

EDWIN FAIR MENTAL HEALTH CENTER, INC.
CONSUMER'S RIGHTS

POLICY:

Upon receiving services, each consumer has rights as specified in the Consumer's Bill of Rights. All policies and procedures regarding confidentiality, privacy, and consumer rights adhere to all applicable federal or state laws or regulations.

PROCEDURES:

At the time of admissions, the consumer is given a copy of the consumer's rights. The Consumer Rights policy will be available and reviewed annually with each consumer at the time fees are updated.

If the consumer is illiterate, the person setting the fee shall read the Consumer's Bill of Rights to the consumer. The consumer shall be informed of his/her rights in a language he/she understands.

A synopsis copy of the Consumer's Bill of Rights shall be posted in each facility, placed so the consumers may read it.

THE CONSUMER HAS THE FOLLOWING RIGHTS:

General rights statement

Consumers of mental health or drug or alcohol abuse services shall retain all rights, benefits and privileges guaranteed by the laws and Constitution of the State of Oklahoma and the United States of America, except those specifically lost through due process of law.

Each consumer has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity.

Each consumer has the right to freedom from abuse, retaliation, humiliation, neglect, and financial exploitation.

Each consumer has the right to a humane psychological environment protecting him or her from harm, abuse, and neglect.

Each consumer has the right to services suited to his or her conditions and needs for treatment without regard to his or her race, religion, gender, sexual orientation, ethnic origin, age, degree of disability, handicapping condition, or legal status.

Notification of the Bill of Rights

Each consumer, upon admission to a facility or program, shall be notified of rights guaranteed by this Part.

- (1) If the consumer is a minor, his parent or legal guardian shall also be informed.
- (2) If the consumer has a court ordered guardian, the guardian shall be informed.

Notification shall be accomplished by:

(1) Providing the consumer with a synopsis, as set forth in OAC 450:15-3-27 and, if requested, the full Mental Health and Drug or Alcohol Abuse Services Bill of Rights, OAC 450:15-3-6 through 450:15-3-25. If the consumer cannot understand the language in the synopsis, an oral explanation of the synopsis shall be given in a language the person can understand; and the provision of the Mental Health and Drug or Alcohol Abuse Services Bill of Rights shall be documented in the consumer's record and signed by the person giving the synopsis or explanation; and

(2) Posting the synopsis of Mental Health and Drug or Alcohol Abuse Services Bill of Rights, in a conspicuous place in each consumer living area, and in area(s) of the facility receiving consumers, visitors and the public.

Employees and volunteers shall be oriented regarding consumers' rights and the constraints of this Part.

Right to freedom from mistreatment, abuse, and neglect

Staff shall not mistreat, physically, sexually, verbally, or otherwise abuse any consumer. Visitors or other consumers shall not be permitted to physically, sexually, verbally, or otherwise abuse any consumer. Staff shall not neglect any consumer.

The facility director shall ensure a critical incident report is completed for each alleged occurrence of abuse or neglect.

In cases of sexual or physical abuse, the person in charge of the facility shall promptly inform the County Sheriff or the District Attorney so that a criminal investigation can be initiated.

Right to freedom of movement

Each consumer has the right to be treated in the least restrictive environment based on his or her clinical condition and legal status. The consumer's movement shall not be restricted more than is necessary to provide treatment services, to prevent injury to the consumer or others, or prevent substantial property damage.

The right to treatment in the least restrictive environment shall not be withdrawn to punish or discipline a consumer, or for the convenience of staff or the facility.

Restriction of this right shall be decided by the treatment team, documented in the consumer's record, and shall be reviewed at the request of the consumer.

Seclusion and restraint may be administered to a non-consenting consumer upon the written order of a physician who has personally examined the consumer and who finds seclusion or restraint is necessary to protect the consumer or other persons. The physician shall document an explanation of the decision to administer seclusion and restraint in the consumer's record. This shall not prohibit emergency seclusion and restraint pending notification of a physician

Right to use of money

A consumer has the right of access to his or her money that is deposited in the consumer's personal account at the facility.

The facility may require either all, or part, of the money which is on the person of a consumer, or which comes to a consumer, or which the facility receives on behalf of the consumer under a benefit arrangement, or otherwise, be deposited with the facility for safekeeping in a personal account in the consumer's name. The money, and transactions affecting it, shall be accounted for in the name of the consumer and recorded in the consumer's account records. The consumer, his or her attorney, or his or her legal guardian shall be provided a copy of the account and transactions at the consumer's or legal guardian's request.

Consumers have the right to freedom from financial exploitation or other exploitation retaliation, humiliation, and neglect. *

Right to treatment

Each consumer shall be provided with prompt, competent and appropriate individualized treatment that offers the consumer a realistic prospect of improvement. Each consumer shall be afforded treatment by sufficient numbers of duly qualified facility personnel that meet applicable licensing or certification or accreditation standards.

Each consumer or his or her legal guardian shall have the opportunity to be involved in the consumer's treatment. An individual of the consumer's choice shall have the opportunity to be involved in the consumer's treatment with the consent of the consumer.

Each consumer is entitled to receive a thorough treatment plan update to determine the value and appropriateness of the present care and treatment being received, and the necessity of continuing the consumer's care in the facility rather than in a less restrictive environment outside the facility.

Right to consultant opinions

Every consumer has the right to request the opinion of an outside medical or psychiatric consultant at his or her own expense and the facility shall not impede access between the consultant and the consumer.

Every consumer shall have a right to an internal consultation upon request, at no expense. The second opinion shall become part of the consumer record.

Right to access additional information

Each consumer shall be informed of the following:

- (1) The consumer has the right to access to information pertinent to the person's served in sufficient time to facilitate his or her decision making. *
- (2) Present and future use and disposition of products of special observation and audiovisual techniques such as tape recorders, television, movies, and photographs in which he or she voluntarily participated.
- (3) The right to refuse to participate in any research project without retaliation.

Consumer rights regarding confidentiality of mental health and drug or alcohol abuse treatment information

All mental health and drug or alcohol abuse treatment information, whether recorded or not, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential. In addition, the identity of all consumers who have received or are receiving mental health or drug or alcohol abuse treatment services is both confidential and privileged. Such information shall only be available to persons or agencies actively engaged in the treatment of the consumer unless an exception under state or federal law applies. The information available to persons or agencies actively engaged in the treatment of the consumer shall be limited to the minimum amount of information necessary for the person or agency to carry out its function or the purpose for the release. Nothing in this section shall prohibit disclosure of information as required in 22 O.S. § 1175.

A consumer or his or her legally authorized representative shall have the right to request access to the consumer's own mental health and drug or alcohol abuse treatment information as provided for in 450:15-3-60.

Consumers will be provided with a copy of Privacy Practices.

Rights to informed consent or refusal and or expression of choice

- (1) The service delivery of treatment.
- (2) The process of release of information.
- (3) Concurrent services.
- (4) The composition of their service delivery team.
- (5) Their involvement or not in research projects.
- (6) The center will adhere to any research guidelines and ethics when persons served are involved in any type of research.

Consumers have the right to access referrals if available

- (1) Legal entities for appropriate representation.
- (2) Self-help support services
- (3) Advocacy support services

The consumer has a right to an investigation and resolution of alleged infringements of rights and any other legal rights.

The consumer has the right to have the process communicated to them in a way that is understandable prior to the beginning of service or at the initiation of service and at least annually for consumers in service longer than 1 year. At any time, the consumer can request a review and or clarification.

Right to assert grievances

A consumer shall have a right to assert grievances with respect to an alleged infringement of his or her rights and shall have the right to have such grievances considered through a fair, timely and impartial grievance procedure.

No consumer shall be retaliated against, coerced, or treatment altered either solely or partially because of his or her having asserted, a grievance regarding his or her rights.

A written notice of the grievance procedure is provided to each consumer or guardian and to an individual of the consumer's choice. The procedures for review of grievances will be explained to the person served in a manner that is understandable. A discussion between the consumer and primary therapist will be the first step toward resolution. If a resolution is not obtained, the matter to the Executive Director, Melodie Heupel for final determination as the grievance coordinator. A written statement informing the consumer as to the outcome of the review shall be provided no later than 14 days after receipt of a written grievance. The consumer shall be provided any assistance necessary and informed of the availability of the facility's local advocate. A consumer shall have unimpeded and confidential access to the facilities local advocate and the Oklahoma Department of Mental Health and Substance Abuse Service office of consumer advocacy. No policy or procedure shall require contact with the facility's local advocate prior to contacting the ODMHSAS office of consumer advocacy. The ongoing monitoring of the grievance process and based on outcomes, adjust, and improve processes; the individual(s) designated as a facility's local advocate shall be responsible for coordinating and monitoring the facility's advocacy activities. The designated local advocate shall work with facility staff and contractors to ensure the needs of consumers are met at the lowest level possible and that consumer rights are enforced and not violated.

Duties of the facility's local advocate shall include but is not limited to: Serve as the on-sight advocate for consumers being treated or under the care of the program. Such activities may include; Assist consumers in filing grievances; Serve as resource for consumer for questions or information dissemination about the facility, admission and discharge processes, or other basic human needs while in treatment; and contact consumers involved in or who witness Critical Incidents or Sentinel Events while in treatment to ensure needs are being met. The provision of written notification to the consumer of the grievance outcome and mechanism by which an individual may appeal the outcome both verbally and in a handout.

1. A mechanism to monitor the grievance process and improve performance based on outcomes
2. An annual review of the grievance policy and procedure and the ongoing monitoring of the grievance process and based on outcomes adjust and improve the process. An annual review of the grievance policy and procedure including providing copies of updated grievance policy and procedure.

For any grievance acted upon, the consumer shall have the responsibility of providing a statement in written form. EFC shall have responsibility of response and resolution in a timely manner.

Right to information and services to be provided consumers being discharged

Each consumer shall be involved in his or her discharge planning. With the permission of the consumer, an individual of his or her choice shall be encouraged to be involved in the consumer's discharge planning and afforded such involvement.

(1) A referral and appointment, in writing, with a community-based facility for aftercare and follow-up, if consumer accepts such referral.

Right to name a Treatment Advocate

All adult mental health consumers being served by a licensed mental health professional shall be informed by the LMHP or the mental health treatment facility that the consumer has the right to designate a family member or other concerned individual as a treatment advocate. The program shall have written policies and procedures ensuring this provision.

The consumer shall not be coerced, directly or indirectly, into naming or not naming a Treatment Advocate or choice of Treatment Advocate or level of involvement of the Treatment Advocate. Any individual so designated shall at all times act in the best interests of the consumer and comply with all conditions of confidentiality.

The Treatment Advocate may participate in the treatment planning and discharge planning of the person being served to the extent consented to by the consumer and permitted by law.

(1) the consumer's choice to name or not name a Treatment Advocate.

(2) identify any specifically named person.