



Individual Rights & Responsibilities Policy



Table of Contents

I.	PROTECTION OF RIGHTS.....	1
A.	All people supported have Rights	1
B.	Awareness and Protection of Rights	1
C.	Due Process	2
II.	MY RIGHTS.....	3
III.	RESPONSIBILITIES:	5



I. PROTECTION OF RIGHTS

A. All people supported have Rights

Each individual receiving services has the same legal rights and responsibilities guaranteed to all other individuals 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. See Section II. My Rights below for a list of specific rights of individuals.

B. Awareness and Protection of Rights

1. Staff are to be aware of the rights of individuals and their responsibility to:
 - Protect and respect those rights.
 - Assist individuals in being aware of their rights.
 - Assist individuals in exercising their rights.
2. Staff will receive training in individual rights, protection of rights, and due process.
3. Each area program will establish a list of advocacy contacts, including Nebraska Advocacy Services (800-422-6691) and staff will provide assistance if needed.
4. ABLED, Inc. will screen all prospective employees by completing Protective Services and criminal background checks.
5. Each individual will have their rights reviewed with them upon entry to services, annually at their Individual Support Plan meetings thereafter and when significant changes occur. The reviews will be documented on Section II. My Rights. The rights reviewed with the individual will be written in language which is easily understood. There will be an opportunity for the individual to ask questions regarding the rights, protection of those rights, and exercising those rights.
6. ABLED, Inc. staff are responsible for providing opportunities for individuals 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 individuals 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 individuals.
9. ABLED, Inc. staff will support the individual in forming and maintaining relationships with family members and others who may assist the individual in asserting and protecting their rights.



10. ABLED, Inc. staff will be familiar with the guardianship laws and regulations in order to protect individuals 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 individuals' services and supports due to the individual, family members, or legal representatives advocating on behalf of the individual served. 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 individual 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:
 - The specific right to be limited, modified or denied
 - The reason for the limitation, modification, or denial of the right
 - Other lesser restrictive/intrusive methods discussed and/or implemented prior to limiting, modifying, or denying the right
 - Reason for eliminating the other methods from consideration
 - Does the restriction affect other individuals in the setting?
 - 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 individual must not affect other individuals 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:
 - Human Rights Consent Review in Therap
 - Documentation supporting the restriction
 - Any associated staff objective, intervention plan and/or support program
 - 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 individual and/or guardian. Interim approval will be given only in emergency instances when such action is needed to protect the safety of the individual 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 of 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 dentist.



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 BE TREATED LIKE EVERYONE ELSE UNDER THE LAW!!!**



III. RESPONSIBILITIES:

Your first responsibility is to yourself: to seek the best and then to do your best in every situation. Your second responsibility is to other people. Remember, other people also have rights. You should act in a way which would not limit or infringe upon their rights.

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

I have reviewed MY RIGHTS and MY RESPONSIBILITIES. I have had this procedure reviewed with me at the intake meeting, Annual ISP, or upon request (circle which one applies) and have had all my questions answered.

Name: _____ Date: _____

Guardian: _____ Date: _____
(if applicable)

Reviewer/Position: _____ Date: _____