

# Fact Sheet:

## Controlled Residential Facilities

### What are your rights?

#### Legal Advice Disclaimer

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice.

For specific legal advice, please contact an attorney.

---

## Your Home and Community-Based Services Rights

---

If you get Medicaid home and community-based services (HCBSs) for your needs, you have rights that you should know about.

Your person-centered service plan says that you have the right to:

- get full support to have full access to the greater community and engage in community life.
- look for employment and work in the community.
- make choices about your personal resources.
- get services in the community, with the same access as people who do not use Medicaid home and community-based services.

- choose where you want to live.
- privacy, dignity, and respect.
- be free from coercion and restraints.

**Coercion** is something that you are made to do against your will. This can be getting admitted to the hospital or getting a treatment against your will.

**Restraints** are things that stop you from doing something or moving around. They can be a staff member physically holding you down, a machine that stops you from moving, a drug that someone gives to you, or putting you in a room by yourself that you cannot leave.

- choose how you want to live and what choices you want to make for your life. The choices can be about daily activities you do, the place you live in, and who you want to talk to.

You can learn more about your home and community-based services rights from the Wisconsin Department of Health Services:

[www.dhs.wisconsin.gov/hcbs/residential.htm](http://www.dhs.wisconsin.gov/hcbs/residential.htm)

---

# Your Controlled Residential Setting Rights

---

If you live in a controlled residential setting, you have other rights in addition to the ones you have for home and community-based services.

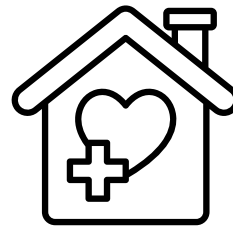
## How do I know if I live in a controlled residential setting?

**Controlled residential settings** are where your service provider also owns the place you live in and get services in. They are different from places where you may live with your family and have a provider come to your family's home to give you support services.

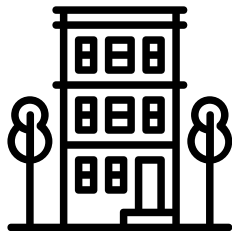
**Examples of controlled residential settings are:**



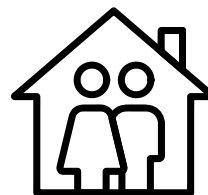
certified adult family homes (AFHs)



licensed community-based residential facilities (CBRFs)



certified residential care apartment complexes (RCACs)



children's level 5 foster homes

# Knowing Your Rights in Controlled Residential Settings

You have the right to:

---

## **privacy in your sleeping or living unit.**

This means that:

- you can lock the entrance door.  
The people who may have a key to your unit are staff members who are responsible for your health or doing an emergency safety intervention. They must be employed by the residential care facility.
  - you can pick your roommates, if you are sharing a unit with someone.
  - you can put your furniture into and decorate your personal space, within the lease or other agreement.
- 

## **choose your schedules and activities.**

---

## **choose when you would like to eat at any time.**

---

## **have visitors of your choosing at any time**

---

---

# Changing or Limiting Your Rights

---

## Why do my rights need to be changed or limited?

When living in a residential care facility, you may do something that leads to problems in your life. Your actions may involve other people you live with in your facility. If it gets bad enough, your provider or facility may need to change or limit some of your rights.

## Does my provider or facility need to do something first before they change or limit my rights?

Before they can change or limit your rights, your provider or facility must try using “less intrusive” or less strict ways to take care of your difficult or challenging behavior. The less strict ways they use cannot limit your rights. An example of a less strict way is a **positive intervention**.

**Positive interventions** are things that your provider can do that lower the chances of your challenging behaviors happening or stop them.

For example, your provider or facility can:

- give you a quiet place to go to if noises are too much for you.
- teach you how to better deal with things that bother you.
- help you practice coping strategies that you have learned.

## What requirements does my provider or facility need to meet when making a change to my rights?

Your provider or facility must document what they have tried to do. They must explain that the changes are supported by your **specific assessed need** and **your service plan**.

Your provider or care facility must meet the following requirements for the change:

- The restriction or modification must be based on your specific and personalized need.
- They must document in your person-centered plan that they have tried positive interventions that have not worked.
- They must document that they tried less intrusive methods to meet your need that have not worked.
- They must clearly describe how the restriction is needed to meet your specific need.
- They must put processes in place to check if the restriction is helping.
- They must set time limits for the restriction. They must regularly meet and review information to decide if you still need the restriction or if it can be stopped.
- They must have a process to get your informed consent and permission to use the restriction.
- They must promise and make sure that the limitation or restriction will not hurt you.