights.
12. The right to personal property and privacy. Each individual is encouraged to protect the personal property within their designated area by the use of a lock unless they decline the use of the lock, or unless this lock poses a health and safety risk as determined by IDT. An individual also has a right to 24 access to the home. Each person will be given a key to his/her bedroom as well as a key to the home (or an equivalent, e.g. code to a key pad).
13. The right to Fair Employment Practices.
14. The right to choose or not choose sterilization defined as a medical procedure where the reproductive organs are removed or rendered ineffective. An individual should be an active participant in any decision regarding sterilization. An individual has the right to have friends and intimate relationships, marry, be part of a family, and to be a parent if they choose. MSS supports individuals in obtaining accurate information about human sexuality in order to assist in life choices. Support may be needed to develop intimate relationships (like transportation, family counseling, or training in human development and sexuality). Individuals have the right to information about birth control options, and to choose or not choose birth control and/or sterilization.

15. The right to establish a committee to represent his/her interests to attempt to influence policies. The right to access the administration of MSS in order to express his/her interests and opinions on the policies of the Agency. No individual receiving services shall be retaliated against as a result of his/her attempts to advocate on his/her own behalf with MSS.
16. The right to read or have explained any rules, regulations, policies or procedures of DIDD, NMCS, or MSS as they pertain to the individual's activities, services and supports, or to obtain copies of such rules, regulations, policies or procedures.

An individual's rights may be denied only for purposes of habilitation or treatment or to protect the individual from endangering himself/herself or others.

When denial of an individual's rights is under consideration, the rights to be affected shall be specifically explained to the individual and informed consent obtained for proposed activity.

When a right is proposed to be denied it is evaluated by the individual's interdisciplinary team and is documented in the Individualized Service Plan.

The person's Individualized Service Plan must include a statement of programming required and plans for implementing such programs in order to increase the skill level of the person to the point that denial of rights is no longer needed. The individual program written to address rights that have been denied shall meet requirements of these rules and regulations of Metro Support Services and all other funders.

## PROCEDURE

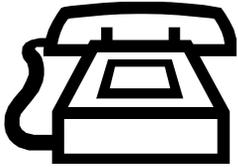
- MSS will review the rights and responsibilities of individuals receiving services by providing a written and verbal review to individuals in services of their rights and how to exercise them at a minimum when the individual enters MSS, and prior to, at or immediately after the individual's SP, ensuring that the person(s) sign the "Rights and Responsibilities" Form.

### **Rights Modification**

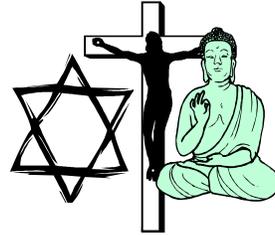
- **When right's modification is being considered**, MSS will explain to the individual, with at least 15 days prior notice, the rights to be affected, and **obtain informed consent** as defined in Developmental Disabilities Services Rules and Regulations 6.2.

- The Interdisciplinary team (IDT) will participate in a meeting to review the proposed rights modification. The following will be documented in the person-centered service plan:
  1. The need will be identified and assessed and supporting data provided.
  2. Prior to a right being modified, documentation will be provided to address positive interventions and supports that have been used to address the need.
  3. Less intrusive methods of addressing the need that have been tried, but did not work, will be documented.
  4. A clear description of the rights modification that is directly proportionate to the specific addressed need will be included.
  5. The regular and defined collection of data and its review will be included in order to evaluate the effectiveness and determine the effectiveness of the rights modification.
  6. Established time lines for periodic review to determine if the modification is still necessary or if it can be terminated, will be included
  7. Informed consent of the individual or legal representative, will be included.
  8. The assurance that the interventions and supports will cause no harm to the individual.
    - **If the right is suspended**, the IDT will ensure that the suspension is documented in the Individualized Service Plan (SP).
    - **Review of the suspended right:** The IDT will meet at a minimum of every 6 months to review the suspension, its effectiveness, and plan to restore.
    - MSS Program Coordinator for the individual, as well as his/her IDT will ensure that the suspension is referred to the Human Rights Committee (HRC) for review and recommendation.
    - The case management agency will provide notice to the individual of the HRC meeting.
    - Members of the IDT, including the individual (if desired) will participate in the HRC meeting and present relevant information regarding the suspension of rights.
- **In the event of an emergency rights modification**, MSS will notify the assigned case management agency within 24 hours of the rights modification.
  - MSS will explain and give notice to the individual, as defined in Developmental Disabilities Services Rules and Regulations 6.2.

# YOU HAVE THE RIGHT TO:



**PRIVATE  
CONVERSATIONS**



**RELIGION**



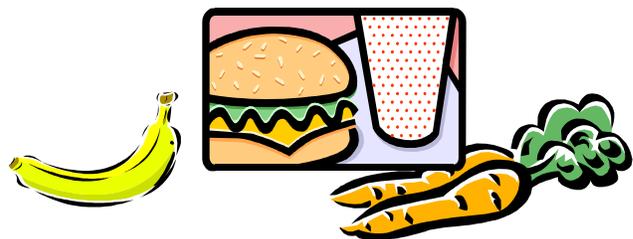
**MEDICAL  
SERVICES**



**PARTICIPATE IN YOUR  
INDIVIDUAL SERVICE  
PLAN**



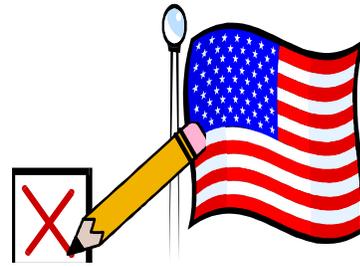
**SEND AND RECEIVE  
PERSONAL MAIL**



**GOOD FOOD**



**FAIR PAY AT  
WORK**



**VOTE**



**A PLACE TO PUT  
YOUR THINGS**



**PRIVACY**



**NOT TO BE ABUSED  
OR HURT**



**COMPLAIN IF YOU  
DON'T GET SERVICES  
OR IF YOU ARE HURT**



**TO USE OR NOT USE BIRTH  
CONTROL OR STERILIZATION**



**INFLUENCE POLICY**

**NAME** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**WITNESS** \_\_\_\_\_