

# Paid Supports and Services and Your Rights: What's my role?

## Who decides if I need a rights restriction?

Rights restrictions are part of the person-centered planning process. You are an important member of your person-centered planning team. You have the right to make decisions about things that impact your life, including rights restrictions.



If others on your support team, such as those who provide your services and supports, think that you need a rights restriction to protect your health and safety or the health and safety of others, they must go through a specific process. There must be a need, and that need must be supported by documentation showing that need. Other ways to support you in staying safe without a rights restriction must be tried first. If those methods didn't work, there must be documentation to show that. There must be a time set to review the restriction, at least once each year. There must also be a plan for how you can remove the restriction.

## What is dignity of risk?

Dignity of risk means allowing you the right to take reasonable risks. This is essential to your dignity, self-esteem, and learning. As a part of the individual's person-centered planning team, it is your team's responsibility to assist you through the decision making process.

It is okay for you to experience natural consequences based on the decision you make. It is your right to make decisions that are not always the healthiest or the safest, just like anyone else has the same right. For example, if a provider wants to put a restriction on the amount and type of soda you drink because drinking soda is not healthy, you have the right to make these decisions in your life, even if they are unhealthy. That is a reasonable risk.

## What is informed consent?

You must be provided accurate information to make an informed decision about the restriction. You must understand what the restriction is, how it will impact you, how long it is expected to be in place, and what you can do to have the restriction removed. Once you have all the information, you can decide whether or not you agree to have the restriction. You must consent to any rights restriction before your support team can put it in place. Legal representatives should have a role, as needed, and as defined by you, unless the state law confers decision-making authority to the legal representative.

1. If you do not have a guardian or legal representative, **then only you** can grant, deny, or withdraw informed consent. If you need help to make this decision, you can discuss it with the trusted people in your life. You can talk to your support coordinator. You can also contact DSPD at [dspd@utah.gov](mailto:dspd@utah.gov).

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2. If you have a guardian or legal representative, **then the court order granting them decision-making rights must be reviewed.** Does the state grant the guardian or legal representative authority to make this kind of decision on your behalf?
  - a) If you are under 18, there will not be a court order relative to your rights. Parents/guardians of minors can grant, deny, or withdraw consent.
  - b) Consequences given to a minor (someone under age 18) to correct behavior are to be handled as rights restrictions, if you receive waiver services with DSPD. Consequences could include "grounding," time out, loss of privileges, etc. It is important that family culture is considered and parents have the primary voice. The consequences need to be agreed upon with the support team. It is not appropriate for the provider to decide consequences for the minor outside of the person-centered restriction process.



Before a restriction can be put in place, it must be approved by a Provider Human Rights Committee. The committee's role is to ensure that the proposed rights restriction is necessary to ensure the safety of you and others, and that your informed consent has been obtained. The provider, the Provider Human Rights Committee, or your support coordinator **cannot override** your informed consent to a rights restriction.

## What happens when informed consent is not obtained?

If your informed consent is not obtained, or if it is not obtained by the legal guardian, the restriction **cannot be put in place.** If a person chooses not to give consent for a rights restriction, a provider may refuse services. They must provide the person and family with 30 days' notice. The individual may be supported to receive services from a different provider, at a different setting, and/or to receive more or different services and supports.

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If you have questions or concerns about your rights being restricted, contact your support coordinator or DSPD Constituent Services at [dspd@utah.gov](mailto:dspd@utah.gov).  
Submit any questions to: [HCBSSettings@utah.gov](mailto:HCBSSettings@utah.gov)

Additional information: <https://medicaid.utah.gov/ltc-2/hcbstransition/>



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