



STANDARD OPERATING PROCEDURE

Subject	Program Area	Revised	Number
Rights of the Developmentally Disabled	Client Services	November 2024	7.1

Purposes:

1. To ensure that people with disabilities have the same rights as all other citizens.
2. To be in compliance with NJ Department of Human Services/Division of Developmental Disabilities (DHS/DDD) regulations and Federal Home and Community Based Services (HCBS) Final Settings Rule, policies and procedures. This policy enumerates the rights of individuals with developmental disabilities who receive services from Our House, Inc. These rights shall not be prohibited or be used as a cause for retribution against them.
3. To ensure that a client's civil, human, and legal rights are not abridged solely on the basis of their diagnosis, or without due process.

Procedures:

During the Our House, Inc. (OHI) Family Orientation/Intake Process for each Program (e.g. Residential, Day Program or Supported Employment), the client and his/her guardian/family shall be informed of the client's rights and provided with a copy of the New Jersey Department of Human Services, Division of Developmental Disabilities (DDD) Personal Rights packet.

Within one month of participating in the OHI program, the client will have the opportunity to review and discuss with the Site Manager/Supported Living Program Administrator (SM/SLPA)/Program Director or their designee, the New Jersey Department of Human Services, Division of Developmental Disabilities (DDD) Personal Rights packet.

If the client is unable to read the "Personal Rights" packet, the SM/SLPA/Program Director or their designee shall communicate with the resident in a language or manner the client understands.

The SM/SLPA/Program Director or their designee shall explain to the client any portions of the "Personal Rights" packet that the client does not understand and shall answer questions the client may have regarding their rights.

Once a copy has been reviewed with and provided to the client, they or their guardian shall sign and date a written acknowledgement that the client has read or has reviewed the rights, the client understands the rights, and the client's questions have been answered. A copy of the written acknowledgment signed and dated by the client and their guardian shall be placed in the client's file at the home/apartment/program site.

If the guardian is not present at the time of this review, no later than five days following the client's review of the Rights the SM/SLPA/Program Director or their designee shall send a DDD Personal Rights sign-off (form 7.1A) to the guardian acknowledging the "Personal Rights" packet has been reviewed/explained to the client.

The guardian shall sign and date the acknowledgment and return it to the SM/SLPA/Program Director of the home/apartment/program site and it will be placed in the client's file.



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The rights and responsibilities of an individual with an intellectual or developmental disability receiving supports and services through the New Jersey Division of Developmental Disabilities (DDD) include, but are not limited to, the following:

INDIVIDUAL RIGHTS

- I have the right to exercise my rights as a citizen.
- I have the right to privacy and to be treated with dignity and respect.
- I have the right to be believed to have the ability to make my own decisions.
- I have the right to live as I choose, free from judgment, interference, or threat.
- I have the right to protection from physical, verbal, psychological, or sexual abuse, neglect or punishment.
- I have the right to equal employment opportunities, to work in the community and fair payment for my work.
- I have the right to own, rent, or lease property.
- I have the right to live and receive services/supports in the least restrictive environment and to be free from restraint.
- I have the right to express human sexuality and receive appropriate training/education.
- I have the right to marry and have children.
- I have the right to presumption of legal competency in guardianship proceedings.
- I have the right to be free from unnecessary and excessive medication.
- I have the right to privacy during treatment and care of my personal needs.
- I have the right to confidentiality/privacy of my information and medical records.
- I have the right to access my personal resources and be free from personal and financial misuse/abuse.
- I have the right to utilize my New Jersey Individualized Service Plan (NJISP) and budget to meet my needs within Waiver program guidelines.
- I have the right to decide how to choose my services or to have someone I choose help me with decisions within the guidelines of the Waiver program.
- I have the right to identify and invite who I want to participate in my service plan meetings.

I have the right to a fair hearing if for any reason my waiver services are denied, reduced, suspended or terminated.

An initial appeal shall be made in writing to:
Division of Medical Assistance and Health Services (DMAHS) Fair Hearing Unit
PO Box 712
Trenton, NJ 08625



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When living in a community residence licensed by the New Jersey Department of Human Services Office of Licensing:

- **I have the right to have a key to lock/unlock my home and bedroom door, to have visitors of my choosing at any time, make and receive phone calls, make my own schedule and access food at any time, unless otherwise determined in a documented person-centered process that I am a part of.**

All served Individuals have the right to make choices, even if those choices may result in poor outcomes. Providers must maximize a person's ability to make choices while minimizing the risk of endangering the person or others. If any restrictions are placed upon a served individual rights the reason(s) must be brought to the Interdisciplinary Team through an IDT meeting, needs to be approved by the IDT, approved by the OHI Human Rights Committee and documented in the served individuals ISP.

INDIVIDUAL RESPONSIBILITIES

- I am responsible for maintaining/keeping Medicaid coverage to continue services on my Waiver program.
- I am responsible for making sure that I can meet with my support coordinator and provide all information necessary to ensure that my NJISP can be created within 30 days of my support coordination agency selection.
- I am responsible for participating in the development of my NJISP and sharing in any decision making associated with the plan.
- I am responsible for what is included in my NJISP and for following my budget according to Waiver guidelines.
- I am responsible for all required paperwork and following all Waiver program policies and procedures.
- I am responsible to contact my support coordinator in the event that I want to change any of the service providers listed in my NJISP.
- I am responsible to contact my support coordinator if anything changes in my life that may require a change to my NJISP or services that I receive.
- I am responsible for participating in monthly phone contacts and quarterly face-to-face visits with my support coordinator. I understand these visits are mandatory and may occur in my home, day program or place of employment as agreed upon with my support coordinator. I understand that at least one of these face-to-face quarterly visits per year must take place inside my home.
- I have read and /or understand these rights and responsibilities.

All new employees must review the "Personal Rights" packet during the OHI New Hire Orientation or within their first 30 days of employment, whichever is soonest.

In addition to the NJ DHS/DDD Personal Rights noted above, all Our House, Inc. served individuals have the right to:

- Freedom from abuse
- Freedom from financial or other exploitation



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- Freedom from retaliation
- Freedom from humiliation
- Freedom from neglect
- Access to information pertinent to themselves in sufficient time to facilitate decision making
- Access to their own records in compliance with HIPAA administrative policies
- Informed consent or refusal or expression of choice and withdrawal of consent regarding service delivery, release of information, concurrent services, composition of the service delivery team, involvement in research projects (if applicable)
- Access or referral to legal entities for appropriate representation, self-help support services, Advocacy support services
- Adherence to research guidelines and ethics when persons served are involved (if applicable)
- Investigation and resolution of alleged infringement of rights
- Other legal rights.

At the monthly staff meeting, the SM/SLPA/Program Director shall review with the staff at least one of the rights listed in the “Personal Rights” packet.

Staff shall review, explain, and discuss at least one personal right with the clients on a regular basis either during the residential weekly house meeting, during an Employment Services job coaching meeting, or during a Day Program self-advocacy meeting, depending on whether or not it is appropriate for the client. **If a client/guardian determines that they do want to participate in the weekly house meeting, a House Meeting Minutes agreement will have to be signed yearly.**

If a client and/or their guardian feel that the client’s rights have been violated or someone is keeping them from exercising their rights, they should report it immediately to the SM/SLPA/Program Director. If the client and/or their guardian are not satisfied with the answer they receive; they may follow the agency’s grievance procedures that may include a review by the agency Human Rights Committee.

If any limits are placed upon a client’s rights the reason(s) must be brought to the Interdisciplinary Team through an IDT meeting, needs to be approved by the IDT and approved by the OHI Human Rights Committee and documented in their ISP.