§ 41.41 Rights of persons with developmental disabilities.

1. Each person who resides in a community residence has the same basic and legal rights as all other persons of the same age. Such rights are in no way diminished by the fact that such persons who have a developmental disability live in a community residence.

2. In order to ensure that such residents are able to lead a life of dignity, the commissioner shall include in rules and regulations promulgated for community residence a statement of the rights of persons living in such community residences which shall include, but not be limited to:

(a) The right to request an alternative residential setting, either a new residence or change in roommates, and to be involved in decisions regarding such changes.

(b) The right to privacy, and sufficient space for personal belongings.

(c) The right to receive visits by families, friends and guardians and to make such visits; such right includes the right to privacy during such visits.

(d) The right to receive and send communications freely.

(e) The right to be free from physical or psychological restraints or pressure, subject to the provisions of section 33.04 of this chapter.

(f) The right to engage in appropriate activities although some risk may be involved.

(g) The right to a balanced and nutritious diet.

(h) The right to appropriate medical and dental care and the right, either personally or through parents or guardians, in the choice of physician and dentist.

(i) The right to appropriate clothing for age and season, and the right to be involved in the selection.

(j) The right to meaningful and productive activities within his or her capacity.

(k) The right to be informed regularly of their financial status and to be provided assistance in the use of their resources, as appropriate.

(l) The right to the use of their personal money and property.

(m) The right of access to meaningful recreation and community

programs, and the right to participate in the planning of such activities.

(n) The right to participate in the religion of their choice, on an individual as well as a group basis.

(o) The right to receive assistance and guidance from staff.

(p) The right to vote; and the right to participate in activities that educate persons with developmental disabilities in their civic responsibilities.

(q) The right to participate with staff in the establishment of house rules.

(r) The right of the resident, their parents or guardians, to be informed of the resident's rights under law and regulation, and the guaranty that such rights shall not be abridged.

(s) The right of the residents, their parents or guardians to express grievances, concerns and suggestions, without fear of reprisal.