

RECIPIENT RIGHTS

TERMS TO KNOW

- COMPLAINT

- Complaints (criticism/objection/protest) can be filed by:
Recipients/Parents/Guardians/Staff/Community members/The Rights
Office/Anonymous

- ALLEGATION

- One complaint can contain more than one allegation
(accusation/charge/claim)

- SUBSTANTIATION

- The complaint was proved/verified/confirmed

- REMEDIATION

- Plan of correction or action taken by the provider to ensure the act does
not happen again



Rights Protection System



- Notice/Explanation of Rights:
 - the right to be given information regarding rights of recipients of public mental health services
- Failure to Report:
 - the right to have apparent or suspected violations reported by staff to the Rights Office immediately
- Retaliation/Harassment:
 - the right to be free of retaliation and harassment when reporting a potential Rights violation or participating in the investigation process
- Access to the Rights System:
 - the right to have unimpeded access to the Rights Office and Rights protection system
- Complaint Investigation Process:
 - the right that Recipient rights Investigations be handled as required by law (i.e. completion within 90 days, through consideration of facts, conclusions based on preponderance of evidence. etc.)
- Appeals Process/Mediation:
 - the right to be informed and upon request assisted to appeal/mediate a completed rights investigation

- Second Opinion- Denial of Hospitalization:
 - the right to have a second opinion if denied psychiatric hospitalization
- Second Opinion – Denial of Services:
 - the right to have a second opinion if denied mental health services
- Discrimination:
 - the right not be discriminated against due to age, gender, race, national origin etc.
- Accessibility/Accommodation:
 - the right to be provided reasonable accessibility/accommodation for a disability
- Religious Practice:
 - the right to practice, or not practice, a religion of one's choice, and not be discriminated against due to religious beliefs
- Voting:
 - the right to vote
- Presumption of Competency:
 - the right to be presumed competent until or unless a court determines otherwise
- Search/Seizure:
 - the right to privacy and not be subjected to unreasonable search/seizure of person, home or personal property

ABUSE & NEGLECT

ABUSE

A non-accidental act, or provocation of another to act, which causes or contributes to:

ABUSE CLASS 1

- Non accident that caused or contributed to the death, serious physical harm, or sexual abuse of a recipient

ABUSE CLASS 2

- Non accident that caused or contributed to non-serious physical harm
- Use of unreasonable force, with or without apparent harm
- An action which causes emotional/economic/material harm
- Exploitation of a recipient

ABUSE CLASS 3

- Verbal threats, degradation or sexual harassment

NEGLECT

An act, or lack of acting, which deprived a consumer of care or treatment required by a written standard or the plan of service, and which:

NEGLECT CLASS 1

- Act which causes or contributes to the death or serious physical harm to or sexual abuse of a recipient
- Failure to report suspected Abuse Class 1 or Neglect Class 1

NEGLECT CLASS 2

- Act or omission which causes or contributes to non serious physical harm or emotional harm
- Failure to report apparent or suspected Abuse Class 2 or Neglect Class 2

NEGLECT CLASS 3

- Act or omission which results in placing recipient at risk of physical harm or sexual abuse
- Failure to report apparent or suspected Abuse Class 3 or Neglect Class 3

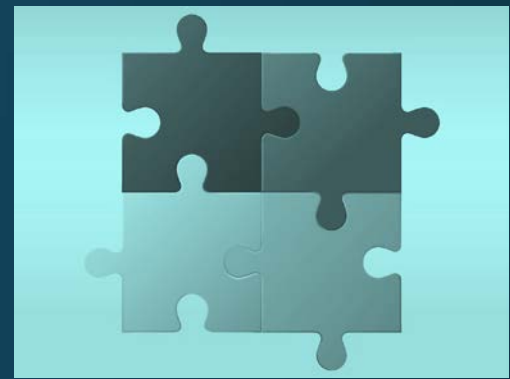
TREATMENT ENVIRONMENT



- **SAFE:** the right to receive services in a setting that is free from hazards to health and safety
- **SANITARY/HUMANE:** the right to receive services in a setting that is clean, professional and considerate, and free from unnecessary disruptions (i.e. arguing/fighting/profanity in a consumer's presence)
- **LEAST RESTRICTIVE SETTING:** the right to receive services that are clinically appropriate in the least restrictive setting possible

SUITABLE SERVICES

- Dignity & Respect:
 - The right to be treated with politeness, esteem and consideration
- Informed Consent
 - The right to make voluntary decisions based on the knowledge and understanding of risks, benefits and available alternatives
- Information on Family Planning
 - The right to be informed of the availability of family planning referral services
- Treatment by spiritual means
 - The right to receive treatment by spiritual means, unless harmful or illegal
- Mental health Treatment Suited to Condition
 - The right to receive mental health treatment suited to one's condition, based on a comprehensive needs assessment, and in compliance with written standards (consumer's treatment plan, doctor's orders, guidelines/policies)
- Choice of physician/mental health professional
 - The right to a choice of physician or other mental health professional within the limits of available staff
- Notice of clinical status/progress
 - The right to be informed of one's progress at reasonable intervals and in a manner that is appropriate to one's condition
- Services of mental health professional
 - The right to obtain services from a mental health professional and to see that professional at reasonable intervals
- Notice of medication side effects
 - The right to be given an explanation and written summary of the specific risks and most common side effects before initiating drug therapy



FREEDOM OF MOVEMENT



- Restrictions/Limitations:
 - the right to move freely without restriction/limitation, unless approved by the treatment plan or necessary to ensure immediate health/safety
- Restraint:
 - the right not to have physical restraints used to restrict one's movement
- Seclusion:
 - the right not to be placed in a room alone where one's ability to exit is blocked

CONFIDENTIALITY



- Disclosure of Confidential Information:
 - the right to have all mental health treatment info, including one's consumer status, kept private, unless disclosure permitted or required by signed consent, court order or law
- Withholding Information:
 - the right to access one's treatment record, including viewing or obtaining a copy, or authorizing others to view/receive a copy
- Correction of Record:
 - the right to have a statement placed in the record to correct/amend info perceived to be inaccurate/incorrect
- Access by P & A to record:
 - the right of Michigan Protection & Advocacy (state mandated agency) to have unimpeded access to consumer info/records, under specific circumstances specified in agency policy
- Privileged communication:
 - the right for info obtained by a psychiatrist/psychologist, in connection to examination, diagnosis or treatment, to be kept private unless disclosure permitted by signed consent, court order or law

COMMUNICATION & VISITS



- Visits:
 - the right to see or have visitors
- Contact with Attorneys or others regarding legal matters:
 - the right to talk privately with one's attorney
- Access to telephone/mail:
 - the right to use the telephone and mail to communicate with others
- Funds for postage, stationery, telephone usage:
 - the right to be provided with a reasonable amount of stamps, stationery, and funds for telephone use
- Written and posted limitations:
 - the right for limits to communication/visits to be in writing and clearly posted
- Uncensored Mail:
 - the right to send and receive mail privately and without interference/censorship

FINANCIAL RIGHTS



- **Safeguarding Money:**
 - the right for one's money to be protected from theft or loss, if held for safekeeping by a licensed home/facility
- **Facility Account:**
 - the right to a clear accounting of funds when one's money is held for safekeeping by a licensed home/facility
- **Easy Access to Money in Account:**
 - the right to reasonable access to one's money if held in an account for safekeeping.
- **Ability to Spend or use as Desired:**
 - the right to use personal money/funds as one chooses
- **Delivery of Money upon Release:**
 - the right to have money returned at discharge, if it had been held in an account
- **Labor and Compensation:**
 - the right to be compensated for work that the program/facility would normally pay someone to perform (does not include personal housekeeping tasks or chores related to living in a small group setting).

PERSONAL PROPERTY

- Access to entertainment materials, information, news:
 - the right to watch TV, go to the movies, read newspapers, magazines and books.
- Possession & Use:
 - the right to have and use one's personal belongings as desired
- Storage Space:
 - the right to a reasonable amount of storage space for personal property; incl. clothes
- Inspection at Reasonable Times:
 - the right to access one's personal property at reasonable times
- Exclusions:
 - the right to have any exclusions of personal property clearly listed in Program/House Rules and publicly posted
- Limitations:
 - the right to have any limitation of personal property addressed in the treatment plan and based only on preventing harm, theft, loss or destruction
- Receipt to Recipient and Designated Individual:
 - the right to be given a receipt for any personal property held for safekeeping and have property returned when leaving the program
- Waiver:
 - the right to waive safekeeping of one's own personal property by a licensed home/facility
- Protection:
 - the right for one's personal property to be protected from theft or loss



TREATMENT PLANNING



- Person Centered Process:
 - the right to be engaged in planning one's own treatment; having one's strengths and preferences honored; and a treatment plan devised that clearly identifies the amount, scope and duration of treatment to be provided and by whom
- Timely Development:
 - the right to have the person centered plan completed in a timely manner, as required by law or agency policy
- Request for review:
 - the right to request a review of the treatment plan at any time, and to expect the review to be completed within 30 days
- Participation by individual(s) of choice:
 - the right to choose who participates in the planning process (exclusions permitted only if the treatment team determines a person poses a safety risk or would greatly disrupt the planning process).
- Assessment of needs:
 - the need for food, shelter, clothing, health care, employment opportunities, educational opportunities, legal services, transportation, recreation and health/safety must be assessed and addressed in the treatment plan

PHOTOGRAPHS, FINGERPRINTS, AUDIOTAPES, ONE WAY GLASS



- **Prior Consent:**
 - the right to give written permission prior to being photographed, fingerprinted, taped, or viewed through a one-way glass for educational, informational, social or treatment purposes
- **Identification:**
 - the right to have photographs or audio/videotapes sent to an individual or another agency only when necessary to help identify a consumer, as permitted by law or agency policy
- **Objection:**
 - the right to refuse to be photographed, fingerprinted, taped, or viewed through one-way glass
- **Release to others/return:**
 - the right for any photograph or audio/videotape to be returned, along with any copies, after its use for identification purposes
- **Storage/Destruction:**
 - the right to have photographs and audio/videotapes secured in a confidential manner and returned/destroyed upon discharge or as required by agency policy.

FAMILY RIGHTS



- Family Dignity & Respect:
 - Families' right to be treated with dignity and respect
- Receipt of General Education Information:
 - Families' right to be given general information about the array of mental health conditions, treatment and community resources
- Opportunity to Provide Information:
 - Families' right to be given the chance to provide info to the treating professionals

OTHER

- No Right Involved:
 - A problem or issue that does not involve a right protected under the Mental Health Code
- Outside Provider Jurisdiction:
 - a problem or issue that falls outside the jurisdiction of the Rights Office (i.e. conduct of friends, family or agencies/providers not under contract)