

CHAPTER 4

FREEDOM OF CHOICE

Once it is determined that an a participant has needs that could likely be met either in an ICF/IID or in the community with the provision of waiver services, the WCM must:

- inform the participant, or his/her legal guardian, of the feasible alternatives under the waiver,
- give the participant, or his/her legal guardian, a choice of institutional (ICF/IID) services or home and community-based (ID/RD Waiver) services, and
- inform the participant, or his/her legal guardian, of his/her right to request reconsideration of an adverse decision.

The **Freedom of Choice (ID/RD Form 1)** is used to document the WCM provided this information and gave the participant the choice of services. Please note that the **Freedom of Choice (ID/RD Form 1)** form must be signed and “home and community-based services” chosen before proceeding with enrollment activities. See Chapter 6 (*Enrollments*) for more information.

As stated, the **Freedom of Choice (ID/RD Form 1)** form must be signed and “home and community-based services” selected **prior** to waiver enrollment. The presence of this completed and signed form assures that the WCM has explained the services available through the waiver and provided sufficient detail about both ICF/IID and waiver services for an informed choice to be made.

Two copies of the Freedom of Choice form must be provided to the participant/legal guardian. The form must be completed in its entirety, signed and dated with the choice of institution or home and community based services noted. **One copy will be uploaded to the participant’s record in Therap (Oversight-Document Storage-Type-“Freedom of Choice.”) The description should indicate the relevant waiver. The other copy will be given to the participant/legal guardian.**

The WCM will notify the Waiver Enrollments Coordinator that the Freedom of Choice form has been uploaded via SCOMM.

Since the decision remains in effect until the participant/legal guardian changes his/her choice, this form will be a permanent part of the file and will not be removed or purged. The second signed copy of the form will be left with the participant/legal guardian.

Please note: If the initial Freedom of Choice form is signed by the parent or guardian of a minor, the form must be signed by the participant when he/she reaches the age of majority (age 18 in South Carolina) if he/she is not adjudicated incompetent. This will be done by completing a new FOC Form (ID/RD Form 1) or the participant can simply sign the current form. This will be done within thirty (30) days of the participant’s eighteenth birthday.

After completing the **Freedom of Choice Form**, the WCM will present the participant and/or his/her legal guardian with the **Acknowledgement of Rights and Responsibilities (ID/RD Form 2)**. **The WCM must carefully explain and review this information with the participant and/or his/her legal guardian and have the participant sign** the Acknowledgement

of Rights and Responsibilities Form if they are over the age of 18 or the family member/legal guardian if the recipient is under 18 or cannot sign for himself or herself. The WCM must also sign the form. This form **will be completed every 12 months and/or annually during the planning process.** Again, two copies should be prepared. One left with the participant and/or legal guardian and the other copy will remain in the active file. For file maintenance, the current copy and the previous copy will be kept in the active file. Prior copies may be purged into the back-up file.