



HCBS Consumer Rights & Freedoms

For each service setting within a provider facility, the participant receiving services shall have these rights and freedoms.

Right to be integrated in the community and be able to:

- Receive services in the community to the same degree as those not receiving HCBS
- Receive services in setting not segregated from people receiving services without disabilities
- Receive services in a location among other private residences and retail businesses, in an area with consistent traffic patterns and where visitors are present and visiting regularly

Right to be Independent in the least restrictive environment and be able to:

- Visit other setting options, such as an apartment, smaller home, fewer roommates, private room
- Able to choose a specific roommate or opt for a private unit
- Have a unit with entrance doors that are lockable by the individual (only appropriate staff have keys)
- Access to typical facilities in a home, such as a kitchen, dining area, laundry, and comfortable seating area
- Have a signed lease or written agreement with tenant/landlord protections to document protections related to evictions/appeals related to State law
- Have a setting physically accessible to the individual
- Have unrestricted access in the setting to roam to common areas

Right to Exercise Informed Choice and be able to:

- Choose living arrangements, providers, types of supports based on needs and preferences
- Optimize one's initiative, autonomy, and independence in making life choices, in such activities as daily activities, physical environment, and with whom to interact
- Design a schedule that meets an individual's **wishes** and is reflected in a person-centered plan
- Participate in unscheduled and scheduled access to the community, can come and go at any time, and not have a regimented routine

Right to exercise individual's rights and protections and be able:

- Actively participate in the development of a person-centered plan of care
- Have dignity and respect, where people and staff communicate and interact respectfully with individuals without talking down to them, acting as if the person is not present or talking about them to other staff
- Expect privacy with protected health information and personal care is conducted privately, as needed
- Control personal resources (including making, managing and spending money)
- Be free from coercion and restraint and seclusion
- Have visitors of their choosing at any time and access to a private area for visitors
- Have access to make private calls, text, email at their preference or convenience
- Choose when/what to eat, have access to food at any time, and choose with whom to eat or to eat alone
- Have appropriate clothes for their preferences and the weather and activities performed

If a right or freedom is modified or restricted, it must be documented in a person-centered plan:

- Specific assessed need which requires modification or restriction of a specific right or freedom
- Positive interventions and supports used prior to any modifications to person-centered plan
- Includes less intrusive methods of meeting the need that were tried but did not work
- Clearly describes modification or restriction directly proportionate to specific assessed need
- Regular collection and review of data to measure ongoing effectiveness of restricted right
- Has set time limits for reviews to determine if modification is still needed/can be terminated
- Demonstrates informed consent of the individual
- An assurance that interventions and supports will cause no harm to the individual

Any modification or restriction of the participant's rights and freedoms must be supported by a specific assessed need and be approved by the participant or a legally authorized representative, who has the authority to restrict the specific right.