

ATTACHMENT C. DETAILED PARTICIPANT RIGHTS AND RESPONSIBILITIES

1. Every participant has the **right**:
 - a. To be treated with dignity and respect;
 - b. To have their ethnic, spiritual, linguistic, family, and cultural choices respected;
 - c. To be free of discrimination regarding race, color, national origin, sex, sexual orientation, religion, or gender orientation;
 - d. To be encouraged and assisted to exercise constitutional and legal rights including the right to vote;
 - e. To be informed of their medical condition and the right to refuse treatment;
 - f. To be safe and free from abuse, neglect, exploitation, coercion, and unauthorized restraint;
 - g. To receive competent, considerate, respectful care from all providers;
 - h. To make decisions (with help from their individual representative or someone else they choose, if appropriate) regarding the kinds of services and supports they need and want;
 - i. To make decisions that affect their life, including the right to design their own plan, to choose the people who assist in the development of the plan and the right to provide informed consent to the implementation of the plan, or have an advocate provide informed consent on their behalf;
 - j. To manage own financial affairs unless unable to do so;
 - k. To privacy and confidentiality;
 - l. To see all of their files, including their case record, medical, and professional reports, and obtain a copy of their record if desired;
 - m. To live independently in the way they choose;
 - n. To live in a safe, secure, and supportive environment;
 - o. To live in the least restrictive environment;
 - p. To be fully integrated in and be an active member of their community;
 - q. To have access to and participate in activities of social, religious, and community groups;
 - r. To participate in assessments and development and implementation of their services;
 - s. To receive information about their care and community services and to choose how and by whom their services are provided;
 - t. To have services and supports explained to them in a manner that they can understand;
 - u. To make a grievance, without fear of retaliation, when they are not happy with the services they receive;
 - v. To appeal decisions about their care and services or about their cost share when they do not agree;
 - w. To accept or refuse any community services and to withdraw from programs at any time;
 - x. To choose traditional or self-direction service models for their service delivery; and
 - y. *If the self-direction delivery model is selected:* To manage staff by:

- i. Deciding who to hire.
- ii. Deciding what special knowledge or skills their staff must possess.
- iii. Deciding what training is required for staff.
- iv. Replacing staff who do not meet the participant's needs.

2. Participants have the **responsibility**:

- a. To know about their rights and to ask questions or request information to better understand their rights and responsibilities;
- b. To notify their case manager of changes in their income, assets, expenses, or address and to complete all paperwork necessary to maintain their Medicaid eligibility;
- c. To pay the cost share, if they have one. If they do not pay their cost share, their Medicaid services may be terminated;
- d. To participate in their assessments and drive the development and implementation of their person-centered goals and services;
- e. To meet and cooperate with case managers or State staff as required, and completing all needed assessments and monitoring requirements;
- f. To develop and follow their person-centered plan;
- g. To develop and understand their emergency backup plan and when to use it;
- h. To give their consent only when they understand and agree with the decision;
- i. To be honest about their needs and to report changes in their needs to their case manager and HCBS providers;
- j. To notify their doctors of any changes in their health or condition and to keep appointments with their doctors;
- k. To follow the rules of the programs and services they are enrolled in;
- l. To be respectful of the people who provide their services;
- m. To report any instances of abuse, neglect, or exploitation;
- n. *If the self-direction delivery model is selected*: To demonstrate the required skills and abilities needed to self-direct staff without jeopardizing health and safety, or designate a representative to assist them;
- o. *If the self-direction delivery model is selected*, to act as a supervising employer by:
 - i. Deciding wages and schedules for their employees;
 - ii. Completing hiring agreements with each staff member;
 - iii. Following all employment laws and regulations;
 - iv. Following all requirements of the Fiscal Intermediary/IRS regarding the hiring and paying of all personal care assistants or staff including: completing all necessary forms, reviewing time sheets for accuracy, submitting them in a timely manner, and paying personal care assistants promptly; and
 - v. Treating all employees with respect and dignity,
- p. *If the self-direction delivery model is selected*, to manage services by:
 - i. Developing and monitoring a spending plan to address personal care assistance needs within the requirements of State's self-direction program;

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- ii. Hiring and supervising staff and ensuring they are performing their duties as specified in their spending plan;
 - iii. Providing orientation and training to staff as needed;
 - iv. Tracking expenses to ensure monthly spending plan is not exceeded; and
 - v. Ensuring a safe working environment for staff.