



Home and Community Based Services Rights Policy

Purpose

To articulate those rights expressly guaranteed by 42CFR 441.301 for all who receive Home and Community-Based Services. To communicate the methods and procedures for ensuring that all staff are trained in these rights, that their practice is in an expected component of staff performance, and how individuals will be informed of these rights.

General Rights

The Developmental Disabilities (DD) Waiver Home and Community-Based Services (HCBS) Waivers provide Virginians eligible for DD Waiver services the choice to receive services and supports in the community versus an institutional setting. Per federal regulations (42 CFR 441.301), individuals enrolled in long-term services and support waivers are permitted specific rights. For individuals receiving DD Waiver (group day and/or group supported employment) services, the setting must:

- Be integrated in and supports full access to the greater community.
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimize, but not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitate individual choice regarding services and supports, and who provides them.

Notification of Rights

It is the policy of Branches of Life that individuals receiving Group Day Services are notified of their HCBS rights annually. These rights will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date and be kept in the individual's service file.

Service Users Independent Choices:

- Service users have the opportunity to participate in activities of their choice that are consistent with the goals and objectives identified in their plan for supports. This includes activities within the setting, as well as activities in the community.
- The service users will have the opportunity to choose where their skills are practiced, whether they are in a classroom setting or a natural community setting.
- The service user will have the opportunity throughout their day to choose which activities they wish to participate in.

Branches of Life Group Day Services
Home and Community Based Services Rights Policy
Effective Date: December 1, 2018

- Service users can access things like music, technology, art supplies, games, etc and have the opportunity to choose their leisure activities.
- Branches of Life can adequately support a variety of service users needs and activities, such as having space for people to move about as they wish and allow individual and group spaces.
- Service users have the opportunity to choose who they would like to hang out with, sit by, participate in activities with, etc.
- Service users can provide suggestions about in-house or community activities by participating in our monthly Activity Committee Meetings.
- Service users will be supported with creating individualized schedules. These individualized schedules can vary from daily to weekly to monthly, depending on the person's preferences.

Expectations for Person-Centered Individual Support Plans.

In addition, Person Centered Individual Support Plans (PCISP) for individuals must reflect the services and supports that are important for the individuals' identified needs and preferences. An individual's written PCISP must:

- Reflect that the setting was the individual's choice and is integrated in, and supportive of full access of the individual to the greater community.
- Reflect the individual's strengths and preferences.
- Reflect clinical and support needs that have been identified through a functional needs Assessment.
- Includes individually identified desired outcomes and support activities.
- Reflect the (paid/unpaid) services/supports, and providers of such services/supports that will assist the individual to achieve identified goals.
- Reflect risk assessment, mitigation, and backup planning.
- Be understandable (e.g. linguistically, culturally, and disability considerate) to both the individual receiving HCBS and the individual's support system.
- Identify the individual and/or entity responsible for monitoring the PCSP.
- With the written, informed consent of the individual, be finalized, agreed to, and signed by all individuals/providers responsible for implementation of the PCSP.
- Be distributed to the individual and others involved in the PCSP.
- Prevent service duplication and/or the provision of unnecessary services/supports.

Staff/Volunteer Training:

- All staff/volunteers will be trained on HCBS rights and expectations in conjunction with the mandated training required by 12VAC35-115
- Questions concerning these rights will be included in the objective written test administered during initial staff orientation.

Branches of Life Group Day Services
Home and Community Based Services Rights Policy
Effective Date: December 1, 2018

- HCBS Rights will be reviewed annually with all staff/volunteers and documented in the employee's training file.

Elements of the listed "rights" and practices for implementation are included, as appropriate, in both the position descriptions and the performance evaluations to emphasize the importance of these specific rights.