

Your Rights

In A State School

Or Center



This Book Belongs To:



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Table of Contents

A Special Note About Your Rights	2
Definition of Terms	3
Your Rights Under the Persons With Mental Retardation Act	5
More Rights	10
Your Rights in a STMHMR-Operated ICF-MR Program	11
Your Guardian's Rights	14
Your Responsibilities	15
Guardianship Hearing	16
Human Rights Committee	16
Administrative Hearing	17
How to Make a Complaint	17
State Regulatory Offices	18
How To Reach Your Rights Protection Officer	20

A Special Note About Your Rights

This handbook tells you about the rights and privileges you have if you are receiving services in programs offered through STMHMR at state schools or state centers.

There are some basic things that guide your rights.

1. **People have rights.** Rights are what you are allowed to do and how you should be treated.
2. **Rights are not limited without due process.** Due process is a review process that makes sure your rights are not taken away from you without a good reason.
3. **People are free from abuse and neglect.**
4. **People have responsibilities with the exercise of rights.** Responsibilities are your duties that you need to try to do, if you are able.



Staff can help you learn about your rights and responsibilities.

All services are provided in compliance with the Civil Rights Act of 1964, as amended, and in the Americans with Disabilities Act (ADA) of 1990.

Definition Of Terms

Advance Directive - Telling your doctor what sort of treatment you want for yourself, should you get very, very ill. You can write a “Living Will” or arrange for a “Durable Power of Attorney for Health Care Decisions”.

Advocate - A person who helps you make decisions and looks out for your best interests.

Appeal - To ask for a special meeting when you disagree about a decision.

Consent (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.

Due process - A review process to make sure your rights are not taken away from you without a good reason.

Determination of mental retardation (DMR) - Testing done by a doctor or psychologist to find out if you have mental retardation.

Guardian - Somebody chosen by the courts (often your parent or other adult family member) or your parent if you are under age 18. Your guardian makes certain decisions, as outlined in the court papers. These decisions may be about your money, your rights, and/or your physical needs.

Hearing - A special meeting to review a decision with which you or your guardian do not agree.

Planning meeting - A meeting with your team to develop service plans that will help you meet your goals. (This is sometimes called a “staffing.”)

QMRP (Qualified Mental Retardation Professional) - The person who assures services meet your needs and help you achieve your goals. Sometimes this person is known as your case manager, your service coordinator, or your individual program coordinator.

Rights - What you are allowed to do and how you should be treated.

Rights Protection Officer (RPO) - The person whose job it is to help protect your rights.

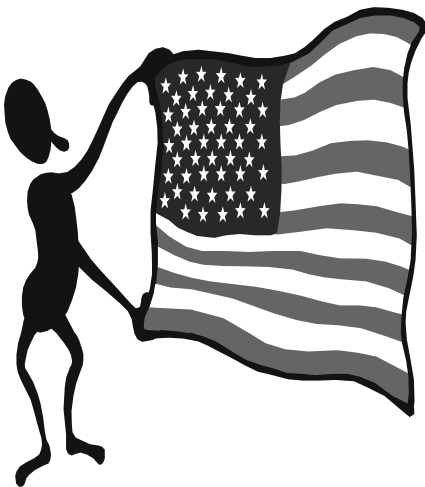
Team (Interdisciplinary Team) - A group of people who make suggestions for the programs that will help you meet your goals or dreams. You and your guardian are members of the team and make the final decision about your program. You can invite your friends or family to come to the meeting, too.

Treatment - This is something that is done for you, like providing you with training.

Your Rights Under The Persons With Mental Retardation Act

If you are a person with mental retardation living in the state of Texas, you have the following rights:

1. You have the same rights all citizens have, unless some of these 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 contract for something such as buying a house, and to get married.



You cannot be treated differently because of your disability.

2. No one has the right to hurt you, take advantage of you, or ignore your needs.

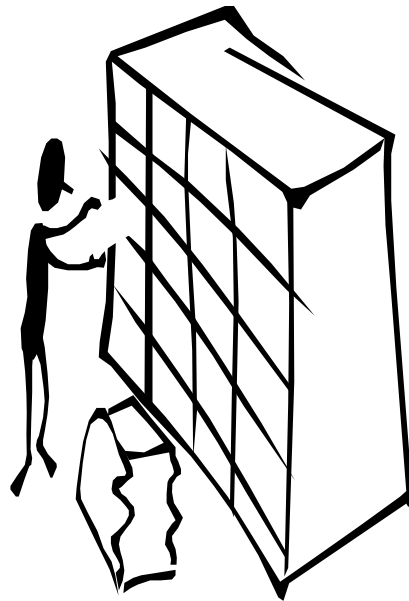
3. You have the right to live and receive services where you can make as many of your own decisions as possible. This may be with your family, with your friends, alone, or where there are people trained to help you.

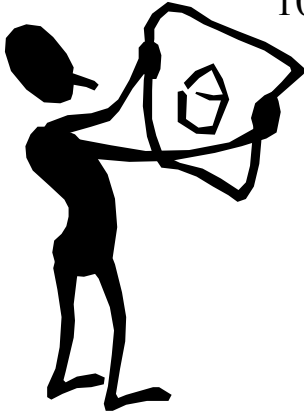


4. You have the right to go to public school until age 22.
5. Before you receive services, a doctor or a psychologist must

determine that you have mental retardation and explain to you what that means. If you do not agree with them, you can ask for a meeting to review your case. You can ask for a second opinion, that you would pay for with your own money. You can ask for services from other agencies or organizations.

6. For issues needing consent, you must be able to understand what you agree to. If you have a guardian, he or she may make decisions for you.
7. Before a guardian is named, you will have a hearing in court with a judge. Only a judge can give you a guardian. That guardian may be a parent or another adult. This hearing is considered due process.
8. If you are looking for a job and have the skills to do the job, you cannot be denied it just because of your disability. If you have a job, you have the right to be paid fairly like everyone else.
9. You have the right to have treatment and services that best meet your needs. You can change your mind about any or all of the services you receive.

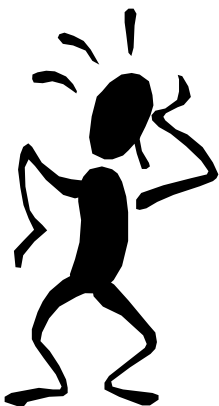




10. You have the right to your own plan for services. You have the right to help decide what your plan will be and to talk with staff about how well your plan is working. If you do not agree with your plan, if you are moved, or if your services are stopped, you can ask for a meeting to review your case. 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 can be told how you are doing in writing.

11. You don't have to take more medicine than you need. Staff must tell you about any medicine a doctor has ordered for you. Medicine is not to be used to punish you.

12. Records about you are private. You and your guardian have the right to see your records unless your doctor says in writing that it would not be good for you. Other people cannot see your records unless you or your guardian agree in writing, or unless the law says it is all right.



13. You have the right to tell someone if you do not like your services or if you think someone is taking away your rights. You can tell your Rights Protection Officer or you can contact the Public Responsibility Committee. Look on the back of this handbook to learn how to contact them. You can also call STMHMR at 1-800-???. If you need help contacting these people, you can ask someone to help you.

- 14. Staff will explain your rights to you so you can understand them. Your parents can also be told about your rights, if you don't understand them. You can ask questions about your rights at any time.
- 15. You can decide to stop getting services at any time, unless a judge says it would not be safe for you to stop getting services.

- 16. You should always be treated with respect. No one has the right to hurt you, say mean things to you, be too personal with you by touching you in the wrong way, or make you feel bad by what they say or do to you. Tell staff, your parent, guardian, or advocate if this happens. Report all abuse to the Spindletop Protective and Regulatory Services at 1-800-???



- 17. You have the right to live in a nice place, and to be treated with respect by staff.

- 18. You can send and receive your mail without anybody opening it. If you need help sending, opening, or reading your mail, you can ask someone to help you.



- 19. You may meet with other people in

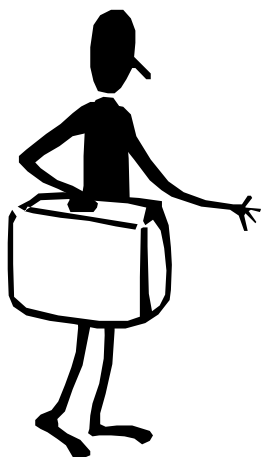
a place where you can be alone.

20. You can have visitors without telling staff ahead of time, and you can meet privately with your visitors. Your friends and family can come to visit here and, if it is okay with your family/friends, you can go visit them.

21. You have the right to make and receive telephone calls with no staff in the room or without staff listening. You can ask staff to help you, if you need help using the telephone.



22. You have the right to choose and keep any objects and clothing that are yours. You have the right to wear clothing that fits, is in good condition, and keeps you warm or cool enough. If you don't have the right clothing, it will be provided to you. You should also be provided a place to store your things.



23. You have the right to ask for a transfer or discharge. If you are told "no", then you can ask for a hearing.

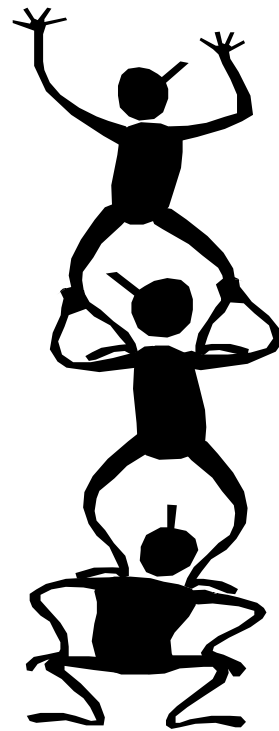
24. You have the right to be notified 30 days before being discharged. If you don't want to be discharged, you can ask for a hearing.

25. You have the right to receive medical and dental care.
26. You have the right not to participate in unusual or harmful treatment procedures or experimental research without written, informed consent.

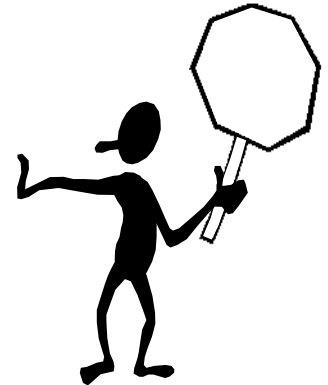
More Rights

In addition to the rights listed above from the Persons with Mental Retardation Act, there are other rights you have based upon rules of the Spindletop Mental Health and Mental Retardation.

1. You can tell your doctor in writing how much treatment to give you if you are very, very ill. This is called an “advance directive”.
2. You can know how much you will have to pay for services. You will not be charged if you do not have any money.
3. You have the right to know the name, title, and abilities of any staff working with you.
4. If you or your guardian choose to change or stop receiving certain services, this will not stop you from getting other services.



5. You have the right to be free from the use of physical restraints, except when ordered by a physician or used to protect you and/or others from danger of harm or injury. You have the right to be released from this restraint as soon as it is safe. You cannot be restrained as punishment, as treatment, or to make it easier for staff.



6. You have the right to have an attorney that you pay for with your own money.
7. You can come and go from where you live.

Your Rights In A STMHMR-Operated ICF-MR Program

State schools and state centers are certified under ICF-MR program requirements. In addition to the rights listed above, you also will have some rights based on ICF-MR program requirements. These rights are listed below:

1. You and your guardian should be told about your medical condition, how you are doing, any problem behaviors, the risks of treatment, and your right to refuse treatment.
2. You have the right to be free from unnecessary drugs and/or restraints. If you hurt yourself or others, you may be given drugs and/or be restrained. There has to be a plan for you that

will help cut down on the need for drugs and/or restraints. This plan is called a behavior therapy program.

3. You do not have to do work without pay. If you have a job, you have the right to get paid. Helping around the house, such as cooking or cleaning up, is not considered work, but is a responsibility.



4. You have the right to manage your money, be trained to manage your money, or have help in handling your money. You can ask staff if you need help or have questions. You and your guardian can look at records that show how much money you have. You also can use the trust fund for your money.

5. You have the right to make decisions about your daily life, including things like what you want to wear.

6. You have the right to be out of your bedroom and doing things during the day.

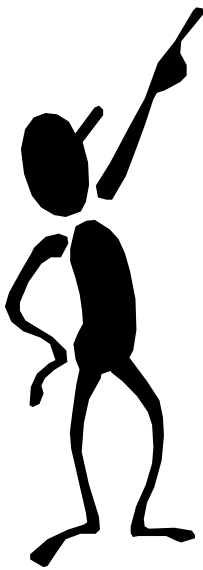


7. If you are married and you both live in the same home, you have the right to share a room.
8. You have the right to privacy during treatment and care of

your personal needs and when you want to be alone. If staff help care for your personal needs, they should close the door so other people cannot see you. Everybody should knock before entering your room, and wait for you to answer, if you can, before entering your room.



9. You have the right to have three meals every day at regular mealtimes. Your doctor and/or nutritionist can help decide what kind of food is best for you.
10. You should not be moved from where you live without a good reason, unless it is an emergency. You should be given enough time to get ready to move. If you feel you are being rushed, ask for more time to get ready to move.
11. You should be provided with basic personal items and supplies, like shampoo and toothpaste. If you like a different brand or type of personal need item, you can buy the item you like with your own money.
12. You have the right to have training programs that will help you do things for yourself like taking care of your own personal needs. You, your guardian, and your team will develop a plan for your treatment. You have the right to go to meetings about you and tell your team what you want to learn and be involved in. This includes your annual planning meeting.



Your Guardian's Rights

If you have a guardian, there are certain decisions they can make for you. Your guardian might make decisions about your money, where you live, or what services you will receive. A guardian may consent to medical treatment. If you are able to make a choice about something, your guardian should let you. There are papers from the court, which tell you exactly what your guardian can decide. If your guardian has papers from the court that say you have a “full guardianship,” they can make all decisions that require consent. All other guardianships are called “limited guardianship” and consent is limited to the specific areas listed in the court papers.

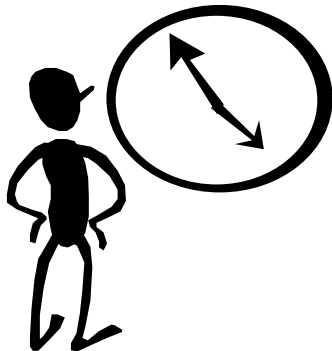
Your guardian should participate in the planning meetings with you and your team. They have the right to look at your records and to talk with staff about you. They can file complaints for you.

Your guardian has to tell the court every year about how you are doing. For the guardian of the estate, this is called an annual accounting. For the 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 need to share this letter with your staff. Your guardian helps protect your rights.

Your Responsibilities

Along with rights come certain responsibilities. Responsibilities are your duties that you need to 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.

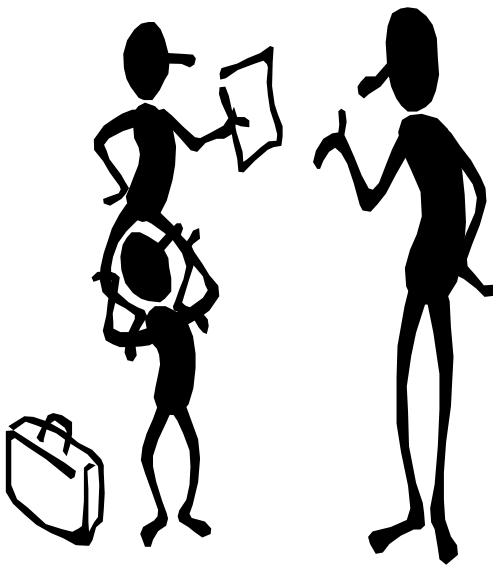
1. You should not hurt others.
2. You should follow the rules and regulations of your program.
3. You should tell staff what you need.
4. You should speak up at your planning meeting and tell your team about your goals and dreams.



5. You should try your best to follow the treatment plan developed by you, your guardian, and those who work with you. If you do not like your plan, you can ask that the plan be changed.
6. You should be on time.
7. You should help take care of the home where you live.
8. You should take care of your things and not bother other people's things.
9. If you leave, you should tell staff where you will be.
10. You may have other responsibilities, and staff can help you learn what they are.

Special Meetings

Guardianship Hearing



If you have a guardian, the guardian had to go to court to tell the judge why he or she wanted to be your guardian to help you make decisions. This process in the court is known as due process. If your guardian is given permission by the court to make certain decisions, then your staff will need your guardian's permission before restricting any of your rights in those areas. You have the right to know about your guardian's decisions.

Human Rights Committee

Sometimes, your team may recommend to take away one or more of your rights. If they do, then another group of people will have a meeting to decide if they agree. This group is called the Human Rights Committee (HRC). You can tell the HRC how you feel about the restriction to your rights. This review is due process. The review is to make sure that your team doesn't restrict your rights without giving you a chance to talk about it.

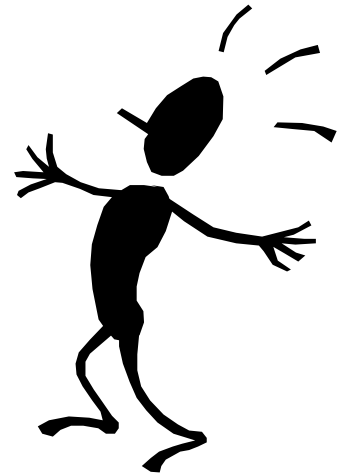
Administrative Hearing

If you or your guardian do not agree with the findings of a

determination of mental retardation, you can request an administrative hearing. You must submit a request to the superintendent. This request must be made within 60 days of the determination of mental retardation.

How To Make A Complaint

If you think that anyone or anything is going against your rights, you should call one of the following people or groups and tell them. Ask staff to help you do this if you need help.



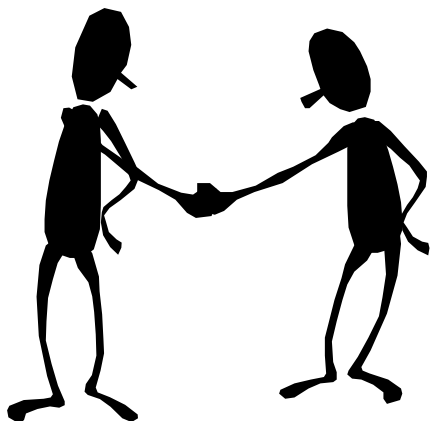
Your Rights Protection Officer

You can talk to your local Rights Protection Officer or the Public Responsibility Committee where you get services. Their telephone numbers and addresses are on the back page of this handbook and are posted at all service locations.

The Public Responsibility Committee

You have the right to tell the Public Responsibility Committee if you do not like your services or if you think someone is taking away your rights. The committee is made up of volunteers who do not work for MHMR. They care about you and will listen to you. Your parents, guardian, or friends can also speak to the committee for you. The way to reach the Public Responsibility Committee is on the back page of this handbook.

State Regulatory Offices



If you want a Rights Officer to help you or your family members with complaints/rights violations regarding MHMR, you should call ???, Texas:

**OFFICE OF CONSUMER SERVICES &
RIGHTS PROTECTION (STMHMR)**

1-800-252-8154

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

**SPINDLETOP PROTECTIVE
AND REGULATORY SERVICES (STPRS)**

1-800-???

If you want to complain about an ICF-MR facility, you should call:

TEXAS DEPARTMENT OF HUMAN SERVICES (ICF-MR)

1-800-???

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

TEXAS EDUCATION AGENCY (TEA)

1-800-252-9668

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

ADVOCACY, INC.

1-800-223-4206

THE ARC

1-800-252-9729

PART (Parent Association for the Retarded of Texas)

1-512-453-7145

If you are hearing impaired and need TDD to make a phone call,
you can get help from:

RELAY TEXAS

1-800-735-2988 (voice)

1-800-735-2989 (TDD)

Your Rights Protection Officer is:

Their telephone number is: ???

You can reach your Public Responsibility Committee (PRC) at:



**STMHMR CONSUMER SERVICES
AND RIGHTS PROTECTION:
1-800-252-8154**