

Key (ctrl-f bracket type to find relevant revision):

\major revision\	{combined/moved similar language}
[outdated reference (removed)]	[outdated reference (to be updated)]
<for additional review>	

DRAFT

Member and Individual Rights and Responsibilities Rule Revisions

8.7210 Member {and Individual} Rights and Responsibilities ~~[8.604.1, 8.500, 8.604.4]~~

8.7210.1. Member Rights

- A. A person receiving services has the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitutions and federal and state laws including, but not limited to, those contained in [section 25.5-10, C.R.S.], unless such rights are modified pursuant to state or federal law.
- B. Many member rights and a process for modifying those rights in individual cases are set forth in 8.484. Members have additional rights as set forth below and elsewhere in these rules.
- ~~C. [B. Every Client has the right to the same consideration and treatment as anyone else regardless of race, color, national origin, religion, age, sex, gender identity, political affiliation, sexual orientation, financial status or disability.~~
- ~~D. [C. Every Client has the right to access age appropriate forms of communication including text, email, and social media.]~~
- E. No Client, his/her Family members, Guardian or Client Representative may be retaliated against in their receipt of case management services or supports as a result of attempts to advocate on their own behalf.
- F. Each Client receiving services has the right to read or have explained in each Client's and Family's native language, any policies and/or procedures adopted by the {Case Management Agency}.

8.7210.2. Member Responsibilities

- A. Each Client, member or guardian is responsible to:
 - 1. Provide accurate information regarding the Client's or member's ability to complete activities of daily living,
 - 2. Assist in promoting the Client's or member's independence,
 - 3. Cooperate in the determination of financial eligibility for Medicaid,
 - 4. Notify the case manager within thirty (30) days after:
 - a. Changes in the Client's or member's support system, medical, physical or psychological condition or living situation including any hospitalizations, emergency room admissions, placement to a nursing home or ICF-IID,
 - b. The member has not received an HCBS waiver service during one (1) month,
 - c. Changes in the member's care needs,
 - d. Problems with receiving HCBS waiver services,
 - e. Changes that may affect Medicaid financial eligibility including prompt reporting of changes in income or assets.

8.7210.3. Use of a {Legally} Authorized Representative

- A. Persons who are eligible for services and supports, the parent or guardian of a minor, or legal guardian of an adult, shall be informed at the time of enrollment and at each annual review of the Individualized Plan that they may designate an authorized representative. The designation of an authorized representative must occur with informed consent of the person receiving services, or the parent or guardian of a minor, or legal guardian of an adult.

Key (ctrl-f bracket type to find relevant revision):

\major revision\	{combined/moved similar language}
[outdated reference (removed)]	[outdated reference (to be updated)]
<for additional review>	

- B. Such designation shall be in writing and shall specify the extent of the authorized representative's involvement in assisting the person receiving services in acquiring or utilizing services or supports available pursuant to [section 25.5-10, C.R.S], and in protecting their rights.
- C. The written designation of an authorized representative shall be maintained in the record of the person receiving services.
- D. The person receiving services may withdraw their designation of an authorized representative at any time

8.7210.4. Member Rights Modifications

- A. {Every Rights Modification affecting a member shall be consistent with [8.484] and the following additional requirements.}
- B. Rights of a{n adult} person receiving services may be {modified suspended}only {by a developmental disabilities professional}in a manner which will promote the least restriction on the person's rights and in accordance with rules {and regulations}herein or by a court order. {Additionally, in the case of a minor, the parent(s) or guardian must approve suspension of any rights which may pertain to the minor.}
- C. {When a Rights Modification is proposed to be modified suspended}, it is reviewed by the {individual, their guardian or other legally authorized representative, and the rest of the member-identified individual's} interdisciplinary team and, if {consented to suspend is granted, it} is documented in the Person Centered Support Plan Individualized Plan. {The person's Individualized Plan must include a statement of what services and supports are required and plans for implementing such services and supports in order to assist the person to the point that suspension of rights is no longer needed. This plan shall meet the requirements of Sections 8.607 and 8.608.}
- D. When a right has been {modified suspended}, the continuing need for such {modification suspension}shall be reviewed by the individual's interdisciplinary team{, as led by the individual or their guardian or other legally authorized representative,} at a frequency decided by the team, but not less than every six months.
 1. Such review shall include the original reason for {modification suspension}, current circumstances, success or failure of programmatic intervention, and the need for continued {suspension or} modification.
 2. Restoration of affected rights shall occur as soon as circumstances justify. {CODE OF COLORADO REGULATIONS 10-CCR-2505-10-8.600 Medical Services Board 29}
 3. At the time a right is {modified suspended}, such action shall be referred to the Human Rights Committee for review and recommendation. Such review shall include an opportunity for the person who is affected, parent of a minor, guardian or authorized representative, after being given reasonable notice of the meeting, to present relevant information to the Human Rights Committee.
- E. ~~[Emergency action may be taken by a developmental disabilities professional, specifically designated for this purpose, by the director of the community centered board, program approved service agency or regional center to suspend the right(s) of a person receiving services if such action is imminently necessary to protect the health and safety of the person, others, or property. When such emergency action is necessary, the least intrusive means of right(s) suspension shall be utilized in order to protect the health and safety of the person or others, or property, and the following requirements must be adhered to:~~
 1. ~~The person assigned case management responsibility pursuant to section 8.607.1.E, must be notified of the right(s) suspension within 24 hours;~~

Key (ctrl-f bracket type to find relevant revision):

\major revision\	{combined/moved similar language}
[outdated reference (removed)]	[outdated reference (to be updated)]
<for additional review>	

- ~~2.—The suspended right(s) shall be specifically explained to the individual and notice as defined in section 8.600.4, sent to the appropriate parties within 24 hours of the suspension of the right(s); and,~~
- ~~3.—Immediately initiate the provisions of section 8.604.3.A.2 through 4]~~