

## RIGHTS & RESPONSIBILITIES OF CLIENTS AND PROVIDER POLICY

Staff are made aware of the rights and responsibilities of both the client and the provider through this policy (**Rights & Responsibilities Policy**), through other policies, and through training when hired. As the provider begins service provision with an individual and annually thereafter, these rights and responsibilities are explained when going over the form **Your Rights and Responsibilities**. Whenever possible, staff will encourage the individual to understand exercise his rights and responsibilities. The individual is asked in different ways if he or she is aware of his rights and responsibilities during the satisfaction survey as well.

Should an individual the provider is working for not have legal rights, either by being a minor or having rights legally adjudicated away, the same nonlegal rights will still apply. Concerning legal rights, these types of decisions will be delegated to the person who has legal guardianship for the individual.

Any staff person working for the provider will treat every individual with respect. Staff will listen to ideas and opinions expressed by the individual and treat them with proper consideration. Staff may express their own opinion on matters, but they will be given no more weight than the individual. Staff will speak to the individual with proper consideration and not use derogatory manners or statements.

The individual will have access to personal possessions, food, and money. The individual will be able to move about with complete freedom within his capabilities. If needed, staff will assist the individual in the use of public transportation so that movement within the greater community is enhanced.

In cases where an individual has a payee assigned for Social Security payments, staff should be sure that the individual knows who is responsible for his or her money, what his or her money is used for, and that the individual gets at least quarterly accounts of income and expenses

Title XXIX, Chapter 393.13 specifies the rights of all persons with developmental disabilities.

### RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL DISABILITIES Title XXIX, Chapter 393.13

These rights apply to all persons with developmental disabilities whether or not such persons are clients.

- (a) *right to dignity, privacy, and humane care*
- (b) *right to religious freedom and practice*
- (c) *right to receive services, within available sources, which protect the personal liberty of the individual*
- (d) *right to participate in an appropriate program of quality education and training services, within available resources, regardless of chronological age or degree of disability*
- (e) *right to social interaction and to participate in community activities*
- (f) *right to physical exercise and recreational opportunities*
- (g) *right to be free from harm, including unnecessary physical, chemical, or mechanical restraint, isolation, excessive medication, abuse, or neglect*
- (h) *right to consent to or refuse treatment*
- (i) *No otherwise qualified person shall, by reason of having a developmental disability, be excluded from participation in, or be denied the benefits of, or be subject to discrimination under, any program or activity which receives public funds, and all prohibitions set forth under any other statute shall be actionable under this statute*
- (j) *No otherwise qualified person shall be denied the right to vote in public elections*

### CLIENT RIGHTS Title XXIX, Chapter 393.13

- (a) Clients shall have an *unrestricted right to communication*:
  1. *allowed to receive, send, and mail sealed, unopened correspondence*
  2. *afforded reasonable opportunities for telephone communication*
  3. *unrestricted right to visitation without infringement upon other clients' rights to privacy*
- (b) Each client has the *right to the possession and use of his or her own clothing and personal effects*
- (c) Each client shall *receive prompt and appropriate medical treatment and care*
- (d) Each client shall have *access to individual storage space for his or her private use*
- (e) Each client shall be *provided with appropriate physical exercise*
- (f) Each client shall *receive humane discipline*
- (g) *No client shall be subjected to a treatment program to eliminate problematic or unusual behaviors without first being examined by a physician who in his or her best judgment determines that such behaviors are not organically caused*
- (h) Clients shall have the *right to be free from the use of restraint or seclusion.*
- (i) Each client shall *have a central, confidential record.*
- (j) Each client eligible to vote has the *right to vote.*

**LIABILITY FOR VIOLATIONS Title XXIX, Chapter 393.13**

Any person who violates or abuses any rights or privileges of persons who are developmentally disabled provided by this act shall be liable for damages as determined by law.

**NOTICE OF RIGHTS Title XXIX, Chapter 393.13**

Each client shall promptly receive from the Department of Children and Family Services or the Department of Education a *written copy of this act and informed of his rights.*

**INDIVIDUAL RESPONSIBILITIES**

The client should understand that living in his own household in the community involves responsibilities and possible risks.

The client must actively participate in the services provided.

The client must attend scheduled service activities and meetings.

The client must work with staff at mutually agreeable times and places.

The client must allow the provider to collect funding for the services provided.

The client must maintain the confidentiality of other people in the program at all times.

The client cannot use or possess weapons, illegal drugs, or alcohol in the presence of his provider.

You must not act in a violent or abusive manner toward other people.

You must follow rules, laws, and regulations of the city, county, state, and federal government.

The client should express personal choices and preferences as he is able.

The client should exercise choice and control over his life as he is able.

The client should form or renew connections with other people in the community and with family.

The client should participate at whatever level possible in the home and community

**PROVIDER RESPONSIBILITIES**

Provider responsibilities are found in the Core Assurances.

The Provider will comply with all applicable state statutes and rules of the agency, which is APD, *and with all regulations, policies, procedures and directives* pertaining to the implementation of the waiver, including all rates and fee schedules developed under such laws, rules, and regulations.

The Provider will *uphold the rights and privileges of Individuals* with developmental disabilities as specified in s. 393.13, F.S., "The Bill of Rights of Persons Who are Developmentally Disabled."

The Provider will *comply with all federal, state and local laws and ordinances* pertaining to the operation and requirements of the Provider's business.

1. The Provider will *prohibit discrimination on the basis of race, color or national origin.*
2. The Provider will *prohibit the exclusion or denial of individuals with disabilities an equal opportunity to receive program benefits and services.*
3. The Provider will *prohibit discrimination on the basis of age.*
4. The Provider will *prohibit discrimination on the basis of sex and religion.*
5. The Provider will *prohibit discrimination based on disability.*

The Provider will ensure each individual is afforded *freedom of choice within the scope of available funding levels.* Freedom of choice includes, but is not limited to:

1. Opportunities for the Individual to *select non-funded supports available to the general community*
2. Opportunities for the Individual to *select vendors* of supports and services
3. Opportunities for the Individual to *change Providers* of supports and services
4. Opportunities for the Individual to work with a Provider to *identify mutually agreeable times and settings for the provision of supports or services*
5. The opportunity for the Individual to *end participation* in the waiver.

I have read and understand the Rights & Responsibilities Policy and agree to follow its dictates.

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Staff Signature

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Date