

If you believe any of these rights have been violated, you may file a grievance with the agency providing your supports.

In addition to filing a complaint or grievance with the agency providing support you may file an complaint to:

**Office of Constituent Services
Department of Mental Health**

P.O. Box 687

Jefferson City, Mo 65102

Call toll-free at 1-800-364-9687

Email: constituentsvcs@dmh.mo.gov



**Improving lives THROUGH
supports and services
self-determination.**
THAT FOSTER

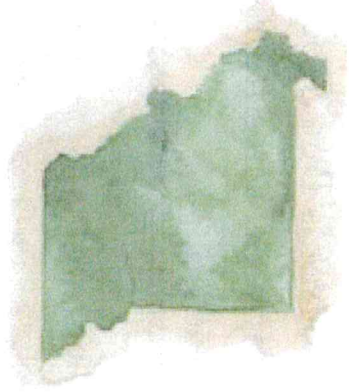


www.dmh.mo.gov/did

MISSOURI DEPARTMENT OF MENTAL HEALTH

**Improving lives THROUGH
supports and services
self-determination.**
THAT FOSTER

KNOWING YOUR RIGHTS



**A GUIDE FOR INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES
TO UNDERSTANDING RIGHTS
AND RESPONSIBILITIES**

About this Guide

This booklet is a guide to help you and those who support you to understand your individual rights and responsibilities.

For more information about your rights visit: dmh.mo.gov/constituentservices/rights.html

Rights and protections for people who receive services from the Missouri Division of Developmental Disabilities can be found in the following laws, rules and regulations:

- [Missouri Revised Statute 630.115.1](#)
- Patient's entitlements
- Missouri Code of State Regulations
- Rules of the Department of Mental Health Division of Developmental Disabilities
- [9 CSR 45-3.030](#) Individual Rights
- Code of Federal Regulations [42CFR 441.301\(c\)\(1\)](#) Home and Community-Based Waiver Services (HCBS)

Authority for each right and protection can be found in a blue box like this.

DUE PROCESS... Cont.

- Before your rights and services can be limited or taken away, you have the right to be heard or to have someone you choose speak for you.
- Any proposed limitations of rights must be reviewed by DMH Regional Office or State Operated Programs Due Process Committee to ensure that a person's rights are adequately protected.

Authority

9 CSR 45-3.030(3) An individual's rights as outlined in section one (1) may not be restricted, including, but not limited to, by a provider of targeted case management or home and community based services, without due process. Due process under this provision includes the right to be notified and heard on the limitation or restriction, the right to be assisted through external advocacy if an individual disagrees with the limitation or restriction, and the right to be informed of available options to restore the individual's rights.

42CFR 441.301(c)(2)(xiii)(F) Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan: (1) Identify a specific and individualized assessed need. (2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan. (3) Document less intrusive methods of meeting the need that have been tried but did not work. (4) Include a clear description of the condition that is directly proportionate to the specific assessed need. (5) Include regular collection and review of data to measure the ongoing effectiveness of the modification. (6) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated. (7) Include the informed consent of the individual. (8) Include an assurance that interventions and supports will cause no harm to the individual.

DUE PROCESS...

- When you apply for services, you will receive a copy of your rights. If any changes in your services are made, you will receive a new copy of your rights.
- The agencies that have staff who work with you have rules to provide you with quality help. They have rules to make sure you learn and understand your rights, and that no one takes your rights away before you have a chance to speak for yourself or have someone you choose speak for you.
- You have the same legal rights and responsibilities as any other person unless the court says you do not.
- You have the right to get help. You cannot be denied help because of your race, religion, disability, or age. It does not matter if you are a man or woman, married or single.

The “Missouri Quality Outcomes” make sure people are supported to have a good life. This guide is organized by the following Missouri Quality Outcomes:



Daily Life

People Participate in Meaningful Daily Activities of Their Choice



Community Living

People Live in Communities They Choose, with Whom They Choose and in Homes and Environments Designed to Meet Their Needs



Social & Spirituality

People Are Active Members of Their Communities While Determining Valued Roles and Relationships through Self-Determination



Healthy Living

People Are Able to Choose Health/Mental Health Resources and Are Supported in Making Informed Decisions regarding their Health and Well-Being



Safety & Security

People are Educated about Their Rights and Practice Strategies to Promote Their Safety and Security



Citizenship & Advocacy

People Have Opportunities to Advocate for Themselves, Others and Causes They Believe In, including Personal Goals and Dreams

*Icons taken from www.lifecoursetools.com,

a free online resource from Missouri Family to Family © UMKC Institute for Human Development, UCEDD 2012-2017

My Rights have been reviewed with me
By:

My Name:

My Signature:

RIGHT...

You can choose someone to help you make decisions or act in your behalf

RESPONSIBILITY...



To choose someone who knows you well and you can trust



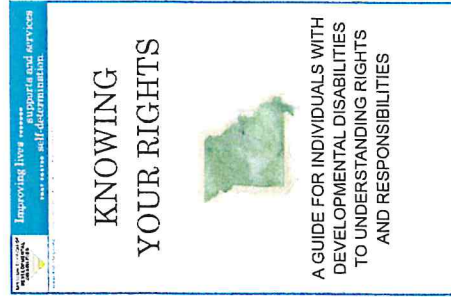
Authority

9 CSR 45-3.030(2) Adults who do not have a legal guardian have the right to designate a representative to act on one's behalf for purposes of receiving services from the Division of DD.

9 CSR 45-3.040(1)(A) Designated representative—a parent, relative, or other person designated by an adult who does not have a guardian. The designated representative may participate in the person-centered planning process and development of the individual support plan, at the request of, and as directed by, the individual.

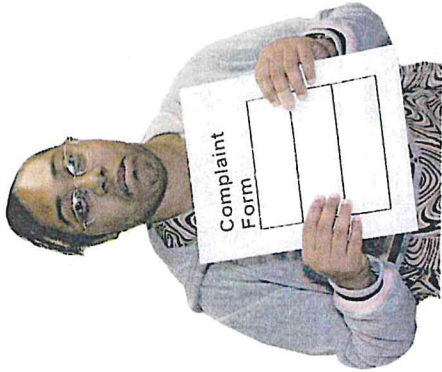
9 CSR 45-3.040 (4) Adults who have not been declared legally incapacitated may give their written consent for parents, relatives, or other persons to serve as their designated representative to advocate for and advise, guide, and encourage the individual and members of the individual support plan team in developing and implementing individual support plans. Written consent for designated representatives shall include written authorization to disclose protected health information.

9 CSR 45-3.040(4)(C) Individuals may revoke their consent in writing at any time and the Division of DD and all parties responsible for the implementation of the ISP shall recognize the revocations immediately.



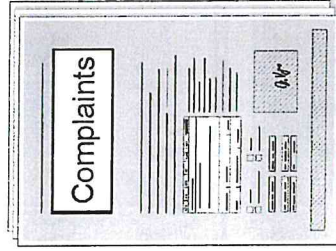
RIGHT...

To be told how to make a complaint and be helped to do so without being afraid some will be upset with you.



RESPONSIBILITY...

To make a complaint to the right people



Authority

9 CSR 45-3.030(1)(E) To report any violation of one's rights free from retaliation and without fear of retaliation; and

9 CSR 45-3.030(1)(S) To be informed on how to make an inquiry, file a complaint or report a violation of one's rights, and to be assisted in these processes, if requested



Daily Life & Employment

What a person does as part of everyday life – school, employment, volunteering, communication, routines, life skills.

RIGHTS...

Control your
personal money



RESPONSIBILITY...

Pay your bills
and manage
your
money



Authority

630.110. 1. (2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.



RIGHT...



To receive services regardless of race, creed, marital status, national origin, disability, religion, sexual orientation, gender, or age.

RESPONSIBILITY...

To contact the
Office Constituent
Services if you have
a complaint.

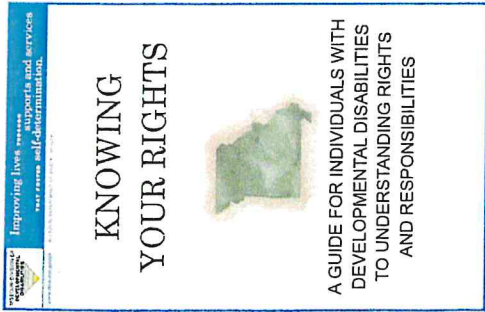


Authority

9 CSR 45-3.030(1)(C) To receive services regardless of race, creed, marital status, national origin, disability, religion, sexual orientation, gender, or age;

RIGHT...

To have rules and policies in an accessible format and explained to you in a way you can understand



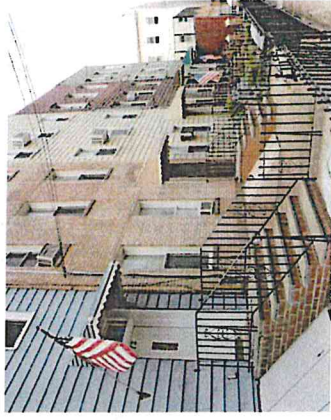
RIGHT...

To have a job and make money



RESPONSIBILITY...

To keep a job, so you can live the way you want



RESPONSIBILITY...

To ask for the information in a format that best meets your needs



Authority

9 CSR 45-3.030(1)(F) To have access to all rules, policies, and procedures governing the operations of the Division of DD in an accessible format, and to have those rules, policies, and procedures explained in a manner that is easily understood;

Authority

*630.115. 1.(4) To not participate in nontherapeutic labor;
9 CSR 45-3.030(1)(M) To seek employment and work in competitive integrated settings;
42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.*

RIGHT...



To keep things of your own

Authority

630.110. 1. (1) To wear his own clothes and to keep and use his own personal possessions;

RIGHT...

To see information about you in a way you can understand and for information about you to be kept private



Authority

630.110. 1.(6) To have access to his mental and medical records;

9 CSR 45-3.030(1)(P) To have rights, services, supports, and clinical records regarding services explained in a manner that is easily understood and in an accessible format;

9 CSR 45-3.030(1)(Q) To have all of an individual's records maintained in a confidential manner;

RESPONSIBILITY...



To take care of your things



Authority

630.110. 1. (1) To wear his own clothes and to keep and use his own personal possessions;

RESPONSIBILITY...

To ask for information in a way you can understand



Authority

630.110. 1.(6) To have access to his mental and medical records;

9 CSR 45-3.030(1)(P) To have rights, services, supports, and clinical records regarding services explained in a manner that is easily understood and in an accessible format;

9 CSR 45-3.030(1)(Q) To have all of an individual's records maintained in a confidential manner;

RIGHT...



To choose who helps you and to say yes or no to help and training



RIGHT...

To have privacy spending time alone, to talk to who you want to privately.



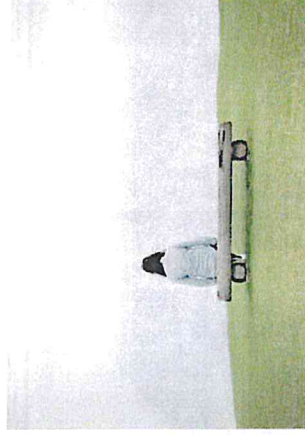
RESPONSIBILITY...

To educate yourself about services available and those who provide services



RESPONSIBILITY...

To speak up when you want to be alone.



Authority

630.115. 1.(6) To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which he is informed insofar as he is capable of understanding;

9 CSR 45-3.030(1)(K) To accept or decline supports and services;

9 CSR 45-3.030(1)(L) To have freedom of choice among Division of DD approved providers;

Authority

630.110.1. (3) To communicate by sealed mail or otherwise with persons including agencies inside or outside the facility;

630.110.1. (5) To have reasonable access to a telephone both to make and receive confidential calls;

9 CSR 45-3.030(1)(J) To communicate in any form and to have privacy of communications;

RIGHT...



To be able to see
current news
and media

RIGHT...



To lead my ISP
and invite
those who are
important to
me

RESPONSIBILITY...

To inform
yourself of what
is going on in the
world around
you



RESPONSIBILITY...

To ask for the help
I need in order to
direct my planning
process and meet
timelines



Authority

630.110.1. (8) To have reasonable, prompt access to current newspapers, magazines and radio and television programming.

Authority

9 CSR 45-3.030(1)(H) To direct one's own person-centered planning process and to choose others to be included in that process;

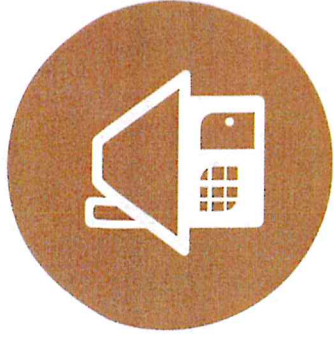
RIGHT...

To be treated with respect at all times and treated as a person like everyone else under the law.



RESPONSIBILITY...

To treat others the same way you want to be treated, to be responsible, not breaking any laws



Authority

630.115.1.(1) To humane care and treatment;

9 CSR 45-3.030(1)(A) To be treated with respect and dignity as a human being;

630.115. 1.(7) To be treated with dignity as a human being;

9 CSR 45-3.030(1)(B) To have the same legal rights and responsibilities as any other citizen;

Community Living

Where you live and how you get around town



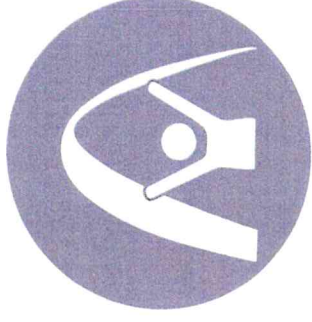
RIGHT...

To have a safe, clean home and to choose where you want to live and with who.



RESPONSIBILITY...

To keep your house safe and clean. To choose a home that you can afford and be a good housemate.



Vote



Citizenship & Advocacy

Building valued roles, making choices, setting goals, assuming responsibility, driving how one's own life is lived and supported decision-making.

Authority

630.115. 1.(3) To safe and sanitary housing;

9 CSR 45-3.030(1)(G) Within one's financial means, to have a choice where to live and whether or not to share a home with other people;

RIGHT...

To be free from people hitting you, hurting you, yelling at you, saying hurtful things or restricting your movement



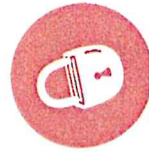
RIGHT...

To reach my maximum independence and be part of the community



RESPONSIBILITY...

To tell someone if you feel you are being hurt



RESPONSIBILITY...

To ask for the help that you need



Authority

630.115. 1.(15) To be free from verbal and physical abuse.

9 CSR 45-3.030(1)(D) To be free from physical, emotional, sexual, and verbal abuse, and financial exploitation;

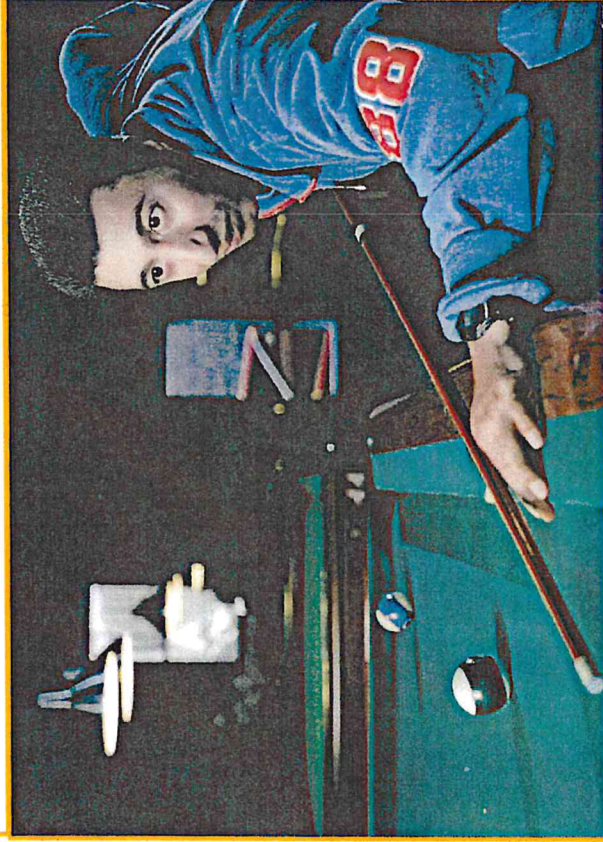
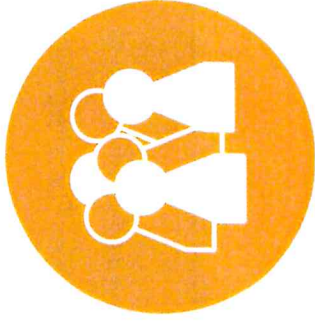
9 CSR 45-5.010(3)(C)2.E Individuals have freedom of movement

Authority

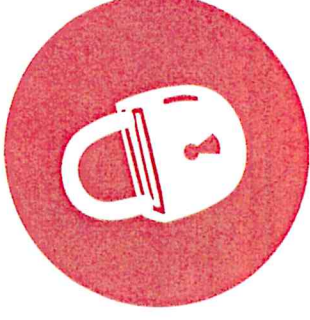
630.115. 1.(11) To be evaluated, treated or habilitated in the least restrictive environment;

9 CSR 45-3.030(1)(E) To receive services and supports to achieve the maximum level of independence;

9 CSR 45-3.030(1)(D) To participate fully in the community;



Social & Spirituality
Friendships and relationships,
leisure activities, personal networks,
faith community.



Safety & Security
Staying safe and secure—
emergencies, well-being,
legal rights and issues.

RIGHT...

To join in groups and activities that you choose



RESPONSIBILITY...

To be a good team player

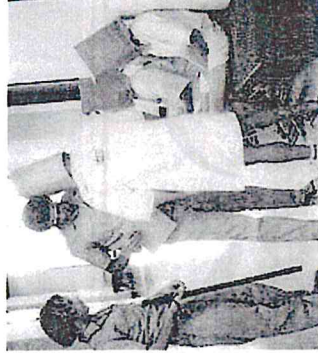


Authority

630.110. 1.(7) To have opportunities for physical exercise and outdoor recreation;

RIGHT...

To say "NO" to being part of any study, experiment or medical treatment



RESPONSIBILITY...

To ask for help to make choices and understanding consequences



Authority

630.115. 1.(8) To not be the subject of experimental research without his prior written and informed consent or that of his parent, if a minor, or his guardian; except that no involuntary patient shall be subject to experimental research, except as provided within this chapter;

630.115. 1.(9) To decide not to participate or may withdraw from any research at any time for any reason*;

9 CSR 45-3.030(1)(N) To participate or decline participation in any study or experiment;

630.115. 1.(12) To not be subjected to any hazardous treatment or surgical procedure unless he, his parent, if he is a minor, or his guardian consents; or unless such treatment or surgical procedure is ordered by a court of competent jurisdiction;

630.115. 1.(13) In the case of hazardous treatment or irreversible surgical procedures, to have, upon request, an impartial review prior to implementation, except in case of emergency procedures required for the preservation of his life;

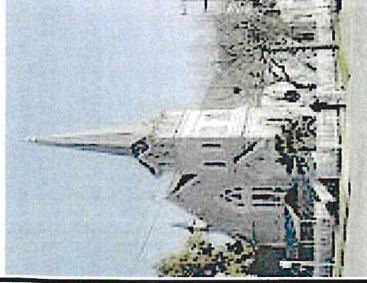
RIGHT...



To get meals
that are healthy
and good for you



RIGHT...



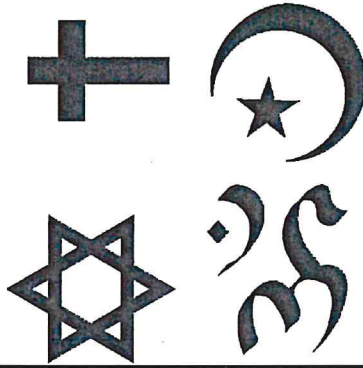
To go to church or place
of worship of your
choice, or not to go to
church or place of
worship

RESPONSIBILITY...



To choose
foods that
help keep
you
healthy

RESPONSIBILITY...



To respect others
choice of worship



Authority

630.115. 1.(14) To a nourishing, well-balanced and varied diet;

Authority

630.115. 1.(5) To attend or not attend religious services;

9 CSR 45-3.030(1)(O) To choose where to go to church or place of worship, or to refuse to go to a church or place of worship;

RIGHT...

To go to the
doctor, or hospital
when you need to,
as soon as you
need to



RIGHT...

To be friends
with both men
and women



RESPONSIBILITY...

To listen to your
doctor and follow
their suggestions
or get a 2nd
opinion



RESPONSIBILITY...

To be respectful
of your friends
and choose
friends who will
respect you



Authority

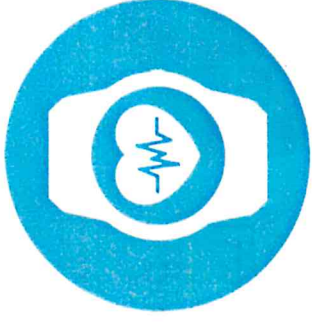
630.115. 1.(2) To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;

630.115. 1.(10) To have access to consultation with a private physician at his own expense;

Authority

630.110.1.(4) To receive visitors of his own choosing at reasonable times .

Notes:



Healthy Living

Health care and staying well—
medical, mental health,
behavior, developmental, wellness,
and nutrition.