

**GUIDE
TO**

**THE RIGHTS OF
RESIDENTS**

OF

ICF/DDs

IN

LOUISIANA

July 2009

A GUIDE TO THE RIGHTS OF RESIDENTS OF ICFs/DD

This guide was prepared
by the Community Living Ombudsman Program (**CLOP**)
of the Advocacy Center.

CLOP's staff visits residents
of Intermediate Care Facilities (ICFs)
for persons with developmental disabilities,
and assist residents with requests and complaints.

This guide was developed to teach individuals with
disabilities and direct care staff about residents' rights.
The guide gives residents and staff the information they
need to make requests and register complaints and pertinent
information about ombudsman services.

The Advocacy Center is a private, non-profit corporation that
is the designated protection and advocacy system for
persons with developmental and other disabilities in
Louisiana. The Advocacy Center has offices in New
Orleans, Baton Rouge, Lafayette and Shreveport. CLOP is
supported by state funds in the budget of the Office of the
Attorney General, Civil Division.



ADVOCACY CENTER

SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

COMMUNITY LIVING OMBUDSMAN PROGRAM

1010 Common Street Suite 2600

New Orleans, LA 70112

504-522-2337

Fax 504-522-5507

or call CLOP toll free from anywhere in the state:

1-800-960-7705 (Voice) 1-866-935-7348 (TTY)

INTRODUCTION

People in the United States have expectations about how they should be treated by others. These expectations are derived, in large part, from the Constitution of the United States, from federal and state law, and from beliefs about the dignity of persons, which the majority of people in the U. S. hold in common. Thus, whoever they are and wherever they live in the nation, people have the expectation that they will:

- ❖ be treated with dignity and respect
- ❖ be valued as a human being
- ❖ make their own choices and decisions, whenever possible
- ❖ be paid for work they do
- ❖ make their own friends
- ❖ worship (or not worship) as they please
- ❖ be treated professionally and kindly by those who are hired to help them
- ❖ live where they choose
- ❖ receive free public education if they are of school age
- ❖ vote as they choose
- ❖ be protected from abuse

RESIDENTS' RIGHTS

People with developmental disabilities who live in group or community homes have some special rights and protections guaranteed by law. It is important that both residents and their direct care staff know about these special, legal rights. They include these rights:

- ❖ to send and receive unopened mail and have writing materials and stamps
- ❖ to have visitors at reasonable hours
- ❖ to talk to or meet with anyone they choose, in privacy, as long as it does not infringe on another person's rights
- ❖ to have access to telephones with privacy
- ❖ to visit with a spouse in privacy, if married
- ❖ to wear their own clothes, have personal belongings, spend their own money on small things, have storage space
- ❖ to manage their own money, and be taught to manage money if needed
- ❖ to be treated with consideration, respect, dignity, and as an individual
- ❖ to refuse treatment (unless harmful to do so)
- ❖ to be given privacy during treatment and care of personal needs
- ❖ to be fully informed by doctors of their medical conditions, unless the doctors decide it would be bad for their health

- ❖ to speak with a doctor or minister/spiritual advisor at any reasonable time
- ❖ to go to any church, club or group they choose
- ❖ to practice their religion in a way which doesn't interfere with others in the home
- ❖ to have physical exercise and recreation
- ❖ to be free from abuse and restraints
- ❖ to receive prompt dental and medical care
- ❖ to give (or not give) written permission before taking part in an experiment
- ❖ to make complaints about things they do not like about their treatment, the program, or the facility; and to suggest how they think it could be made better
- ❖ to be visited by their lawyers at any time
- ❖ to write unopened letters to their lawyers
- ❖ to live in the least restrictive residential living option appropriate to their needs and abilities
- ❖ to have their records treated confidentially and not given (without their permission) to anyone not authorized by law to see the records
- ❖ to be given copies of their central records upon request
- ❖ to be given the opportunity to participate in planning their total care and treatment
- ❖ to have written service plans

- ❖ to not be required to work for the facility, and if they choose to work for the facility, to be paid for the work

It is important to remember that rights involving free choice and decision making by adults can be limited only by legal proceedings, such as civil or criminal commitments, or interdictions. For example, a resident who is legally interdicted and has a court-appointed guardian called a “curator” is subject to the decisions of the curator. Some interdictions are limited, so that the person who is interdicted may make some types of decisions for himself or herself.

If you need more information on interdictions, call the Advocacy Center and request a copy of the manual *Legal Status in Louisiana*.



RESIDENTS' REQUESTS

Residents are always free to make requests of their service providers. Sometimes residents ask for things, and do not have a legal right to get what they ask for; but they do have a right to *ask* and to be taken seriously.

ICF/DD residents rely heavily on direct care staff for their daily care. It is important for residents to feel safe and comfortable with the staff who provide help with everyday living.

Requests from residents should be taken seriously and acted upon promptly. If a request must be refused, staff can still:

- (1) refuse courteously,
- (2) explain why the request cannot be granted, and
- (3) consider the possibility of an acceptable alternative to the request.

CLOP Ombudsmen who visit the facility can sometimes help locate a resource for obtaining a requested item or service.

A resident may make a request to the CLOP Ombudsman instead of to facility staff. This is a choice the resident has a right to make.



RESIDENTS' COMPLAINTS

The right to complain without fear of retaliation is essential to the realization of all other rights. Without the right to complain, and to have the complaint taken seriously, rights are just words written on paper. For example, laws and regulations may say that a resident has the right to make a private phone call. The reality is, that in most instances, the resident can be prevented from making the private phone call. If the resident *also* is prevented from complaining, there is no way for the resident to exercise his or her legal right.

Because they are so basic and important, complaints by residents should always be taken seriously by anyone who hears the complaints.

Residents have the right to complain to anyone. Any staff that hears complaints should take responsibility for making sure the complaint goes to the appropriate person in the agency. The provider agency has a responsibility to ensure that complaints receive serious response.

If a resident makes a complaint of abuse or neglect, this *must* be reported to the DHH Health Standards Complaint Desk as well as the designated official within the provider agency.

The address and phone number for the Complaint Desk are:

**Health Standards Section
Box 3767
Baton Rouge LA 70821-3767
225-342-0138**

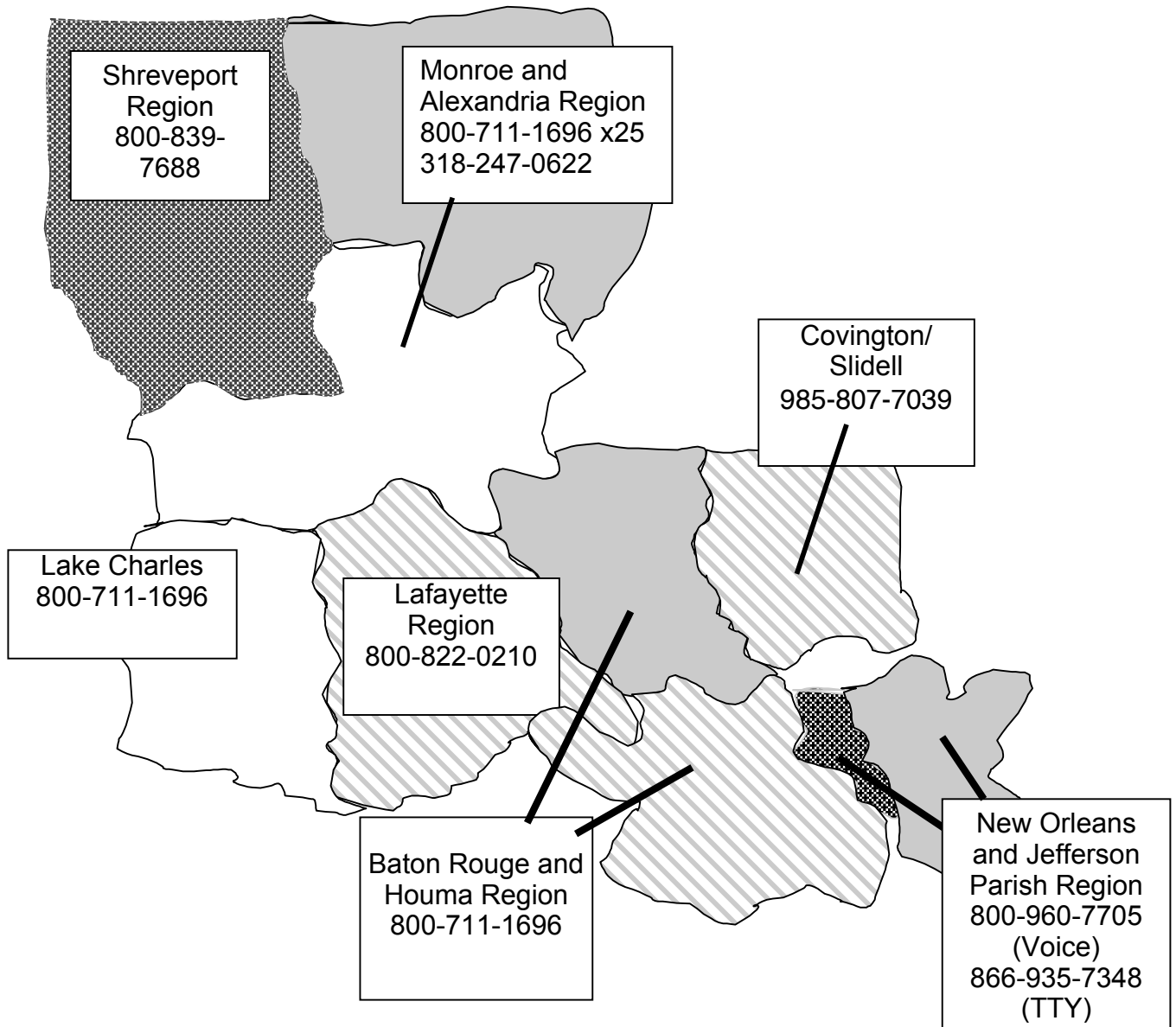


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Telephone contact Numbers by Region



Mandated by state law to serve people in ALL privately operated, State-licensed, residential facilities for persons with developmental disabilities.

COMMUNITY LIVING OMBUDSMAN PROGRAM

The Community Living Ombudsman Program (CLOP) was established by state law to provide ombudsman services to persons with developmental disabilities who live in privately-operated residential facilities.

The CLOP program services the entire state of Louisiana.

In these regions, ombudsmen regularly visit facilities and help residents with requests and complaints. The ombudsmen are not monitors -- they do not “check out” the facilities as Health Standards surveyors do. Ombudsmen are concerned with whatever residents are concerned with.

An ombudsman can travel to any region of the state to assist with complaints or requests on behalf of residents and their family members. To ask for assistance from a ombudsman, you may call the appropriate region or call the CLOP Program Director at the Advocacy Center’s toll free number from anywhere in the state.

If you want more information about the Community Living Ombudsman Program, please contact the Advocacy Center:



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To request services in Vietnamese, call 1-800-960-7705, extension 153. Để đòi hỏi những công tác (dịch vụ) bằng tiếng Việt, xin gọi 1-800-960-7705, mở rộng 153.

For information in Spanish, please call 1-800-960-7705, ext. 152. Para información en español por favor llame 1-800-960-7705, ext.152

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