

About: Dignity of Risk



What is Dignity of Risk?

The concept of dignity of risk is the right of a person to make an informed choice to engage in experiences meaningful to him/her and which are necessary for personal growth and development. Normal living often includes risks. Dignity of risk allows people to lead normal lives. Overprotecting people with disabilities keeps them from many life situations that they have the right to experience, and it may prevent meaningful connections and fulfillment of their hopes and dreams.

Source: Virginia Commonwealth University, Partnership for People with Disabilities, Direct Support Professional Training. Link: <https://dsporientation.partnership.vcu.edu/section-i/the-value-of-dignity-of-risk/>.

The Human Rights Regulations Say...

- **12VAC35-115-50:** Each individual has a right to exercise his legal, civil, and human rights, including constitutional rights, statutory rights, and the rights contained in this chapter, except as specifically limited in this chapter or otherwise by law. Each individual has a right to have services that he receives respond to his needs and preferences and be person-centered. Each individual also has the right to be protected, respected, and supported in exercising these rights. Providers shall not partially or totally take away or limit these rights solely because an individual has a mental health or substance use disorder or an intellectual disability and is receiving services for these conditions or has any physical or sensory condition that may pose a barrier to communication or mobility.
- **12VAC35-115-100:** From admission until discharge from a service, each individual is entitled to: 1. Enjoy all the freedoms of everyday life that are consistent with his need for services, his protection, and the protection of others, and that do not interfere with his services or the services of others.
- Source: Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by DBHDS. Link: <https://law.lis.virginia.gov/admincode/title12/agency35/chapter115/>



Key Provisions of the Home and Community Based (HCBS) Settings Rule:

- Individuals are treated with dignity and respect.
- Free from coercion and restraint.
- Choice of services and supports.
- Access to non-disability specific services.
- Freedom to lead their person-centered planning meeting and have outcomes and goals that are meaningful to them.
- Access to competitive and integrated employment.
- People that are receiving Medicaid services have the right to the same degree of access to the community as though who do not receive Medicaid services.

Source: Home and Community Based Services Toolkit. Link: <https://www.dmas.virginia.gov/formembers/benefits-and-services/waivers-1/home-and-community-based-services-toolkit/>

The DBHDS Quality Service Review (QSR) The QSR is a quality review routinely conducted by DBHDS. Having a Dignity of Risk policy is a best practice. The QSR process looks to confirm that a provider has a policy that addresses:

- ...the rights of a person to make an informed choice,
- ...to engage in experiences meaningful to him/her,
- ...and which are necessary for personal growth and development.
- In the most recent QSR report, it showed that 69% of providers had a Dignity of Risk policy that met these criteria.
- Source: DBHDS Quality Service Reviews. Link: <https://dbhds.virginia.gov/developmental-services/>



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Why does my organization need a Dignity of Risk policy?

The purpose of a policy is to help your organization operate in a way that is consistent with your values and goals. A policy on Dignity of Risk can communicate that respecting an individual's rights to make decisions about their own life, including those that may involve risk, is important to your organization. A policy on Dignity of Risk can provide clear guidance for staff, individuals and families about how you address this issue and provide clear expectations for related practices. It can describe how you comply with relevant rules and regulations and can outline how your organization can manage any associated risks.

What could be in a Dignity of Risk policy? Your policy could:

1. State your organization's goals and values related to Dignity of Risk.
2. Include the relevant Human Rights and HCBS rules and regulations and describe how your organization implements them.
3. Describe what is expected of each staff role related to putting Dignity of Risk concepts into practice.
4. Ensure your organization has processes that offer guidance when a provider, family member, Legal Guardian, Authorized Representative, etc., may think that something an individual wants to do may be considered a potential risk. You can use the Safety Restrictions Form located in the WaMs ISP-Part V which contains the elements required by Human Rights and HCBS settings regulations.



For More Information on Dignity of Risk

- Centers for Medicaid and Medicare Services (CMS). "Balancing Choice and Risk" PowerPoint presentation. 2019. Link: https://www.medicaid.gov/medicaid/home-community-based-services/downloads/balancing-risk-choice_0.pdf
- Supported Decision-Making. Link: <https://dbhds.virginia.gov/supported-decision-making-supported-decision-making-agreements/>
- The Council on Quality and Leadership (CQL). "Dignity of Risk" YouTube educational video. 2020. Link: <https://www.youtube.com/watch?v=UZR6fm7pA2c>
- The Council on Quality and Leadership (CQL). The Three E's: Education, Experience, and Exposure. 2021. Link: <https://www.c-q-l.org/resources/newsletters/the-three-es-education-experience-and-exposure/>
- Developmental Services - Link: <https://dbhds.virginia.gov/developmental-services> - Home and Community Based Settings Rule

Frequently Asked Questions:

Is it okay if our agency uses language from HCBS and Human Rights in our policy?

- Sure! Those regulations are in place to support a framework and are a great place to start. You may want to address your agency's values to promote choice.

Does our agency need to write procedures to support a policy?

- That's up to you. However, it is helpful to provide clear guidance for staff related to putting Dignity of Risk concepts into practice.

Who can we contact at DBHDS if there are questions?

- Policy and Compliance Manager - Amie Brittain Amie.brittain@dbhds.virginia.gov
- CRC Resource All Regions – Ronnitta Clements Ronnitta.clements@dbhds.virginia.gov
- Office of Human Rights, Regional Manager: https://dbhds.virginia.gov/wp-content/uploads/2023/11/OHR-Regional-Map_11.13.23.pdf