

347.030 Rights of developmentally disabled person.

- (1) Rights enumerated in this chapter, including the right to accept or reject services, active treatment and residential alternatives, shall be exercised by:
 - (a) The person with a developmental disability;
 - (b) The person's parent if the person is a minor; or
 - (c) The person's guardian if the person has been adjudicated legally disabled in that specific decision-making area.
- (2) Each person with a developmental disability shall have the opportunity to reside in the least restrictive, individually appropriate residential alternative located as close as possible to his home community.
- (3) Each person with a developmental disability, to the extent it is individually appropriate, shall have the right to:
 - (a) Interact with nondisabled people in a nontreatment, nonservice oriented setting;
 - (b) Live with or in close proximity to nondisabled persons; and
 - (c) Live in a setting which closely approximates those conditions available to nondisabled persons of the same age.
- (4) Nothing in subsection (3) of this section shall be construed to abolish any existing residential or institutional alternatives as defined by this chapter.
- (5) The ISP shall contain, but not be limited to:
 - (a) Intermediate and long-range active treatment and service goals, including specific goals to facilitate the development and retention of daily living skills necessary for living in the least restrictive, individually appropriate residential alternative as defined by this chapter, with a projected timetable for their attainment;
 - (b) The person's schedule of service activities, including the least restrictive, individually appropriate service settings to be utilized for the implementation of each goal and objective identified; and
 - (c) The specific services to be offered the person to attain these goals.
- (6) The following persons shall have the right to participate in the development of the ISP:
 - (a) The person with a developmental disability;
 - (b) The person's representative;
 - (c) The person's guardian if the person has been adjudicated legally disabled; and
 - (d) The person's parent if the person is a minor or states no objection to the participation of his parent.
- (7) Any person relocated from an institutional to a noninstitutional setting or from a noninstitutional to an institutional setting for whom it is subsequently determined and reflected in his ISP that the initial setting is the individually appropriate environment, shall have the following rights:

- (a) To receive a maximum of thirty (30) days of individually appropriate respite care initiated within twenty-four (24) hours of the decision for the person to relocate to the initial setting;
 - (b) To be placed as soon as possible but no later than thirty (30) days in the initial residential alternative from which he was transferred or any other individually appropriate residential alternative;
 - (c) To not be placed in an intermediate care nursing facility, skilled nursing facility or mental health facility, unless recommended by the IDT, approved by the person, his parent, if the person is a minor, or guardian, if the person has been adjudicated legally disabled, and supported by documented medical need; and
 - (d) To be transferred no more than three (3) times within the thirty (30) days allowed for respite care, except in a crisis situation, as defined by the IDT.
- (8) Each person with a developmental disability shall have a right to receive least restrictive individually appropriate services, including a daily program of activities outside the residence in accordance with his ISP.
- (9) In a manner consistent with the rights of privacy of a person with a developmental disability such a person shall have a right to be referred for medical and dental care and shall have the right to reasonable access to review medical, service and treatment files, to be informed of diagnoses, and to receive a copy of his ISP.
- (10) A person who requests services under this chapter or who is identified as a person with a developmental disability, his parent, if the person is a minor, or guardian, if the person has been adjudicated legally disabled, shall be informed orally and in writing of the contents of this chapter, including the rights guaranteed under this chapter.
- (11) Rights enumerated in this chapter shall not be construed to replace or limit any other rights, benefits, or privileges, including other statutory and regulatory due process rights and protections.

History: Created 1986 Ky. Acts ch. 469, sec. 3, effective July 15, 1986.