

Actual Rights

1. All rights covered in Bill of Rights
2. Treated as sane unless court says otherwise
3. Clean and humane surroundings
 - a. Safe
 - b. Have privacy
 - c. Treated with respect and dignity
4. Treatment in the least restrictive setting
5. Free from mistreatment, abuse, neglect and exploitation
6. Told about charges in advance
 - a. Limitations of services
 - b. Name of who to contact for billing
 - c. Info about billing arrangements
 - d. Info about if insurance runs out
7. Fair compensation for labor while in hospital
8. Be informed of hospital rules/ regulations concerning your conduct and treatment

Personal Rights

Unless otherwise specified, these personal rights can only be limited by your doctor on an individual basis to the extent that the limitation is necessary to your welfare or to protect another person. The reasons for and duration of the limitation must be written in your medical record, signed, and dated by your doctor, and fully explained to you. The limit on your rights must be reviewed at least every seven days and if renewed, renewed in writing.

9. Communicate with outside of hospital
 - a. Visitors in private
 - b. Make private phone calls
 - c. Send and receive uncensored mail
 - d. Can't restrict access to lawyer
 - e. Can't have barriers to communication like
 - i. Rigid visiting hours
 - ii. Keeping hospitalized moms from their minor children
 - iii. Restrict parents from seeing hospitalized children
 - iv. Limited access to telephones
 - v. Not helping a patient send a letter
10. Wear own clothes and religious symbols
 - a. Clothing that is neat, clean and well fitting
11. Opportunity for physical exercise and going outside with/ without supervision daily
 - a. Court restriction on this has to be reviewed every 3 days
12. Access to places other than living unit, with or without supervision at regular times
13. Religious freedom

14. Opportunity to socialize with members of the opposite sex as deemed appropriate for you
15. Ask for a different roommate
 - a. Must be given a reasonable answer as quickly as possible
16. Treatment for any physical problem you're having
 - a. Can seek treatment outside of hospital at own expense
17. Not be unnecessarily searched
 - a. Unless physician orders a search
 - b. If required to remove clothes have to do so in front of same sex staff member

Confidentiality

18. Have HIPPA rights explained to you at admission.
 - a. Will be given written copy of confidentiality rights
19. Review information in medical records
 - a. If doc refuses should file complaint with hospital HIPAA privacy officer
 - b. Can pay another doctor to look at your records
 - c. Doctor must look at restriction to rights in a regular fashion
20. Records kept private and given information about disclosure
21. Told about observation techniques
 - a. One way mirrors
 - b. Cameras
 - c. Tape recorders
 - d. TV etc.
22. Refuse to be part of research
23. Refuse:
 - a. Surgical procedures
 - b. Electroconvulsive therapy (prohibited for minors under the age of 16)
 - c. Unusual medications
 - d. Behavior therapy
 - e. Hazardous assessment procedures
 - f. Audiovisual equipment; and
 - g. Other procedures for which your permission is required by law.
24. Remove permission for things you previously consented to

Care and Treatment

25. Transport to and from places with dignity and safety
 - a. Right to not be escorted in a marked vehicle
26. Specialized treatment plan just for you
27. Told about care, procedures and treatment
 - a. Risks, side effects and benefits of all medications
 - i. Including is experimental
 - ii. Other treatments
 - iii. What happens if you refuse treatment
28. Information about prescription meds
29. Not be given unnecessary medication you don't need or too much medication. Can be

given medication without consent if:

- a. You are in immediate danger or a risk to others
 - b. You have been admitted by the court and your doctor decides you need the meds and a judge okays the order
30. List of prescribed meds
- a. Name, dosage and administration schedule
 - b. Within 4 hours of medication being ordered
31. Not to be restrained
- a. Unless ordered by doctor and written in record
 - b. Ex: placed in a locked room alone
 - c. Can be restrained for 1 hour without doctor's orders in extreme situation
 - i. Told reason, for how long and how to get released
 - d. Restraintment should always stop as soon as possible
32. Meet with staff responsible for care and told:
- a. Professional discipline
 - b. Job title
 - c. Responsibilities
33. Get a 2nd opinion at your own expense
- a. Review of treatment plan or specific procedure by hospital staff member
 - b. Extends to caretaker if applicable
34. Be told why you are being transferred
35. Period review to determine need to continued inpatient treatment

Voluntary Patients - Specific Rights

- 1. Request discharge
 - a. Say in writing or tell a staff person
 - b. If tell staff they have to write it down for you
- 2. Discharged within 4 hours of requesting discharge
 - a. Reasons you would not be allowed to go:
 - i. You change your mind
 - ii. Under 16 and person who admitted you doesn't want you to go
 - iii. Fit criteria for court ordered continued care
 - 1. A serious threat to yourself or those around you
 - 2. Condition will deteriorate if you are let out
- 3. Not to have application for court ordered services filed while you are getting voluntary services
 - a. Unless you doctor thinks you fit the criteria for court ordered services
 - i. 573.022 of the Texas Health and Safety Code
- 4. Plans for court order must be communicated to you and written in medical record

Note: The law is written to ensure that people who do not need treatment are not committed. The Texas Health and Safety Code says that any person who intentionally causes or helps another person cause the unjust commitment of a person to a mental hospital is guilty of a crime punishable by a fine of up to \$5,000 and/or imprisonment in county jail for up to one year.

Emergency Detention – Special Rights for People Brought Against to the Hospital Against Their Will

1. Told:
 - a. Where you are
 - b. Why are are being held
 - c. That you might be held for longer if a judge thinks you need to be
2. Call a lawyer
 - a. People holding you must help with this
3. Be seen by a doctor. Can't leave if
 - a. You may serious harm yourself or others
 - b. Risk of harm is likely unless you are restrained
 - c. Emergency detention is the least restrictive means of restraint
 - d. If don't meet any of this criteria must be allowed to leave
 - i. Right to hearing within 72 hours (5 days)
 1. Exceptions: weekends, holidays, or extreme weather or disasters
4. If determine you don't belong there will be returned to where you were taken from
5. Told anything you say or do may be used in proceeding for further detention

Order of Protective Custody – Special Rights

1. Call a lawyer or have one appointed to you
 - a. To represent you at a hearing to determine if you are to stay in custody
2. Be told in writing:
 - a. Placed under an order of protective custody
 - b. Why the order was issued
 - c. Time and place of hearing to determine where you are to remain in custody
 - d. Order should also be given to your attorney.
3. Hearing within 72 hours (5 days) of your detention
 - a. May be delayed until 4:00 in afer on the first regular workday
 - b. Can be delayed in the case of extreme weather or disaster
4. Can be released within first 72 hours if:
 - a. Hearing has not taken place
 - b. An order for court-ordered mental health services has not be issued within 14 days of the filing of an application
 - c. Doctor finds you no longer need court ordered mental health services

Involuntary Patients – Special Rights

Under most circumstances, you or a person who has your permission may, at any time during your commitment, ask the court to ask a physician to reexamine you to determine whether you still meet the criteria for commitment. If the physician determines you no longer meet the criteria for commitment, you must be discharged. If the physician determines you continue to meet the criteria for commitment, the physician must file a Certificate of Medical Examination with the court within 10 days of the filing of your request. If a certificate is filed, or if a certificate has not been filed within 10 days and you have not been discharged, the judge may set a time and place for a hearing on your request.