



Rights

Cathy Ficker Terrill



Think



Outside The Box

Human Rights...



- Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.
- We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.



ALL HUMAN BEINGS SHOULD HAVE....

The right to choose where you wish to live

The right to choose which people you wish to be with

The right to make up your own mind about what you want to do

The right to say 'No' when you don't want to do something

The right to change things that you don't like

A manual on Self-Advocacy by Paul Williams & Bonnie Shoultz

Rights Restrictions Defined



- **A principle that limits the extent of something**
- **An act of limiting or restricting (as by regulation)**
- **The act of keeping something within specified bounds**

Common Rights Restrictions



- Food/Diet
- Money
- Relationships
- Using Environments (phone, mail, computer)
- Mobility
- Decision Making
- Medication

Others?

People with Disabilities and Rights



It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home. ~Carl T. Rowan

Rights Matter



SPECIFIC OUTCOMES CORRELATED WITH TOTAL OUTCOMES – PREDICTORS

HIGHEST

Exercise Rights	.537
Choose where and with whom they live	.528
Treated fairly	.521
Choose where to work	.507
Interact with other members of the community	.500
Perform different social roles	.487

LOWEST

Decide when to share personal information	.332
Have the best possible health	.309
Free from abuse and neglect	.287
Experience continuity and security	.276
Are safe	.189

Essential Components: Rights Protection and Promotion



- Policies and Procedures
- Individualized Rights Assessment
- Person Centered Planning
- Training (for all organizational members)
- Effective Human Rights Committee
- Decision Making Support-As Needed

The Role of the Human Rights Committee



Role and Goal: To Promote and Protect People's Rights.

- Human ~~Restriction~~ Committee
- Human Rights Committee

Human Rights Committee



- At Least 1/3 of the Committee Should NOT Be Directly Affiliated With The Organisation
- Should Include People With Disabilities
- Should Include People With Training or Expertise in Human Rights Issues

Human Rights Committee Function



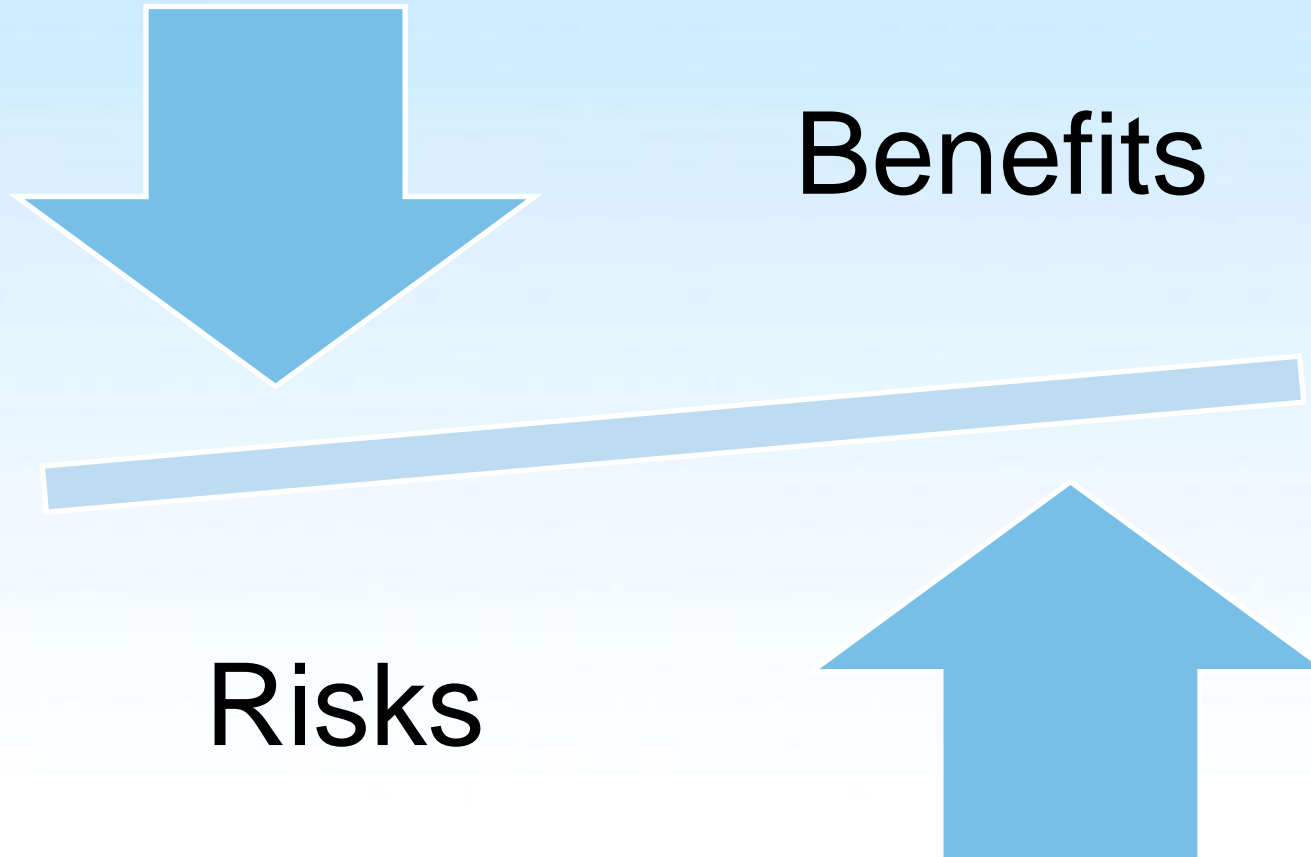
- To Provide Due Process
- To Review, Approve or Deny Any Restrictive Programs
- To Make Recommendations
- To Promote and Protect People's Rights
- To Provide an Objective Analysis of Policy Implementation (as it relates to proposed restrictions)
- To Maintain a Record of Activities

What HRC Should Review



- Proposed Restriction (*What Is Being Requested?*)
- Purpose (*Why Is Intervening Needed?*)
- Function (*Why Is the Person Doing This?*)
- History (*What Has Been Tried?*)
- Information (*What Data Do We Have?*)
- Restoration (*What is The Plan To Restore?*)
- Scope (*Is This The Least Restrictive Option?*)

Balancing Act



Scenarios



- **Proposed Restriction** (*What Is Being Requested?*)
- **Purpose** (*Why Is Intervening Needed?*)
- **Scope** (*Is This The Least Restrictive Option?*)
- **Function** (*Why Is the Person Doing This?*)
- **History** (*What Has Been Tried?*)
- **Information** (*What Data Do We Have?*)
- **Restoration** (*What is The Plan To Restore?*)

True Positive Approaches



- Encourages us to see honestly and clearly the good reasons, the functional qualities and adaptive components of even the most troubling situations.
- Encourages us to be a partner with the person we are working with.
- Encourages us to take people seriously.

Positive Approaches



- Not about being right and wrong---it's about being whole.
- When someone tells us that they would rather do something else, and we can provide it---the most positive approach is simply to provide it.
- Encourages us to consider- “how would I feel in this person’s shoes?”



A world of dignity, opportunity and community for all people

www.c-q-l.org



Making a world of difference
in people's lives

Creating a Culture of Direct Support Professional Competence

**CQL Annual Conference
St. Louis, MO**

October 21, 2015

**Joseph M. Macbeth
Executive Director**

National Alliance for Direct Support Professionals

The Emerging Role of Direct Support Professionals

Historically....

- Primarily Seen as Caretaker
- Focus on Custodial Care
- Providing Companionship
- Providing Coverage
- Primarily Focused on Health & Safety Issues
- Entry-Level Job

Now and in the Future....

- Ambassador, Mentor & Teacher
- Culturally Competent
- Close Interactions with Families - often in Family Settings
- Supporting Informed Decisions – Assessing RISK
- Possession of Complex Skills

Raising the Expectations of the Direct Support Workforce

Historically....

- Follow the Plan
- Filling shifts
- Rely on readily available supervision
- Community Outings
- System-Centered Identification

Now and in the Future....

- Creating plans **with** People they support
- Building meaningful friendships & relationships
- Inclusion – not recreation
- Advocating **WITH** – not FOR people with disabilities
- Person-Centered Identification

New Federal Requirements

Actions To Complete For Compliance

441.301(c) (4) – Optimizes, but does not regiment, **individual initiative, autonomy, and independence** in making life **choices**, including but not limited to: daily activities, physical environment, and with whom to interact.

Proposed State Transition Plan Deliverables:

“Identify, develop, and distribute training tools and policy updates that are needed for compliance”

New Federal Requirements

Providers must ensure that services are furnished:

- (i) Under a written person-centered service plan (also called plan of care) that is based on a person-centered approach:
 - Reflect **risk factors** and measures in place to minimize them, including individualized back-up plans and strategies when needed.
 - The **individual will lead** the person-centered planning process where possible
 - Includes people **chosen** by the individual.
 - Individual **directs the process** to the maximum extent possible
 - Reflects **cultural considerations** of the individual

New Federal Requirements

Direct Support Professional Must Understand:

1. People will have the freedom and support to control their own schedules and activities, and have access to food at any time.
1. People will be able to have visitors of their choosing at any time.
1. People will have the freedom to furnish and decorate their sleeping or living units

ARE THEY PREPARED?

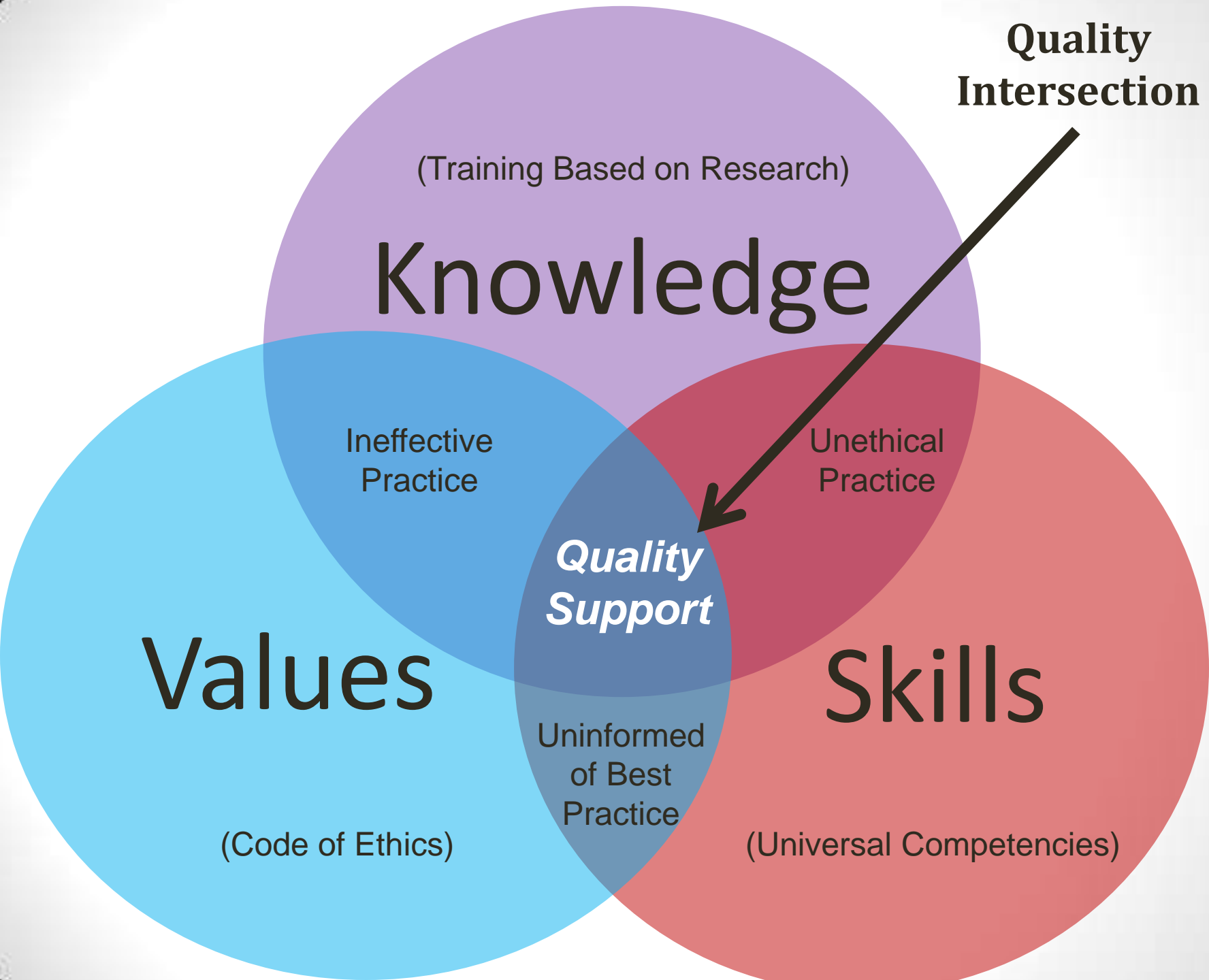
Where is Quality

***“It is defined at the point
between the staff member and
with a developmental***

John F. Kennedy, Jr. (1995)

***Chair, President’s Committee on
Developmental Disabilities***

*Where are those at the point of interaction of service delivery
typically found on organizational charts?*



Why Informed Decision Making ?

- Informed Decision Making (IDM) is essential to making good CHOICES
- IDM can be defined as KNOWLEDGE, NON-COERCION, and RESPONSIBILITY ACCEPTANCE
- There will be RISK associated with IDM
- RISK is a key dimension of Quality*
- CMS included Informed Choice in it's 'Community Definition'

What is Informed Decision Making?

(A definition for Direct Support Professionals)

Informed decision making is a process where an individual has obtained information and knowledge about a situation, they understand the choices available and the outcomes possible, and the choices reflect their personal values.

It is also the acceptance by the individual of the associated responsibility and risk of their decision. This decision is their decision alone and non-coerced.

CHOICE

- C** -Citizen
- H** -Harm/Risk
- O** -Opportunities
- I** -Informed Decision
- C** -Community
- E** -Experience



EXPERIENCE

Something we get just after we needed it...

We all learn by experience-usually, its bad experience...

People we support need opportunities to EXPERIENCE different options in order to establish a preference.

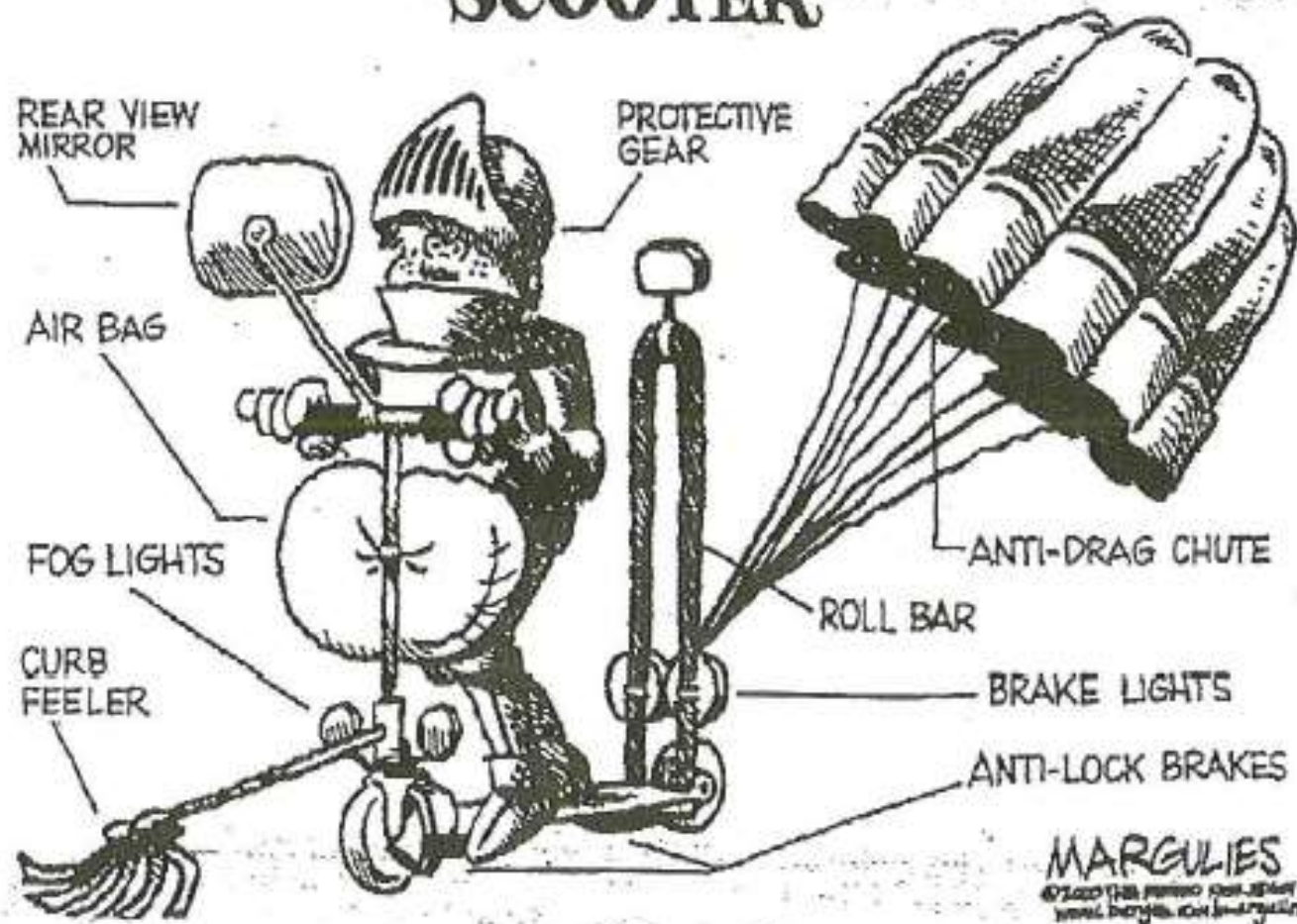
Those options may and will include some degree of risk!



“ Experience
is the
teacher
of all
things. ”
Julius Caesar

PROVIDE CHOICE & ENSURE SAFETY?

U.S. CONSUMER PRODUCTS SAFETY COMMISSION APPROVED SCOOTER



States & Providers must find the balance between choice and risk

Five Steps to the Decision Making Process

1-Define the **problem**/situation

2-Gather information and resources

3-List **Options**

4-Weigh and compare options and Consider Outcomes(**Risk/Reward**)

5-Make a decision & plan of action-**Evaluate** the decision



Image courtesy of FreeDigitalPhotos.net

NADSP Competency Area

Area 1: Participant Empowerment

The Direct Support Professional enhances the ability of the participant to lead a self-determining life by providing the support and information necessary to build self-esteem, and assertiveness; and to make decisions.

Skill Statements

- **The competent DSP assists and supports the participant to develop strategies, make informed choices, follow through on responsibilities, and take risks.**
- The competent DSP promotes participant partnership in the design of support services, consulting the person and involving him or her in the support process.
- The competent DSP provides opportunities for the participant to be a self-advocate by increasing awareness of self-advocacy methods and techniques, encouraging and assisting the participant to speak on his or her own behalf, and providing information on peer support and self-advocacy groups.
- **The competent DSP provides information about human, legal, civil rights and other resources, facilitates access to such information and assists the participant to use information for self-advocacy and decision making about living, work, and social relationships.**

National Alliance for Direct
Support Professionals(NADSP)

Universally Accepted



Join Our Membership at www.nadsp.org!



Customized Trainings, One-Day Workshops and
Culture of Direct Support Competency Technical
Assistance



Join us on Facebook!



YES, We're on YouTube



Follow us on Twitter @NADSPINC –

jmacbeth@nadsp.org