

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 63.—Developmental Disabilities—Licensing Providers of Community Services

30-63-22. Individual rights and responsibilities.

(a) Each provider shall at all times encourage and assist each person served to understand and exercise the person's individual rights and to assume the responsibilities that accompany these rights.

(b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities. These rights may be limited only by provisions of law or court order, including guardianship, conservatorship, power of attorney or other judicial determination. These rights shall include the following:

- (1) Being free from physical or psychological abuse or neglect, and from financial exploitation;
- (2) having control over the person's own financial resources;
- (3) being able to receive, purchase, have, and use the person's personal property;
- (4) actively and meaningfully making decisions affecting the person's life;
- (5) having privacy;
- (6) being able to associate and communicate publicly or privately with any person or group of people of the person's choice;
- (7) being able to practice the religion or faith of the person's choice;
- (8) being free from the inappropriate use of a physical or chemical restraint, medication, or isolation as punishment, for the convenience of a provider or agent, in conflict with a physician's orders or as a substitute for treatment, except when physical restraint is in furtherance of the health and safety of the person;
- (9) not being required to work without compensation, except when the person is living and being provided services outside of the home of a member of the person's family, and then only for the purposes of the upkeep of the person's own living space and of common living areas and grounds that the person shares with others;

(10) being treated with dignity and respect;

(11) receiving due process; and

(12) having access to the person's own records, including information about how the person's funding is accessed and utilized and what services were billed for on the person's behalf.

(c) Each provider shall train its agents regarding the rights specified in subsection

(b). In addition, each provider shall offer training at least annually regarding these rights and effective ways to exercise them to each person served, to the guardian if one has been appointed, and to the person's parent and other individuals from each person's support network.

(Authorized by K.S.A. 39-1810; implementing K.S.A. 39-1802 and K.S.A. 39-1806; effective July 1, 1996; amended Oct 1, 1998; amended Dec. 8, 2006.)

***** Authenticated Kansas Administrative Regulation *****