
Introducing the Human and Legal Rights Advisory Committee

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Liberty
Healthcare
Corporation

THE FREEDOM TO SUCCEED™

Date: 02/01/2024

Introductions



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Housekeeping Items

Chat is available for questions only today. Please feel free to send questions you have to the panelists.

Clicking closed captioning will show the live transcript.

A copy of the presentation and resources will be available on the DDD website. As well as the recording after both sessions have been completed.

Training Goals (1/3)

In this training we will talk about the following:



1. Human and Legal Rights



2. The Home and Community-Based Services Final Settings Rule



3. Rights Restrictions

Training Goals (2/3)



6. Rights Review Committees



7. Human and Legal Rights Advisory Committee (HLRAC)



8. Resources and Words to Know

Nebraska Division of Developmental Disabilities (DDD) & Liberty Healthcare Partnership



The Nebraska Division of Developmental Disabilities (DDD) and Liberty Healthcare work together to make sure people of all ages with disabilities and people over 65 can fully participate in their community and live their lives the way they want.



Nebraska DDD manages services and supports people receive through Nebraska **Medicaid**.

Medicaid is a healthcare program in the United States and every state has their own Medicaid program.

Human and Legal Rights



What are rights?



Rights are specific freedoms that we all have, and rights are protected by laws.

Rights are also outlined in the United States Constitution and the **Universal Declaration of Human Rights**.



The United Nations created a document in the year 1948 called the “**Universal Declaration of Human Rights**.”

The Declaration of Rights lists 30 rights that every human being has; including people with disabilities.



“Disability rights are human rights. Everyone deserves to be included and live a full life in their community — accessing the same public spaces, housing opportunities, education, and work as anyone else.”

- The Arc National Office

“All persons with developmental disabilities shall be afforded the same rights, dignity, and respect as members of society who are not disabled;”

- Nebraska Developmental Disabilities Services Act



Rights in Home and Community-Based Services



What are Home and Community-Based Services (HCBS)?



Medicaid can also pay for **long-term services and supports (LTSS)**.

LTSS help people with disabilities or people aged 65 and older with medical and personal care services and supports.

Some examples of LTSS are:

- Help learning job skills
- Providing transportation
- Helping someone with personal care like getting dressed or taking a shower.



Home and Community-Based Services Final Settings Rule



LTSS can be provided at different **settings**. Settings are places where services are received. This can be a home or in the community.

Services provided at home or in the community are called **home and community-based services (HCBS)**.



The **HCBS Final Settings Rule** says which services are home and community-based and which services are not home and community-based.

Why is the Home and Community-Based Services Final Settings Rule important?



The HCBS Final Settings Rule was created to make sure that people's rights are protected, and they have full access to their community.



The HCBS Final Settings Rule helps people have the kinds of services they want.



The rule has important information about what is required for **person-centered** planning.

Person-Centered Planning



Focusing on what a person wants and what is important to them is called person-centered.



Person-centered also means helping the person work toward their goals and supporting that person's hopes and dreams.



All the person-centered information must be written in their person-centered plan. In Nebraska, this is called the **Individual Support Plan (ISP)**.

Person-Centered Plan Process



If you receive HCBS, you are in charge of your person-centered plan and the process.



You have a planning team that consists of people chosen by you. This could be family members, a guardian, friends, or anyone else that is helpful and supportive.



The plan must be reviewed at least two times a year, but you can request a review and changes at anytime.

Home and Community-Based Services (HCBS) Rights



If you receive HCBS, you have certain rights under the HCBS Final Settings Rule:

- Live and interact with people in your community who do not have disabilities.
- Choose your options of services and who provides those services.
- Manage and control your money.
- Be respected, valued, and have privacy.
- Not be restrained or held down or secluded away from other people.

Provider-Owned Settings Rules (1/2)



Providers who provide HCBS must follow the rules. Providers are agencies or people who provide HCBS.



The Final Settings Rule has rules for **provider-owned settings**. A provider-owned setting is a place owned by an agency or a service provider.

This can be an agency or a home where a person receives long-term services and supports.

Provider-Owned Settings Rules (2/2)

These are your rights at provider-owned settings:



- Have a legal agreement that protects against eviction.
- Have a private place for your personal things, such as a lock on your bedroom door or locked storage at a day site.
- Choose who you live with.
- Decorate your room how you like.
- Be able to physically access your home and all the areas in your home.
- Decide what your daily schedule looks like.
- Have visitors when you want and talk to whomever you want, when you want.
- Eat when you want.

Quality of Life



Quality of life is a measure of how good we think our life is and is different for everyone. Being safe, happy, and healthy is important and affects all of us and our quality of life.

When we have our rights protected and we can express how we feel about our rights, we often report having a better quality of life.



The Division of Developmental Disabilities, Liberty Healthcare, and providers of HCBS want to make sure people receiving services and supports have a good quality of life.

Rights Restrictions



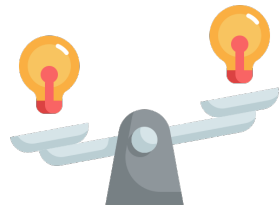
Dignity of Risk



Dignity of risk means the right to make a choice that may have a risk or negative outcome.



People have the right to make their own choices about their lives even if not everyone agrees with those choices.



We all learn from choices we make; including the ones with negative outcomes.



Max Barrows from Green Mountain Self-Advocates

Safety and Choices



It's important to be safe when we make choices. If we take risks that are unsafe for us or other people, then we may need help being safe.



If you receive HCBS, and you have a risk that is not safe for you, or other people your ISP team can help you with options.

Sometimes being safer involves limiting or taking away a right while learning the skills to be safe.

What are rights restrictions?



Limiting or taking away a right is called a **rights restriction**.



When there is a rights restriction put in place for a person receiving Developmental Disability HCBS, this must be documented in the ISP.

Rights Restriction Example

Sam's doctor has recommended Sam limit her fluid intake due to a health condition.



Sam has the right to decide if she wants to follow her doctor's orders and the right to access food and drink when she wants. Sam tries to watch her fluids but sometimes has trouble with limiting them.

Sam talks with her support team and the team decides that her provider will help with this to watch how much fluid she drinks because this is a risk to Sam's health.



This is entered into her ISP as a rights restriction so that Sam has help from her provider.

Rules for Rights Restrictions



We have rules about right restrictions to make sure people's rights are protected and not restricted when they shouldn't be.



The person's ISP team must review the restrictions at least two times a year but can review this more often if needed.

When the team reviews the rights restrictions, the person supported must be a part of the discussion.



There is certain information that must be in the ISP for all rights restrictions.

Required Information in the ISP (1/2)



Rights restrictions in the ISP must include the following:

- A description of the rights restriction that includes how, when, and where the restriction is used.
- The reason for the restriction that includes the risk being addressed. All risks must be genuine and immediate.
- The less restrictive options that were tried and did not work.
- How the restriction affects the person. This includes the negative effects and positive benefits of the restriction, and the positive must outweigh the negative.

Required Information in the ISP (2/2)



Rights restrictions in the ISP must include the following:

- A plan of reduction or elimination showing what things need to happen to have your rights restored.
- Supports and programs your provider will help you with to learn the skills needed to have your rights restored.
- You must also provide written informed consent showing that you understand what the restriction means and that you agree to this rights restriction.

Emergency Restrictions (1/2)



Sometimes situations happen, and a provider must put a restriction in place right away. This must be due to an immediate safety concern.



Your provider must still explain the restriction and make sure you understand all the information about the restriction.

For an emergency restriction, you must still provide **verbal consent** saying that you understand and agree.

Emergency Restrictions (2/2)



Your written informed consent must be obtained as soon as possible.



The ISP team must review the emergency restriction at your next meeting.

Rights Review Committees



Due Process



All rights restrictions must receive **due process**.



Due process means making sure people are treated fair and the laws and rules are followed.



Looking at the restrictions by another group of people is a form of due process.

Rights Review Committees



The DDD rules require agency providers must have **rights review committees**.



Rights review committees are a group of people that review rights restrictions.

There are rules about who can be a part of rights review committees.

Rights Review Committee Members (1/2)



The committee members should include people with disabilities.



The committee members should know about people with disabilities or have experience working with people with disabilities.

Rights Review Committee Members (2/2)



At least half of the committee members must be people who are not providers.



Committee members can include family or friends of people who receive HCBS and professionals like a mental health counselor or a pharmacist.

Rights Review Committee Member Training



Committee members receive training before they assist with rights restriction reviews.

Committee members learn about the following:



- Human and legal rights.



- Rights restrictions.



- Due process.



- The DDD rules for rights restrictions.

Rights Review Committee Purpose



Rights review committees help make sure that the rights of people receiving Developmental Disability HCBS are protected.



Rights review committees make sure that rights restrictions are fair and safe for the person and the rules are followed.

Rights Review Committee Role



Agency rights review committees approve or deny rights restrictions that the ISP team wants to put into place.



The committee members review to make sure all the options have been tried before the restriction is in place.



If the committee feels there are other options to try first, they will not approve the restriction and send those suggestions to the ISP team to review and make the changes needed.

Human and Legal Rights Advisory Committee



Human and Legal Rights Advisory Committee (HLRAC)



The Division of Developmental Disabilities and Liberty Healthcare are starting a new rights review committee called the Human and Legal Rights Advisory Committee (HLRAC).



The HLRAC will be for everyone in Nebraska that receives Developmental Disability Waiver services.

HLRAC Membership



The HLRAC can have up to 15 members. This includes people with disabilities and people who receive HCBS.



The HLRAC also includes people that are familiar with people with disabilities and have a lot of different backgrounds and experience that will be helpful.

HLRAC Role 1/2



The HLRAC is different from the agency rights review committees and will not approve or deny rights restrictions.

The HLRAC looks at certain situations:

- Restrictions that have been in place for five years or longer with little to no change.
- When a person has more than three rights restrictions in place.
- There may be other options that are less restrictive to consider.
- The plan of reduction is not reasonable or hard for the person to meet the criteria set by the team.



HLRAC Role (2/2)



ISP teams or agency rights review committees can also request the HLRAC's assistance and advice about rights restrictions.



The HLRAC can also be a **resource** to the service coordinators and providers.

Rights Restrictions Reviews (1/2)



The rights restrictions that the HLRAC looks at are from reviews completed by Liberty Healthcare.

Liberty Healthcare reviews rights restrictions for people receiving DD Waiver HCBS.

The information is reviewed to make sure that the rules are being followed for rights restrictions and for cases that can be referred to the HLRAC for a further review.

Rights Restrictions Reviews 2/2



The reviewer will look to see if the required information is provided to the agency rights review committee.



If anything is missing, the reviewer will let the people working at the Division of Developmental Disabilities know so they can make sure the rules are followed.

Notification of Referral



People whose rights restrictions are referred to the HLRAC will receive a notification, as well as their guardian and provider, that the HLRAC is looking at their rights restrictions.
The service coordinator will also receive this notice.

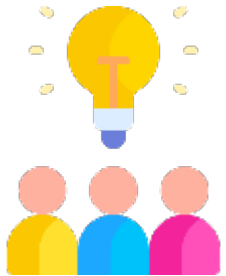
HLRAC Meetings



The HLRAC meets every three months.



The members of the HLRAC review the rights restriction information from the reviews.



After reviewing, the HLRAC will share their ideas or suggestions.

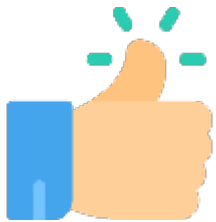
Suggestions and Quality Improvement



Ideas or suggestions for a person's rights restrictions will be shared with their Service Coordinator and their ISP team.

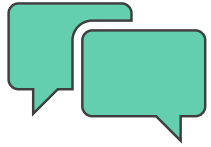


If the ideas or suggestions are for **quality improvement** of a process or system, these will be shared with the Division of Developmental Disabilities.



Quality improvement means to make the way services and supports are provided better and improve quality of life for people receiving services.

Questions



We talked about a lot of information today.



We value your experience and what you have to say.



Please ask any questions you have or share ideas that you have thought of.



You can also ask questions later and will be provided with different ways to contact about questions or ideas you have.


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Words to Know



Words to Know Page 1

Consent – Agreeing for something to happen.

Dignity of Risk – The right to make choices that have risks and may have a negative outcome.

Due Process – Protecting the rights of people and making sure things are fair.

Home and Community-Based Services (HCBS) – Services and supports provided at home or in the community.

Individual Support Plan (ISP) – The person-centered plan for people receiving Medicaid HCBS in Nebraska.

Long-Term Services and Supports (LTSS) – Medical and personal care services that help people with disabilities and people aged 65 and over.

Words to Know Page 2

Medicaid – A healthcare program in the United States. Each state has their own Medicaid program.

Person-Centered – Focusing on what a person wants and what is important to them.

Providers – agencies or people who provide HCBS.

Provider-Owned Settings – A place owned by an agency or a service provider.

Risk – The possibility of a bad outcome.

Rights – Freedoms and rights we are all born with. Rights are protected by laws.

Rights Restriction – Limiting or taking away a person's right.

Words to Know Page 3

Rights Review Committee – A group of people that review rights restrictions for people that receive Developmental Disability Waiver services.

Quality Improvement – A way to make services and supports better for people.

Quality of Life – a measure of how good we think our life is.

Universal Declaration of Human Rights – A document created by the United Nations in 1948. The declaration lists the 30 rights that every human being has.

Verbal Consent – Saying that you agree to something after being told what you are agreeing to.

Written Informed Consent – Signing a document that shows you agree to something after being told what you are agreeing to.

Resources

Nebraska Medicaid

Nebraska Medicaid information can be found on the website at:

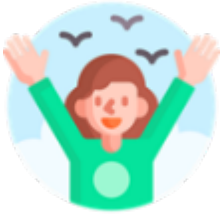
<https://dhhs.ne.gov/Pages/medicaid-and-long-term-care.aspx>

Medicaid Waiver Services

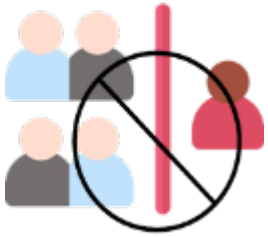
Information about the current Nebraska Medicaid Waiver services can be located here:

<https://dhhs.ne.gov/Pages/DD-Regulations-and-Waivers.aspx>

Universal Declaration of Rights (1/10)



1. People are born free.



2. Freedom from discrimination.



3. We all live in freedom and safety.

Universal Declaration of Rights (2/10)



4. People are not another person's property and cannot be forced to work without pay.



5. No one is treated cruelly or receives unkind punishment.



6. Everyone is legally known as a person.

Universal Declaration of Rights(3/10)



7. Everyone is equal before the law.



8. Everyone has the right to legal help.



9. People cannot be jailed without good reason.

Universal Declaration of Rights (4/10)



10. Everyone deserves a fair and public legal trial.



11. People are innocent until proven guilty.



12. Everyone has privacy.

Universal Declaration of Rights (5/10)



13. People can travel from their country to another country and then return to their own country.



14. The ability to find protection in another country if the person is hurt by someone in their own country.



15. People belong to a country.

Universal Declaration of Rights (6/10)



16. People can choose to get married and have a family.



17. Everyone can own items and property.

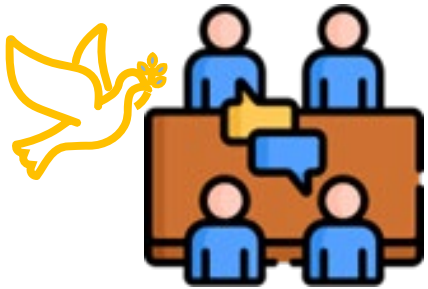


18. Everyone can choose their religion or spiritual beliefs.

Universal Declaration of Rights (7/10)



19. Everyone can say and think what they want.



20. People can have peaceful meetings and gatherings.



21. Everyone can vote and be involved in public service or government politics.

Universal Declaration of Rights (8/10)



22. The right to health, happiness, and help.



23. The right to work in a good environment for equal pay.



24. The right to vote and be involved in public service or government politics.

Universal Declaration of Rights (9/10)



25. Everyone has what they need to live.



24. Everyone has an education.



25. Everyone has the right to be apart of their community's culture, arts, and sciences.

Universal Declaration of Rights (10/10)



28. Everyone lives in a free and fair world.



29. We must be responsible with our rights, and protect other people's rights and freedoms.



30. The rights in the Declaration should be protected by everyone.

HCBS Final Settings Rule

Autistic Self Advocacy Network

<https://autisticadvocacy.org/policy/toolkits/hcbsrule-2/>

Nebraska Division of Developmental Disabilities

<https://dhhs.ne.gov/Pages/HCBS-Statewide-Transition-Plan.aspx>

The Council on Quality and Leadership

<https://www.youtube.com/watch?v=8sJI-LF5ufg>

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