

# Intellectual/Developmental Disabilities Waiver (IDDW)

## Provider Agency Member Rights Training



# Agenda

- **IDDW Member Rights**
- **Questions**

# Member Rights

# IDDW Member Rights

- All persons who receive IDDW services retain all rights afforded to them under the law.
- Rights addressed in this training are related to rights as an IDDW program participant only.
- The service coordination agency must inform each person who receives services of their rights each year.

# IDDW Member Rights (Cont.)

- Persons and/or their legal representatives have the right to choose between Home and Community-Based Services (HCBS) as an alternative to institutional care.
- Individuals who qualify for the IDDW program are also eligible for institutional placement, but have opted to participate in the program instead.
- The person, or his/her legal representative, indicates the choice on a Freedom of Choice form upon enrollment and each year.

# IDDW Member Rights (Cont.)

- The individual also has a choice of Service Delivery Model, which is indicated on the Freedom of Choice form at enrollment and following years.
- The two available Service Delivery Models are:
  - Traditional—all services delivered by one or more traditional provider agencies.
  - Traditional with Personal Options—some services delivered by one or more traditional provider agencies and some services directed by the individual and his/her supports.

# IDDW Member Rights (Cont.)

- The Freedom of Choice form is used for the individual to indicate their choice of service providers.
  - More than one service provider may be used if the person chooses. For example, a person may receive service coordination with one agency and to receive residential services from another.
  - During the annual functional assessment, the KEPRO Service Support Facilitator (SSF) will assist the person with completion of the Freedom of Choice form.
  - The SSF will also provide a list of providers licensed to serve the individual's county.

# IDDW Member Rights (Cont.)

- Persons and their legal representatives also have the right to:
  - Address dissatisfaction with services through the provider's grievance procedure;
  - Address dissatisfaction with the Personal Options vendor, if he/she self-directs services;
  - Access the Medicaid Fair Hearing process consistent with state and federal law;
  - Be free from abuse, neglect and exploitation.

# IDDW Member Rights (Cont.)

- Persons and their legal representatives also have the right to:
  - Be notified and attend any and all of their Interdisciplinary Team (IDT) meetings—inviting anyone they choose to include;
  - Obtain advocacy if they choose to do so;
  - File a complaint with the Utilization Management Contractor (UMC), currently KEPRO, regarding the results of the annual functional assessment.

# IDDW Member Rights (Cont.)

- Persons and their legal representatives also have the right to:
  - Have all assessments, evaluations, medical treatments, budgets, and Individual Program Plans (IPP), explained to them in a format they can understand, even if a legal representative makes decisions regarding healthcare;
  - Make decisions regarding their services; and
  - Receive reasonable accommodations afforded under the Americans with Disabilities Act (ADA).

# Transferring Services

- Program participants, or their legal representative if applicable, may choose to transfer any or all services to another provider at any time.
- The current agency is required to facilitate transfers when requested. Failure to do so in a timely manner should be reported to the UMC.

# Grievances/Complaints

- All provider agencies are required to provide oral and written information on their rights and grievance policies.
- If the person or their legal representative is dissatisfied with the quality of services or the provider of service, it is recommended that they follow the provider agency's grievance process.
- If the issue is not resolved at this level, the person or legal representative may file a formal complaint with the UMC. The UMC will complete an investigation and report the results to BMS and to the person and their legal representative.

# Other Rights

- The following rights should also be preserved:
  - Services that support liberty and result in positive outcomes;
  - An individualized, written service plan to be developed promptly after admission;
  - Services based on the plan with periodic reviews and reassessment of needs;
  - Appropriate revisions to the service plan including a description of the services that may be needed for follow-up;
  - Services in the least restrictive, most appropriate, and potentially most effective setting possible.

# Other Rights (Cont.)

- The following rights should also be preserved:
  - Ongoing informed participation in the development of the service plan;
  - Refusal of services at any time;
  - A legal representative when unable to act on his/her own behalf;
  - Freedom from involuntary experimentation;
  - Freedom from restraints/seclusion;
  - Humane environment in which personal dignity and self-esteem are promoted;
  - Confidentiality of records;
  - Access to records in accordance with state law.

# Other Rights (Cont.)

- The following rights should also be preserved:
  - Exercise of civil rights;
  - Referral to other providers if needed/requested;
  - Freedom from physical, verbal, sexual, or psychological abuse and/or punishment; and
  - Freedom from unnecessary medication, including medication used as punishment or for convenience of others.

# Questions

# Contacts

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