

Patient's Bill of Rights

When you apply for or receive mental health services in the State of Texas, you have many rights. Your most important rights are listed on these six pages. These rights apply to all persons unless otherwise restricted by law or court order. A judge or lawyer will refer to the actual laws. If you want a copy of the laws these rights come from, you can call the Health Facility Licensure and Certification Division of the Texas Department of State Health Services at **1-888-973-0022**.

It is the responsibility of this hospital under law to make sure you have been informed of your rights. But just giving you this information does not mean your rights have been protected. This hospital is required to respect and provide for your rights in order to maintain licensure and do business in this state.

Your Right To Know Your Rights

You have the right, under the rules by which this hospital is licensed, to be given a copy of these rights before you are admitted to the hospital as a patient. If you so desire, a copy should also be given to the person of your choice. If a guardian has been appointed for you or you are under 18 years of age, a copy will also be given to your guardian, parent, or conservator.

You also have the right to have these rights explained to you aloud in simple terms in a way you can understand within 24 hours of being admitted to the hospital to receive services (e.g., in your language if you are not English-speaking, in sign language if you are hearing impaired, in Braille if you are visually impaired, or other appropriate methods).

Your Right To Make a Complaint

You have the right to make a complaint and to be told how to contact people who can help you. These people and their addresses and phone numbers are listed below.

You have the right to be told about Advocacy, Inc., when you first enter the hospital and when you leave. Information about how to contact Advocacy, Inc., is also listed below.

If you believe any of your rights have been violated or you have other concerns about your care in this hospital, you may contact one or more of the following:

If you are at a **private psychiatric hospital**, you can call:

Health Facility Licensing and Compliance Division
Texas Department of Health
1100 W. 49th St., Austin, TX 78756

1-888-973-0022

If you are at a **DSHS state hospital**, you can call:

Consumer Services and Rights Protection
Texas Department of Mental Health and Mental Retardation
P.O. Box 12668, Austin, TX 78711-2668

1-800-252-8154

Whether you are at a **private hospital** or a **DSHS state hospital**, you can call:

If you have been involuntarily committed and you believe that your attorney did not prepare your case properly or that your attorney failed to represent your point of view to the judge, you may wish to report the attorney's behavior to the Ethics Committee of the State Bar of Texas by writing:

Disciplinary Council
State Bar of Texas
1414 Colorado
P.O Box 12487
Austin, TX 78711-2487

If you are a voluntary patient OR if you have been taken to the hospital against your will, turn to pages five and six for a listing of your special rights under law in Texas. All patients should read pages three and four which explain the rights that apply to everyone receiving services at this hospital.

**STATEMENT THAT YOU HAVE RECEIVED THIS PAMPHLET AND THAT
IT HAS BEEN EXPLAINED**

___ I certify that I have received a copy of this six-page document prior to admission.

___ I certify that staff have explained its content to me in a language I understand within 24 hours of admission (if involuntarily committed).

___ I certify that staff have explained its content to me in a language I understand prior to admission (if voluntarily committed).

Name _____ Witness _____

Date _____ Date _____

Relationship of witness to patient: _____

Basic Rights for All Patients

1. You have all the rights of a citizen of the State of Texas and the United States of America, including the right of *habeas corpus* (to ask a judge if it is legal for you to be kept in the hospital), property rights, guardianship rights, family rights, religious freedom, the right to register to vote, the right to sue and be sued, the right to sign contracts, and all the rights relating to licenses, permits, privileges, and benefits under the law.

2. You have the right to be presumed mentally competent unless a court has ruled otherwise.

3. You have the right to a clean and humane environment in which you are protected from harm, have privacy with regard to personal needs, and are treated with respect and dignity.

4. You have the right to appropriate treatment in the least restrictive appropriate setting available. This is a setting that provides you with the highest likelihood for improvement and that is not more restrictive of your physical or social liberties than is necessary for the most effective treatment and for protections against any dangers which you might pose to yourself or others.

5. You have the right to be free from mistreatment, abuse, neglect, and exploitation.

6. You have the right to be told in advance of all estimated charges being made, the cost of services provided by the hospital, sources of the program's reimbursement, and any limitations on length of services known to the hospital. As part of this right, you should have access to a detailed bill of services, the name of an individual at the facility to contact for any billing questions, and information about billing arrangements and available options if insurance benefits are exhausted or denied.

7. You have the right to fair compensation for labor performed for the hospital in accordance with the Fair Labor Standards Act.

8. You have the right to be informed of those hospital rules and regulations concerning your conduct and course of 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. You have the right to talk and write to people outside the hospital. You have the right to have visitors in private, make private phone calls, and send and receive sealed and uncensored mail. *In no case may your right to contact or be contacted by an attorney, the department, the courts, or the state attorney general be limited.*

This right includes a prohibition on barriers to communication imposed by a hospital, such as:

- rigid and restrictive visiting hours;
- policies that restrict hospitalized mothers and fathers from visiting with their minor children;
- policies that restrict parents from visiting their hospitalized children
- limited access to telephones; and
- failure to provide assistance to patients who wish to mail a letter.

10. You have the right to keep and use your personal possessions including the right to wear your own clothing and religious or other symbolic items. You have the right to wear suitable clothing which is neat, clean and well-fitting.

11. You have the right to have an opportunity for physical exercise and for going outdoors with or without supervision (as clinically indicated) at least daily. *A physician's order limiting this right must be reviewed and renewed at least every three days. The findings of the review must be written in your medical record.*

12. You have the right to have access to appropriate areas of the hospital away from your living unit, with or without supervision (as clinically appropriate), at regular and frequent times.

13. You have the right to religious freedom. However, no one can force you to attend or engage in any religious activity.

14. You have the right to opportunities to socialize with persons of the opposite sex, with or without supervision, as your treatment team considers appropriate for you.

15. You have the right to ask to be moved to another room if another person in your room is disturbing you. The hospital staff must pay attention to your request, and must give you an answer and a reason for the answer as soon as possible.

16. You have the right to receive treatment of any physical problems which affect your treatment. You also have the right to receive treatment of any physical problem that develops while you are in the hospital. If your physician believes treatment of the physical problem is not required for your health, safety, or mental condition, you

have the right to seek treatment outside the hospital at your own expense.

17. You have the right not to be unnecessarily searched unless your physician believes there is a potential danger and orders a search. If you are required to remove any item of clothing, a staff member of the same sex must be present and the search must take place in a private place.

Confidentiality

18. You have a right under HIPAA (Health Insurance Portability and Accountability Act) to have your confidentiality rights explained to you at admission. You will be provided a written copy of your confidentiality rights, including how to make a complaint,

19. You have the right to review the information contained in your medical record. If your doctor says you shouldn't see a part of your record, you have the right to file a complaint with the hospital HIPAA privacy officer. You may also, at your expense, have another doctor of your choice review that decision. The doctor must also reconsider the decision to restrict your right on a regular basis. The right extends to your parent or conservator if you are a minor (unless you have admitted yourself to services) and to your legal guardian if you have been declared by a court to be legally incompetent.

20. You have the right to have your records kept private and to be told about the conditions under which information about you can be disclosed without your permission, as well as how you can prevent any such disclosures.

21. You have the right to be informed of the current and future use of products of special observation and audiovisual techniques, such as one-way vision mirrors, tape recorders, television, movies, or photographs.

Consent

22. You have the right to refuse to take part in research without affecting your regular care.

23. You have the right to refuse any of the following:

- surgical procedures;
- electroconvulsive therapy (prohibited for minors under the age of 16);
- unusual medications;
- behavior therapy
- hazardous assessment procedures;
- audiovisual equipment; and
- other procedures for which your permission is required by law.

This right extends to your parent or conservator if you are a minor, or your legal guardian when applicable.

24. You have the right to withdraw your permission at any time in matters to which you have previously consented.

Care and Treatment

25. You have the right to be transported to, from, and between private psychiatric hospitals in way that protects your dignity and safety. You have the right not to be transported in a marked police or sheriff's car or accompanied by a uniformed officer unless other means are not available.

26. You have the right to a treatment plan for your stay in the hospital that is just for you. You have the right to take part in developing that plan, as well as the treatment plan for your care after you leave the hospital. *This right extends to your parent or conservator if you are a minor, or your legal guardian when applicable. You have the right to request that your parent/conservator or legal guardian take part in the development of the treatment plan. You have the right to request that any other person of your choosing, e.g., spouse, friend, relative, etc., take part in the development of the treatment plan. You have a right to expect that your request be reasonably considered and that you will be informed of the reasons for any denial of such a request. Staff must document in your medical record that the parent/guardian, conservator, or other person of your choice was contacted to participate.*

27. You have the right to be told about the care, procedures, and treatment you will be given; the risks, side effects, and benefits of all medications and treatment you will receive, including those that are unusual or experimental, the other treatments that are available, and what may happen if you refuse the treatment.

28. You have the right to receive information about the major types of prescription medications which your doctor orders for you (effective May 1, 1994).

29. You have the right not to be given medication you don't need or too much medication, including the right to refuse medication (this right extends to your parent or conservator if you are a minor, or your legal guardian when applicable). However, you may be given appropriate medication without your consent if:

- your condition or behavior places you or others in immediate danger; or
- you have been admitted by the court and your doctor determines that medication is required for your treatment and a judicial order authorizing administration of the medication has been obtained.

30. You have the right to receive a list of medications prescribed for you by your physician, including the name, dosage, and administration schedule, within four hours of

the facility administrator or designee receiving such a request in writing.

31. You have the right not to be physically restrained (restriction of movement of parts of the body by person or device or placement in a locked room alone) unless your doctor orders it and writes it in your medical record. In an emergency, you may be restrained for up to one hour before the doctor's order is obtained. If you are restrained, you must be told the reason, how long you will be restrained, and what you have to do to be removed from restraint. The restraint has to be stopped as soon as possible.

32. You have the right to meet with the staff responsible for your care and to be told of their professional discipline, job title, and responsibilities. In addition, you have the right to know about any proposed change in the appointment of professional staff responsible for your care.

33. You have the right to request the opinion of another doctor at your own expense. You have the right to be granted a review of the treatment plan or specific procedure by hospital medical staff. This right extends to your parent or conservator if you are a minor, or your legal guardian, if applicable.

34. You have the right to be told why you are being transferred to any program within or outside the hospital.

35. You have the right to a periodic review to determine the need for continued inpatient treatment.

If you have questions concerning these rights or a complaint about your care, call the Health Facility Licensure and Certification Division for the Texas Department of Health at 1-888-973-0022.

Voluntary Patients – Special Rights

1. You have the right to request discharge from the hospital. If you want to leave, you need to say so in writing or tell a staff person. If you tell a staff person you want to leave, the staff person must write it down for you.

2. You have the right to be discharged from the hospital within four hours of requesting discharge. There are only three reasons why you would not be allowed to go:

- First, if you change your mind and want to stay at the hospital, you can sign a paper that says you do not wish to leave, or you can tell a staff member that you don't want to leave, and the staff member has to write it down for you.

- Second, if you are under 16 years old, and the person who admitted you (your parents, guardian, or conservator) doesn't want you to leave, you may not be able to leave. If you request release, staff must explain to you whether or not you can sign yourself out and why. The hospital must notify the person who does have the authority to sign you out and tell that person that you want

to leave. That person must talk to your doctor, and your doctor must document the date, time, and outcome of the conversation in your medical record.

- Third, you may be detained longer than four hours if your doctor has reason to believe that you might meet the criteria for court-ordered services or emergency detention because:

- you are likely to cause serious harm to yourself;
- you are likely to cause serious harm to others; or
- your condition will continue to deteriorate and you are unable to make an informed decision as to whether or not to stay for treatment.

If your doctor thinks you may meet the criteria for court-ordered services or emergency detention, he or she must examine you in person within 24 hours of your filing the discharge request. You must be allowed to leave the hospital upon completion of the in-person examination unless your doctor confirms that you meet the criteria for court-ordered services and files an application for court-ordered services. The application asks a judge to issue a court order requiring you stay at the facility for services. The order will only be issued if the judge decides that either:

- you are likely to cause serious harm to yourself;
- you are likely to cause serious harm to others; or
- your condition will continue to deteriorate and you are unable to make an informed decision as to whether or not to stay for treatment.

Even if an application for court-ordered services is filed, you can not be detained at the hospital beyond 4:00 p.m. of the first business day following the in-person examination unless the court-order for services is obtained.

3. You have the right not to have an application for court ordered services filed while you are receiving voluntary services at the hospital unless your physician determines that you meet the criteria for court-ordered services as outlined in §573.022 of the Texas Health and Safety Code and:

- you request discharge (see number 2 above);
- you are absent without authorization;
- your doctor believes you are unable to consent to appropriate and necessary treatment; or
- you refuse to consent to necessary and appropriate treatment recommended by your doctor and your doctor states in the certificate of medical examination that:
 - there is no reasonable alternative treatment; and
 - you will not benefit from continued inpatient care without the recommended treatment.

4. Your doctor must note in your medical record and tell you about any plans to file an application for court-ordered treatment or for detaining you for other clinical reasons. If

the doctor finds that you are ready to be discharged, you should be discharged without further delay.

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.

- that you have been placed under an order of protective custody;
- why the order was issued; and
- the time and place of a hearing to determine whether you must remain in custody until a hearing on court-ordered mental health services can be held.

This notice must also be given to your attorney.

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

1. You have the right to be told:
 - where you are;
 - why you are being held; and
 - that you might be held for a longer time if a judge decides that you need treatment.
2. You have the right to call a lawyer. The people talking to you must help you call a lawyer if you ask.
3. You have a right to be seen by a doctor. You will not be allowed to leave if the doctor believes that:
 - you may seriously harm yourself or others;
 - the risk of this happening is likely unless you are restrained; and
 - emergency detention is the least restrictive means of restraint.

If the doctor decides you don't meet all of these criteria, you must be allowed to leave. A decision concerning whether you must stay must be made within 48 hours, except that on weekends and legal holidays, the decision may be delayed until 4:00 in the afternoon on the first regular workday. The decision may also be delayed in the event of an extreme weather emergency or disaster. If the court is asked to order you to stay longer, you must be told that you have a right to a hearing within 72 hours (excepting weekends, holidays, or extreme weather emergencies or disasters).

4. If the doctor decides that you don't need to stay here, the hospital will arrange for you to be taken back to where you were picked up if you want to return, or to your home in Texas, or to another suitable place within reasonable distance.

5. You have the right to be told that anything you say or do may be used in proceedings for further detention.

Order of Protective Custody – Special Rights

1. You have the right to call a lawyer or to have a lawyer appointed to represent you in a hearing to determine whether you must remain in custody until a hearing on court-ordered mental health services is held.
2. Before a probable cause hearing is held, you have the right to be told in writing:

3. You have the right to a hearing within 72 hours of your detention, except that on weekends or legal holidays, the hearing may be delayed until 4:00 in the afternoon on the first regular workday. The hearing may also be delayed in the event of an extreme weather emergency or disaster.

4. You have the right to be released from custody if:

- 72 hours has passed and a hearing has not taken place (excepting weather emergencies and extensions for weekends and legal holidays);
- an order for court-ordered mental health services has not been issued within 14 days of the filing of an application (30 days if a delay was granted); or
- your doctor finds that 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.