

Firelands Counseling & Recovery Services

Know Your Rights



 **FIRELANDSHEALTH**
Firelands Regional Medical Center

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Know Your Rights

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) provides rules and regulations for inpatient psychiatric units in Ohio. These regulations include a list of the rights of patients who receive these services.

The following is a copy of these rights. These rights apply to you during an inpatient psychiatric stay at Firelands Regional Medical Center or inpatient psychiatric facility in Ohio. If you have a legal guardian of person, these rights also apply to your guardian.

Per OAC 5122-14-11 Patient rights, participation and education

1. Each person who accesses mental health services is informed of these rights:

- a. The right to be informed within twenty-four hours of admission of the rights described in this rule, and to request a written copy of these rights;
- b. The right to receive information in language and terms appropriate for the patient's understanding; and
- c. The right to request to speak to a financial counselor.

2. Services are appropriate and respectful of personal liberty:

- a. The right to be treated in a safe treatment environment, with respect for personal dignity, autonomy and privacy, in accordance with existing federal, state and local laws and regulations;
- b. The right to receive humane services;
- c. The right to participate in any appropriate and available service that is consistent with an individual service/treatment plan, regardless of the refusal of any other service, unless that service is a necessity for clear treatment reasons and requires the person's participation;
- d. The right to reasonable assistance, in the least restrictive setting; and
- e. The right to reasonable protection from physical, sexual, or emotional abuse or harassment.

3. Development of service/treatment plans:

- a. The right to a current individualized treatment plan (ITP) that addresses the needs and responsibilities of an individual that specifies the provision of appropriate and adequate services, as available, either directly or by referral; and
- b. The right to actively participate in periodic ITP reviews with the staff including services necessary upon discharge.



Know Your Rights

- 4. Declining or consenting to services:** The right to give full informed consent to services prior to commencement and the right to decline services absent an emergency.
- 5. Restraint or seclusion:** The right to be free from restraint or seclusion unless there is imminent risk of physical harm to self or others.
- 6. Privacy:**
 - a. The right to reasonable privacy and freedom from excessive intrusion by visitors, guests and non-hospital surveyors, contractors, construction crews or others; and
 - b. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, or photographs, or other audio and visual recording technology. This right does not prohibit a hospital from using closed-circuit monitoring to observe seclusion rooms or common areas, but closed-circuit monitoring shall not be utilized in patient bedrooms and bathrooms.
- 7. Confidentiality:**
 - a. The right to confidentiality unless a release or exchange of information is authorized and the right to request to restrict treatment information being shared; and
 - b. The right to be informed of the circumstances under which the hospital is authorized or intends to release, or has released, confidential information without written consent for the purposes of continuity of care as permitted by division (A)(7) of section 5122.31 of the Revised Code.
- 8. Grievances:** The right to have the grievance procedure explained orally and in writing; the right to file a grievance with assistance if requested; and the right to have a grievance reviewed through the grievance process, including the right to appeal a decision.
- 9. Non-discrimination:** The right to receive services and participate in activities free of discrimination on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws.
- 10. No reprisal for exercising rights:** The right to exercise rights without reprisal in any form including the ability to continue services with uncompromised access. No right extends so far as to supersede health and safety considerations.
- 11. Outside opinions:** The right to have the opportunity to consult with independent specialists or legal counsel, at one's own expense.
- 12. No conflicts of interest:** No inpatient psychiatric service provider employee may be a person's guardian or representative if the person is currently receiving services from said provider.

Know Your Rights

13. The right to have access to one's own psychiatric, medical or other treatment records, unless access to particular identified items of information is specifically restricted for that individual patient for clear treatment reasons in the patient's treatment plan. If access is restricted, the treatment plan shall also include a goal to remove the restriction.

14. The right to be informed in advance of the reason (s) for discontinuance of service provision, and to be involved in planning for the consequences of that event.

15. The right to receive an explanation of the reasons for denial of service.

In addition to the rights listed above, each consumer residing in an inpatient psychiatric hospital shall have the following rights:

1. Each consumer of mental health services are informed of these rights:

- (a) The right to receive humane services in a comfortable, welcoming, stable and supportive environment; and
- (b) The right to retain personal property and possessions, including a reasonable sum of money, consistent with the person's health, safety, service/treatment plan and developmental age.

2. Development of service/treatment plans: The right to formulate advance directives, submit them to hospital staff, and rely on practitioners to follow them when within the parameters of the law.

3. Labor of patients: The right to not be compelled to perform labor which involves the operation, support, or maintenance of the hospital or for which the hospital is under contract with an outside organization. Privileges or release from the hospital shall not be conditional upon the performance of such labor.

4. Declining or consenting to services:

- (a) The right to consent to or refuse the provision of any individual personal care activity and/or mental health services/treatment interventions; and
- (b) The right, when on voluntary admission status, to decline medication, unless there is imminent risk of physical harm to self or others; or
- (c) The right when hospitalized by order of a probate or criminal court to decline medication unless there is imminent risk of harm to self or others, or through an order by the committing court, except that involuntary medication is not permitted, unless there is imminent risk of harm to self or others, for persons admitted for a competency evaluation under division (G)(3) of section 2945.371 of the Revised Code or admitted for sanity evaluation under division (G)(4) of section 2945.371 of the Revised Code. The inpatient psychiatric service provider shall provide the opportunity for informed consent.

Know Your Rights



5. Privacy, dignity, free exercise of worship and social interaction: The right to enjoy freedom of thought, conscience, and religion; including religious worship within the hospital, and services or sacred texts that are within the reasonable capacity of the hospital to supply, provided that no patient shall be coerced into engaging in any religious activities.

6. Private conversation, and access to phone, mail and visitors:

- (a) The right to communicate freely with and be visited at reasonable times by private counsel or personnel of the legal rights service and, unless prior court restriction has been obtained, to communicate freely with and be visited at reasonable times by a personal physician or psychologist;
- (b) The right to communicate freely with others, unless specifically restricted in the patient's service/treatment plan for reasons that advance the person's goals, including, without limitation, the following:
 - (i) The right of an adult to reasonable privacy and freedom to meet with visitors, guests, or surveyors, and make and/or receive phone calls; or the right of a minor to meet with inspectors, and the right to communicate with family, guardian, custodian, friends and significant others outside the hospital in accordance with the minor's individualized service/treatment plan;
 - (ii) The right to have reasonable access to telephones to make and receive confidential calls, including a reasonable number of free calls if unable to pay for them and assistance in calling if requested and needed. The right of a minor to make phone calls shall be in accordance with the minor's individualized service/treatment plan; and
- (c) The right to have ready access to letter-writing materials, including a reasonable number of stamps without cost if unable to pay for them, and to mail and receive unopened correspondence and assistance in writing if requested and needed subject to the hospital's rules regarding contraband. The right of a minor to send or receive mail shall also be subject to directives from the parent or legal custodian when such directives do not conflict with federal postal regulations.

Know Your Rights

7. Notification to family or physician: The right to have a physician, family member or representative of the person's choice notified promptly upon admission to a hospital. If you have been admitted to the unit involuntarily, against your will, the following rights (per ORC Chapter 5122) also apply to you:

- (C) Any person who is involuntarily detained in a hospital or otherwise is in custody under this chapter, immediately upon being taken into custody, shall be informed and provided with a written statement that the person may do any of the following:
 - (1) Immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a licensed clinical psychologist, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance, and be provided assistance in making calls if the assistance is needed and requested;
 - (2) Retain counsel and have independent expert evaluation of the person's mental condition and, if the person is unable to obtain an attorney or independent expert evaluation, be represented by court-appointed counsel or have independent expert evaluation of the person's mental condition, or both, at public expense if the person is indigent;
 - (3) Have a hearing to determine whether or not the person is a mentally ill person subject to court order.