



OPWDD INDIVIDUAL RIGHTS

No person shall be deprived of any civil or legal right solely because of a diagnosis of developmental disability. All persons shall be given the respect and dignity that is extended to others regardless of race, religion, national origin, creed, age, gender, ethnic background, primary language, sexual orientation, developmental or other disability or health condition; such as HIV infection. In addition, there shall be no discrimination for these or any other reasons.

Specific rights of the individuals we serve include, but are not limited to:

1. The right to a safe and sanitary environment.
2. The right to freedom from physical and psychological abuse.
3. The right to freedom from unnecessary use of mechanical restraining devices.
4. The right of protection from commercial or other exploitation.
5. The right to confidentiality regarding all information contained in the individual's record and access to such information, subject to the provisions of Article 33 of the Mental Hygiene Law and the commissioner's regulations.
8. The right to maximize the person's abilities, fosters meaningful social relationships, and enables independence to the greatest degree possible.
10. The right to engage in all meaningful, productive, and appropriate activities consistent with the person's needs, interests, and capabilities.
11. The right of access to meaningful recreation and community programs and the right to participate in such activities.
12. The right to receive assistance and guidance from staff, with full respect for the individual's dignity and personal integrity.
13. The right to promote self-advocacy and the right to participate in activities that the individual deems his or her civic responsibility.
14. The right to respect his or her cultural identity.
15. The right of freedom to express sexuality provided such expressions do not infringe on the rights of others.

16. The right of individuals, their parents, or guardians, to express grievances, concerns, and suggestions without fear of reprisal.

17. The right of non-English speaking persons to receive effective communication in accordance with Title VI of the Civil Rights Act of 1964.

18. The right of persons who are deaf or hard-of-hearing to receive effective communication in accordance with the Americans with Disabilities Act of 1990.

19. The above rights may not be arbitrarily denied. Any limitations to the above rights must be on an individual basis, for a specific period of time for safety purposes only.

20. The right of the individual, their parents, or guardians to be informed of the individual's rights under law and regulations, and the guarantee that such rights will not be abridged. A statement of the rights included in this section and any others established by facility policy and shall be maintained in each individuals file.

Providers must have policies and procedures to resolve your objection and must tell you what they are, so you can follow those policies and procedures. If you are unable to resolve your objection with the provider, you can request a hearing with Office for Persons with Developmental Disabilities (OPWDD).

THE RIGHT TO OBJECT TO SERVICES: NOTIFICATION AND PROCESS An individual or his/her parent(s), guardian(s), Circle of Support designee or advocate may object to program placement, discharge and/or proposed reduction, suspension or discontinuation of Respite Services. An adult person receiving services may refuse the initiation of an objection or subsequent appeal on his or her behalf. An individual and/or his/her parent, guardian, Circle of Support designee, may select a representative to provide assistance and/or representation, including legal counsel. To object to and/or appeal respite program discharge and/or proposed reduction, suspension or discontinuation of services, the individual receiving services from South East Consortium from Special Services, Inc., his/her parent(s), guardian(s), Circle of Support designee or advocate must follow the processes below.

Informal Objection/Resolution Process: • Contact the applicable South East Consortium supervisors listed below to arrange a meeting to discuss the situation and attempt to resolve the matter. In addition to the South East Consortium supervisors, the discussion should include the Executive Director or his/her designee, the individual, Care Manager, parent, guardian, Circle of Support designee and/or advocate. Written confirmation of resolution or the inability to reach a resolution shall be sent to the objecting party by the Executive Director or his/her designee. If the parties are unable to resolve the matter this communication shall be sent to the objecting party by certified mail, return receipt requested, or such other means so that the time of receipt of the information can be documented. A copy of this written communication shall be included in the individual's record. If the involved parties are unable to reach a resolution, the objecting party may follow the steps below to initiate a formal objection.

South East Consortium for Special Services, Inc. 740 West Boston Post Road, Mamaroneck NY 10543 914-698-5232 Executive Director Extension 103, Senior Program Supervisor Extension 102

Formal Objection/Appeal Process: • The objecting party may submit a formal written objection requesting a hearing with the South East Consortium Board of Directors. Within 20 days of receipt of a formal written objection, a hearing shall be scheduled• If any party to the proceeding is not satisfied with the decision, it may be appealed within 10 days to the local DDRO region office, for a hearing with DDRO Hearing Officer. • During the period that an objection is undergoing administrative review: 1. a person shall participate in programming mutually agreeable to the objecting party, the agency, the person, and if applicable, his or her parent, guardian, or advocate; 2. every feasible effort shall be made to maintain the person in at least his or her current level of programming; and 3. in order to protect a person's health, safety, or welfare or the health, safety, or welfare of others, nothing herein shall preclude a change in programming for, or the relocation or discharge of a person.

ALL RIGHTS RESERVED- South East Consortium for Special Services, Inc. 2020 – Revised 2023