Education About Rights

A) Principles

1. Special needs individuals have the same rights as other human beings to the maximum degree feasible.
2. Special needs individuals have a right to proper medical care and to such education, training, rehabilitation, guidance, and counseling that will enable them to develop their ability and maximum potential regardless of level of functioning.
3. Special needs individuals have a right to perform productive work or to engage in any other meaningful work activity to the fullest extent of their capabilities.
4. Special needs individuals have a right to protection from exploitation, abuse, and degrading treatment.
5. Whenever special needs individuals are unable to exercise their rights in a meaningful way, or it becomes necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights will contain proper administrative and legal safeguards against every form of abuse. Limitations of rights would be only on an individual basis and for clinical reasons only. This clinical justification and the specific time the limitation would remain in effect would be discussed at an IDT meeting, and clinical justification would be contained within the individual's file. (633.4) (a) (3)
6. Special needs individuals have a right to freedom of choice in the selection of services, within their own capacity to make decisions.
7. Special needs individuals have the right, when participating in research, to be safeguarded from violations of human dignity and to be protected from physical and psychological harm.

Special needs individuals have :

1. The right to be free from physical or psychological abuse
2. The right to be free from any use of mechanical restraining devices
3. The right to be free from unnecessary or excessive medication
4. The right to be protected from commercial or other exploitation
5. The right to confidentiality with regard to all information contained in his/her record, and access to such information, subject to the provisions of Article 33 of the Mental Hygiene Law and the Commissioner's regulations

Education About Rights

6. The right to an individual program of services which will maximize his/her abilities to cope with his/her environment, will foster social and vocational competence, and will enable him/her to live as independently as possible
7. The right to meaningful and productive activities, within his/her capacity, although some risk may be involved, and which take into account his/her interests
8. The right to appropriate and humane medical and dental care and the right, either personally or through parents or guardians, to participate in the choice of physician and dentist, and the opportunity to obtain second medical opinions
9. The right to participate in the religion of his/her choice, through the means of his/her choice, including the right of choice not to participate
10. The right to vote, and the right to participate in activities that educate the person in civic responsibilities
11. The right to be treated in a way which acknowledges and respects his/her cultural identity
12. The right of the individuals, their parents or guardians to express grievances, concerns, and suggestions without fear of reprisal