

Module .03 Legal Issues (5-21)

Feedback Exercises

Chapter One

1. How can social role valorization prevent devaluation and mistreatment of people with disabilities?
2. Identify four things in the following scenario that are not consistent with the principle of normalization: *Jane is 32 years old. She is on her way to the day program on a Monday morning. She is wearing red sweatshirt and sweatpants which are size extra-large (Jane is a size medium). The barrettes in her hair have kittens on them because Jane loves cats. Jane is learning to use makeup and enjoys nail polish. It's been about 3 weeks since she put on the bright pink polish that she likes the most. Her polish is pretty chipped, but Mary, the DSP who is the primary staff for Jane, doesn't work until next weekend. Jane has enjoyed her breakfast, and her mouth is encircled by a milk ring, and bits of toast are between her two front teeth and sprinkled on the front of her shirt. On the way to the day program, Jane and her support staff go into Starbucks, where the support staff order them both a coffee drink.*
3. What are four things in the following scenario that ARE consistent with the principle of normalization? *Susan is 41 years old and involved in a wide variety of activities which are different every weekend. She chooses and helps plan the activities. Sometimes she goes to the swimming pool at the community center. Sometimes she invites friends to her house for popcorn and movies. Other activities have included a concert at the State fair, eating Saturday night dinner out at a steak house, volunteering at the local food pantry, and swinging in the porch swing in the backyard. Susan enjoys knitting and often chooses to sit out when others are playing games, in order to work on a scarf. In the summer she invites the neighbors over for a backyard barbecue. Susan is very active in her church and participates as a greeter once each month.*

4. Normalization means having the opportunity to undergo the normal developmental experiences of the life cycle. For example, a normal life cycle experience of a school-age child is to go to school, rather than spend the days at home. People with developmental disabilities should also experience these stages. Name a normal and appropriate activity for each age given:
- a. 8 years of age:
 - b. 17 years of age:
 - c. 34 years of age:
 - d. 79 years of age:
5. What are two kinds of integration? Give an example of each.

Chapter Two

- 1. Legal rights are either _____ or _____.
- 2. Constitutional rights are established by the _____.
- 3. Statutory rights are established by the _____.
- 4. T/F Legal rights are rights which are established and enforced as law.
- 5. List and define three of the basic principles of the United States Constitution which relate to rights of citizens with disabilities.

6. There were many effects of the ARC lawsuit on the lives of individuals with developmental disabilities in the state of North Dakota? List three.
7. What is the Americans with Disabilities Act?
8. What are the employment requirements under ADA?
9. What does ADA require concerning public accommodations?
10. What does ADA require concerning state and local government operations?
11. T/F The Health Insurance Portability and Accountability Act (HIPAA) protects the privacy of medical records and other personal health information for all Americans.
12. HIPAA covers medical records:
 - a. stored on computers
 - b. stored in file cabinets
 - c. included in program books
 - d. all of the above

13. Compliance with HIPAA requires that direct support and other professionals:
- Do not reveal any information to people outside of the agency.
 - Know which records they are allowed to look at.
 - Do not talk within the agency to co-workers or any other employee about a person beyond what is needed to carry out job functions.
 - Make sure the person receiving mail or any form of communication with private health information is at the other end to receive it.
 - Follow agency policies and procedures for how to disclose personal health information.
 - All of the above.

Read each of the following statements and identify the legal principle(s) involved.

14. DP = Due Process

LRA = Least Restrictive Alternative

EP = Equal Protection

- ____ 1. A local food bank provides free food to people in the community who are homeless. People with disabilities are excluded from receiving the free food.
- ____ 2. Henry made a mistake balancing his checking account last month. He no longer has access to any of his money and is excluded from being part of decisions involving his funds. A full guardianship has been established.
- ____ 3. People with developmental disabilities are excluded from attending a local community college, even though they meet entrance requirements.
- ____ 4 Jack has been hurting himself by banging his head against the wall when he is told 'no'. The person-centered planning team met, an assessment was conducted, and a plan was written that includes positive behavior intervention strategies as well as a medication to decrease anxiety. The plan was approved by Jack and his guardian, and also reviewed by the behavior intervention and human rights committees.

Chapter Three

1. List and describe the three elements of informed consent.
2. List three situations that would require informed consent

3. Which of the following are examples of treating a person with dignity and respect?
- ☐ Assist Larry to close the door before he uses the bathroom.
 - ☐ Use harsh tone of voice.
 - ☐ Speak to Joe about his medical test results during supper with his roommate present.
 - ☐ Smile and greet people as you arrive at work.
 - ☐ Tell Samantha that if she doesn't do her laundry you will make sure she doesn't get dessert during supper tonight.
 - ☐ Redirect the conversation when your family member asks if Lucy Smith is one of the people you support at the agency.
4. T/F Even if a person has a guardian, state law mandates that the person be included in decisions affecting them as much as possible.
5. T/F Posting pictures of you and the people you support on Facebook or other social media site is okay as long as you don't include their names.
6. T/F To be most effective, all components of the habilitation process must be consistently applied in all settings in which the individual spends time.
7. T/F To share information outside the agency, it is necessary to obtain a signed authorization to release confidential information.
8. T/F The right to make informed choices and control person and property should never include financial matter for people with developmental disabilities, as the risk is too high.
9. T/F It should be assumed that a person is competent to provide consent unless it has been established by a court of law that he/she is not competent.
10. T/F People you support should not only be taught their rights, but also how to exercise those rights.
11. What is included in the right to free association?

Chapter Four

1. Who the IJP is intended to help?
2. List two purposes of an IJP.

3. List five areas the assessment process should consider prior to developing an IJP.
4. What should be considered when an individual with developmental disabilities is being questioned by police for an alleged offense?
5. List 4 support options that could be considered:
6. T/F Prior to developing an IJP an assessment is needed to understand what challenging behaviors are occurring and *why* they are occurring.

Chapter Five

1. What is advocacy?
2. Why may individuals with developmental disabilities be at a greater risk of having their rights denied or violated? List two reasons.

3. Define self-advocacy:
4. List at least three *active* ways service providers can assist individuals to advocate on their own behalf.
5. Define personal advocacy:
6. List three features of personal advocacy:
7. What is citizen advocacy?
8. List three functions of citizen advocacy.
9. Define systems advocacy:
10. What are three methods used by the system advocacy to influence social and political systems?
11. Why is a written advocacy plan needed in problematic situations?

12. What is the purpose of appeals procedures?

Chapter Six

1. List at least four components of the definition of Abuse as they appear in the North Dakota Century Code.

2. List at least four components of the definition of Neglect as they appear in the North Dakota Century Code.

3. List at least two components of the definition of Exploitation as they appear in the North Dakota Century Code.

4. List four reasons why people with disabilities are more susceptible to abuse.

5. What is one important step in preventing abuse and neglect in residential facilities according to studies?

6. T/F People with developmental disabilities are four to ten times more likely to be abused than their peers without disabilities.
7. T/F When stress becomes chronic, it can seriously threaten not only our wellbeing but also the quality of care we provide for the people who depend on our support.
8. Who must report abuse, neglect, and exploitation according to the new state law enacted by the 1989 legislature?
9. What is the purpose of investigation once a report of alleged abuse, neglect, or exploitation has been made within a developmental disability facility? List two reasons.
10. Describe compassion fatigue and burnout. How can they contribute to abuse and neglect?

Chapter Seven

1. What is the definition of an "incapacitated person" according to North Dakota Century Code?
2. What are four considerations for determining the need for guardianship?

3. What are some possible areas for limited guardianship?
4. T/F Full guardianship is needed for all adults with developmental disabilities.
5. T/F The role of a guardianship is to make decisions in the best interest of the agency providing services to the person.
6. What are the two responsibilities of the person-centered planning team regarding guardianship?
7. List five less restrictive alternatives to be explored before considering guardianship.
8. What are the benefits of using Supported Decision Making?