



Know Your Rights and Responsibilities

The Missouri Division of Developmental Disabilities and You



Missouri Division of
**Developmental
Disabilities**



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Who is this booklet for?

This is a Booklet Series for you! Someone who is getting supports and services from the Missouri Division of Developmental Disabilities.



These booklets are written using words and pictures to help you understand information that you need to know. You might be able to read this information by yourself or you might want someone to read this with you.



The information in this booklet comes from the rules and laws the State of Missouri set up to help protect you. Later in the booklet you will find the exact laws that talk about your rights and responsibilities.



This booklet is to help you understand rules and laws but there may be other things in the law that you need to know. If you need more help understanding your rights and responsibilities then you should talk to your support coordinator, someone in your family, or an advocate.

What is this booklet about?



What are Rights?

Rights are the rules that help make everyone equal. You have some rights when you are born. These are called human rights because every person has them. Your rights belong to you and no one can take them away from you. Rights are rules about what you can do or have.



What are Responsibilities?

Responsibility means the things you are expected to do. Responsible people know what their rights are and respect the rights of others.

Why is this booklet important to you?

This booklet helps you learn about rights and your responsibilities as someone who gets services from Missouri Developmental Disabilities. This booklet will help you understand what we mean by rights and responsibilities.

It is important that you learn about the services you receive and about your rights and responsibilities. You will see that there are lots of things that you can choose to do. You will see that there are things that you do not have to agree to or do.

This helps you tell people what you want and how you want to be treated. It will help you tell people what you need from them and how they can help you.

How is this booklet set up?



This booklet will show and tell you about your rights and responsibilities. It uses the Missouri Quality Outcomes to help you learn about the different types of rights and responsibilities.



The Missouri Quality Outcomes (MOQO) are questions that the Missouri Division of Developmental Disabilities asks you to find out what is important to you and what you want for your good life. The MOQO asks you about your services and how you feel about your life.

Missouri Quality Outcomes

The Missouri Quality Outcomes were created by people with disabilities, their families and professionals. Here are the six outcome areas and what they mean. The icon is a picture that helps you remember that outcome area.



Daily Life & Employment

You participate in meaningful daily activities of your choice.



Community Living

You live in a community that you choose; with people you choose and in places designed to meet your needs.



Social & Spirituality

You are an active member of your community and you get to decide your values, roles and relationships through self-determination.



Healthy Living

You can choose how you get your own health/mental health taken care of. You are supported to make informed choices regarding your health and well-being.



Safety & Security

You know your rights and you do things to promote your safety and security.



Advocacy & Engagement

You can advocate for yourself and others. You can advocate about causes you believe in, like your personal goals and dreams.



Your Rights: Daily Life and Employment

Daily life and employment are about what you choose to do as part of your everyday life – going to school, working, volunteering, and other things you do daily to live your good life.



Right
Control your personal money.



Responsibility
Pay your bills and manage your money.



Right
To have a job and make money.



Responsibility
To keep a job, so you can live the way you want.



Your Rights: Daily Life and Employment *(Continued)*



Right

To have things of your own.



Responsibility

To take care of your things.



Right

To have privacy spending time alone;
to talk to who you want to in private.



Responsibility

To speak up when you want to be alone.



Your Rights: Community Living

Community living is where you live, how you get around and the things you do in your community.



Right

To be able to see current news and media.



Responsibility

To inform yourself of what is going on in the world around you.



Right

To have a safe, clean home and to choose where you want to live and with who.



Responsibility

To keep your house safe and clean; to choose a home that you can afford and be a good housemate.



Your Rights: Safety & Security

Safety and security are about things you do to be safe, to be ready for emergencies and to make decisions and know about your legal rights.



Right

To be free from people hitting you, hurting you, yelling at you, saying hurtful things or keeping you from moving.



Responsibility

To tell someone if you feel you are being hurt.



Right

To be treated with respect at all times and treated like any other person under the law.



Responsibility

To treat others the same way you want to be treated, to be responsible, not breaking any laws.



Right

To have who you choose to help you make decisions.



Responsibility

To choose people who know you well and you can trust.



Right

To be helped to make a complaint, without being afraid someone will be upset with you.



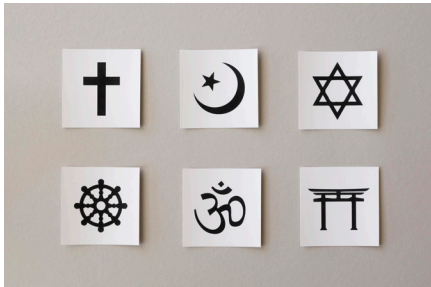
Responsibility

To make a complaint to the right people.



Your Rights: Social & Spirituality

Social and spirituality is about friendships and relationships, what you like to do in your spare time and your faith life.



Right

To go to church or place of worship of your choice; or to decide not to go to faith services.



Responsibility

To respect others choice of worship.



Right

To join in groups and activities that you choose.



Responsibility

To be a good team player.



Right

To be friends with whoever you want to.



Responsibility

To be respectful of your friends and choose friends who will respect you.



Your Rights: Healthy Living

Healthy living is about what you eat, how much you move, how you stay well both physically and mentally.



Right

To go to the doctor or hospital when you need to, as soon as you need to; to get a 2nd opinion.



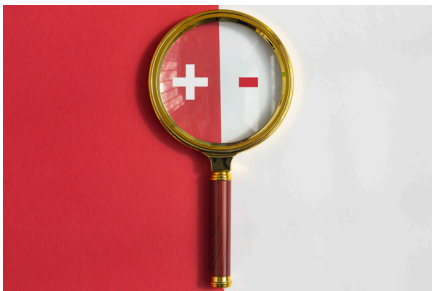
Responsibility

To listen to your doctor and follow agreed upon plans.



Right

To say “NO” to being part of any medical treatment, study, or experiment.



Responsibility

To ask for help to make choices and understand pros and cons related to medical treatments, studies or experiments.



Right

To get meals that are healthy and good for you.



Responsibility

To choose foods that help keep you healthy.



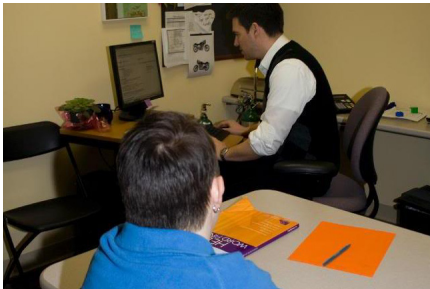
Your Rights: Advocacy & Engagement

Advocacy & Engagement are about you making informed choices about your life and how you tell people what you want.



Right

To lead your ISP and invite people who are important to you.



Responsibility

To ask for the help you need to direct your planning process and meet timelines.



Right

To be as independent as you can be, and be part of your community.



Responsibility

To ask for the help that you need.



Right

To have rules and policies in an accessible format and explained to you in a way you can understand.



Responsibility

To ask for the information in a format that best meets your needs.



Right

To receive services (no matter your race, religion, disability, or age; or if you are a man, woman, married or single, gay or straight.)



Responsibility

To contact the Office of Constituent Services if you have a complaint.

What if my rights are violated?

What if I think I'm not getting all my rights?



If you think that someone is taking away your rights or keeping you from things, you have a right to tell someone and get help. If you do not agree with something that is happening to you that you believe is your right, you can tell someone, and they must look into it.



Sometimes your support team or someone else might try to limit your rights because they think it would be better for you. This means that they think there is a good reason for you NOT to have or do something that you would usually have a right to do or have.



You can tell your Support Coordinator, a friend, family member, advocate, or the person in charge of the place that supports you or someone from the Missouri Division of Developmental Disabilities.



If someone is trying to limit your rights, that decision must be reviewed by the Division of Developmental Disabilities Regional Office or by a special group called the State Operated Due Process Committee. Their job is to make sure that your rights are being protected.

What is Due Process?



There is a legal rule that says that the state must respect all legal rights that are owed to you. If you think that is not happening then the state has to have a way for you to tell someone about this.

This is called due process.



Due Process is your legal right. It means being able to say **"I do not agree"** with a decision about you or your services. You have the right to ask that someone from the state look to see if your rights are being protected.



It is important that your rights are protected and that you know that other people are there to help you make sure you have rights.

There is a list of all the people that can help you and how to get a hold of them on the next page.

Who can help me?

- Someone at the **State MoDDD Office**
1-800-364-9687
- Someone at a **MoDDD** office near you
<https://dmh.mo.gov/dev-disabilities/regional-offices>
- **The Department of Mental Health Constituent Services:**
<https://dmh.mo.gov/constituent-services>
1-800-364-9687
- **Missouri Protection & Advocacy:**
<http://www.moadvocacy.org/index.html>
1-800-392-8667
TDD 1-800-735-2966
- **Missouri Department of Health and Senior Services: Adult Hotline:**
<https://health.mo.gov/safety/abuse/index.php>
1-800-392-0210

The Laws and Rules that protect your rights

We think it is important for you to know where to find the exact wording of the laws, rules and regulations that talk about your rights. This section uses the official wording so it may not be as easy to read or understand. You may need to ask for help from someone you trust.

We have 2 ways for you to see this information. Go to the links below to find the official language. Read the official words with the outcome area it goes with.

1. Go to the links below to find the official language.

- **Human rights of individuals receiving services:**

Missouri Revised Statue 630.115.1

<https://www.dwi-laws-missouri.com/?section=630.115-patient-s-entitlements-mdash-administrative-review-of-violations>

- **Rights of those who have guardians:**

Missouri Revised Statue 475.361

<https://revisor.mo.gov/main/OneSection.aspx?section=475.361>

- **Rights of people who are eligible for DD services:**

9 CSR 45-3.030

<https://www.sos.mo.gov/cmsimages/adrules/csr/current/9csr/9c45-3.pdf>

2. Read the official words with the outcome areas on the following pages.

Official Language by Missouri Quality Outcome Areas



Daily Life and Employment

What a person does as part of everyday life – school, employment, volunteering, communication routines, life skills.

- 630.110. 1. (2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases; 42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.
- 630.115. 1.(4) To not participate in nontherapeutic labor;
9 CSR 45-3.030(1)(M) To seek employment and work in competitive integrated settings; 42 C.F.R. § 441.301(c)(4)(i)-Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.
- 630.110. 1. (1) To wear his own clothes and to keep and use his own personal possessions;
- 630.110.1. (3) To communicate by sealed mail or otherwise with persons including agencies inside or outside the facility; 630.110.1. (5) To have reasonable access to a telephone both to make and receive confidential calls; 9 CSR 45-3.030(1)(J) To communicate in any form and to have privacy of communications;
- 630.110.1. (8) To have reasonable, prompt access to current newspapers, magazines and radio and television programming.



Community Living

Where you live and how you get around town.

- 630.115. 1.(3) To safe and sanitary housing;
9 CSR 45-3.030(1)(G) Within one's financial means, to have a choice where to live and whether or not to share a home with other people;
- 630.115. 1.(11) To be evaluated, treated or habilitated in the least restrictive environment;
9 CSR 45-3.030(1)(E) To receive services and supports to achieve the maximum level of independence; 9 CSR 45-3.030(1)(I) To participate fully in the community;



Social & Spirituality

Friendships and relationships, leisure activities, personal networks, faith community.

- 630.115. 1.(5) To attend or not attend religious services; 9 CSR 45-3.030(1)(O) To choose where to go to church or place of worship, or to refuse to go to a church or place of worship;
- 630.110. 1.(7) To have opportunities for physical exercise and outdoor recreation;
- 630.110.1.(4) To receive visitors of his own choosing at reasonable times.



Safety & Security

Staying safe and secure— emergencies, well-being, legal rights and issues.

- 630.115. 1.(15) To be free from verbal and physical abuse.
9 CSR 45-3.030(1)(D) To be free from physical, emotional, sexual, and verbal abuse, and financial exploitation;
9 CSR 45-5.010(3)(C)2.E Individuals have freedom of movement



Healthy Living

Health care and staying well— medical, mental health, behavior, developmental, wellness, and nutrition.

- 630.115. 1.(2) To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;
630.115. 1.(10) To have access to consultation with a private physician at his own expense;
- 630.115. 1.(8) To not be the subject of experimental research without his prior written and informed consent or that of his parent, if a minor, or his guardian; except that no involuntary patient shall be subject to experimental research, except as provided within this chapter;
630.115. 1.(9) To decide not to participate or may withdraw from any research at any time for any reason*;
9 CSR 45-3.030(1)(N) To participate or decline participation in any study or experiment;
630.115. 1.(12) To not be subjected to any hazardous treatment or surgical procedure unless he, his parent, if he is a minor, or his guardian consents; or unless such treatment or surgical procedure is ordered by a court of competent jurisdiction;
630.115. 1.(13) In the case of hazardous treatment or irreversible surgical procedures, to have, upon request, an impartial review prior to implementation, except in case of emergency procedures required for the preservation of his life;
- 630.115. 1.(14) To a nourishing, well-balanced and varied diet;



Citizenship & Advocacy

Building valued roles, making choices, setting goals, assuming responsibility, driving how one's own life is lived and supported decision-making.

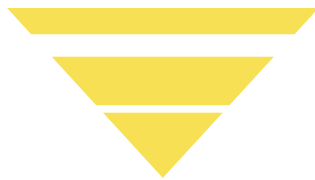
- 630.115.1.(1) To humane care and treatment;
9 CSR 45-3.030(1)(A) To be treated with respect and dignity as a human being;
630.115. 1.(7) To be treated with dignity as a human being;
9 CSR 45-3.030(1)(B) To have the same legal rights and responsibilities as any other citizen;
- 9 CSR 45-3.030(1)(H) To direct one's own person-centered planning process and to choose others to be included in that process;
- 630.115. 1.(6) To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which he is informed insofar as he is capable of understanding;
9 CSR 45-3.030(1)(K) To accept or decline supports and services;
9 CSR 45-3.030(1)(L) To have freedom of choice among Division of DD approved providers;
- 630.110. 1.(6) To have access to his mental and medical records;
9 CSR 45-3.030(1)(P) To have rights, services, supports, and clinical records regarding services explained in a manner that is easily understood and in an accessible format;
9 CSR 45-3.030(1)(Q) To have all of an individual's records maintained in a confidential manner;
- 9 CSR 45-3.030(1)(F) To have access to all rules, policies, and procedures governing the operations of the Division of DD in an accessible format, and to have those rules, policies, and procedures explained in a manner that is easily understood;
- 9 CSR 45-3.030(1)(C) To receive services regardless of race, creed, marital status, national origin, disability, religion, sexual orientation, gender, or age;
- 9 CSR 45-3.030(1)(R) To report any violation of one's rights free from retaliation and without fear of retaliation; and
9 CSR 45-3.030(1)(S) To be informed on how to make an inquiry, file a complaint or report a violation of one's rights, and to be assisted in these processes, if requested.

State Rules and Regulations *(Continued)*

- 9 CSR 45-3.030(2) Adults who do not have a legal guardian have the right to designate a representative to act on one's behalf for purposes of receiving services from the Division of DD.
- 9 CSR 45-3.040(1)(A) Designated representative—a parent, relative, or other person designated by an adult who does not have a guardian. The designated representative may participate in the person-centered planning process and development of the individual support plan, at the request of, and as directed by, the individual.
- 9 CSR 45-3.040 (4) Adults who have not been declared legally incapacitated may give their written consent for parents, relatives, or other persons to serve as their designated representative to advocate for and advise, guide, and encourage the individual and members of the individual support plan team in developing and implementing individual support plans. Written consent for designated representatives shall include written authorization to disclose protected health information.
- 9 CSR 45-3.040(4)(C) Individuals may revoke their consent in writing at any time and the Division of DD and all parties responsible for the implementation of the ISP shall recognize the revocations immediately.

Know Your Rights and Responsibilities

What You Can Expect from the Missouri Division of
Developmental Disabilities



**Missouri Division of
Developmental
Disabilities**

DMH.MO.GOV/DEV-DISABILITIES

Department of Mental Health
1706 East Elm Street
Jefferson City, MO 65101

Phone: 573-751-4054
Fax: 573-751-9207
Email: ddmail@dmh.mo.gov

The information in the *The Missouri Division of Developmental Disabilities and You Series on Rights and Responsibilities* booklet is from:

- *The Missouri Code of State Regulations (CSR)*
- *MoDDD HCBS Rule Overview for Individuals and Families*
- *MoDDD: A Guide for Individuals with Developmental Disabilities to Understanding Rights and Responsibilities*

