

Rights and Responsibilities

“ Nothing about us without us.”

Responsibility

That statement refers to all stakeholders in the transition/diversion process - Consumers and family members, Navigators, Service Providers and Agency Personnel.

It is the philosophy of this Navigator's Guide and Training that all interested stakeholders are expected to be involved positively and cooperatively in planning and implementing transition activities for persons who desire a transition or diversion.

The involvement also requires that everyone is responsible for some element of the process. Each member of the team has a responsibility for follow-through with the actions for the transition plan.

Traditionally, persons in nursing homes or other facilities have had planning and actions performed for them and to them. Navigators are expected to encourage full participation and action from all team members, even the person transitioning.

The Person Centered Process that is promoted in the Navigator's Guide encourages shared decision-making and responsibility.

Rights

There are certain rights for all human beings. Sometimes persons are not provided with necessary services and supports and are uninformed about their rights to request these supports and services. The following tools provide the Navigator with necessary information to share with persons who are transitioning should there be a need.

The Rights of all...

Human Rights - The basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law and the foundation of freedom, justice and peace in the world

Civil Rights – Right or rights belonging to a person by reason of citizenship including especially the fundamental freedoms and privileges guaranteed by the 13th and 14th amendments and subsequent acts of Congress including the right to legal and social and economic equality. I.e. Freedom of religion, speech, assembly, habeas corpus (protection against illegal imprisonment), freedom from discrimination, right to equal opportunity, etc.

Due Process Rights- An established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual

SUMMARY OF DUE PROCESS INFORMATION

Name:

Date: _____

What Services Do You Currently Receive?

What Company Provides The Services?

What Services Were Terminated?

Do You Have A Contact Person?

Did You Receive A Termination Letter?

Were You Given A Copy Of Your Appeal Right?

What Are The Timelines For The Appeal?

Do Your Services Continue During the Process?

Who Can Provide You With Legal Representation/Advocacy?

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- **If you are unsure how to answer any of these questions or who provides oversight for any of these programs look in the Waiver at a Glance Documents or contact NWVCIL at 304-296-609.**

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MRDD Waiver Flow Chart

- 1. Submit DD 14 \choose vendor.**
- 2. Vendor has 45 days to submit packet – complete psychological, social history and medical.**
- 3. Once the packet is received, the MR/DD waiver office has 45 days to make a final determination.**
- 4. If the applicant receives a denial letter they have up to 90 days to request a fair hearing by submitting the fair hearing form. They must request an appeal in 13 days from the date of the denial, in order to maintain their current level of service.**
- 5. Upon receipt of the request for fair hearing the department has 10 days to contact the individual by phone or in writing indicating the receipt of the fair hearing request. The department has 90 days from the date the completed packet was received to conduct a fair hearing.**
- 6. If the person is not found eligible for waiver services after the fair hearing, they can either go to circuit court or develop a new eligibility packet and restart the process.**

If more information is needed, contact Ken Ervin.

Rights of Residents

1. **The Right to Individual Dignity** - Residents shall, at all times, receive appropriate treatment, be treated with respect, be free from abuse or neglect, and live in a safe, secure and humane environment.
2. **The Right to Treatment** - Every resident shall receive mental health services that are best suited to his needs. These services shall be accomplished in the least restrictive manner consistent with the safety and security of the entire Center and the community at large.
3. **The Right to Express and Informed Consent** - Before treatment is initiated, each resident shall be asked to give express and informed consent for treatment. In an emergency, treatment may be ordered when a physician has determined it is necessary for the safety of the resident or others. If a resident will not consent to treatment deemed essential to his care, a judge may authorize treatment by court order.
4. **The Right to Quality Treatment** - Every resident shall receive treatment that is delivered skillfully, safely, and humanely with full respect for his dignity. Each resident shall receive services designed to expedite his return to the jurisdiction of his commitment.
5. **The Right to Communication, Abuse Reporting and Visits** - Every resident shall be permitted to communicate freely and privately with people outside the Center through letters, telephone calls, and visits unless it is determined that such communication is harmful to the resident or others. Residents have ready access to a telephone in order to report an alleged abuse through the Abuse Registry.
6. **The Right to Care and Custody of Personal Effects** - Every resident may wear his own clothing, and have and maintain other personal effects. The availability of these items may be limited if they are hazardous to the welfare of the resident, others or the safe operation of the Center.
7. **The Right to Vote in Public Elections** - Every resident who is otherwise qualified to vote in primary or general elections shall be assisted in registering to vote and voting if he so requests.
8. **The Right to Confidentiality of the Clinical Record** - Every resident can expect his clinical record to be kept confidential and, except as provided by law, not released or shown to others without his written permission.
9. **The Right to Petition for writ of Habeas Corpus** - Every resident has the right to petition the circuit court to question the cause and legality of his commitment.
10. **The Right to Safe and Dignified Transportation** - Every resident has the right to be transported to and from the Center in a manner designed to ensure his safety and dignity.
11. **The Right to Be Informed** - Every resident has the right to be informed of all his rights and have them explained to him in detail, if requested.

