

COMMUNITY MENTAL HEALTH PROGRAMS (PROVIDERS) MODEL BILL OF CONSUMER RIGHTS AND RESPONSIBILITIES

*This Bill of Rights and Responsibilities was developed by
Office of Consumer Affairs Advisory Council*

PREAMBLE

The purpose of Community Mental Health Programs (Providers) is to assist you in your recovery. It is your goal to determine what recovery means to you and actively take steps towards your recovery. Your provider will support you in your development of wellness self management and recovery.

The purpose of the Bill of Rights and Responsibilities is to provide guidance, when needed, on your path to recovery while receiving services at your Provider.

CONSUMER RIGHTS:

As a consumer, your rights include, but are not limited to, the following:

RESPECT:

- (1) You have the right to be treated in a dignified and respectful manner, at all times.
- (2) You have the right to be treated as an adult.
- (3) You have the right to be free from stigma from your provider.

RIGHT TO BE FREE FROM DISCRIMINATION:

(4) You have the right to receive provider services and the right to be treated by your provider in a fair and objective manner, without discrimination based on race, gender, sexual orientation, age, religion, national origin, ethnic group, marital status, disability, socioeconomic status, culture, or any other classification prohibited by law. You have the right to report any violation to the Director of the provider agency.

RIGHT TO INFORMATION ABOUT THE PUBLIC MENTAL HEALTH SYSTEM:

(5) You have the right to be given information about the Public Mental Health System and its services and caregivers, as well as the rights and responsibilities of consumers.

THE RIGHT TO VOTE AND PROPERTY RIGHTS ARE NOT ALTERED:

(6) You may not be deprived of the right to vote or to receive, hold, and dispose of property solely because you are in a program for a mental disorder.

RIGHT TO REFUSE TREATMENT:

(7) You have the right to refuse treatment, medication, or therapy.

RIGHT TO PICK, CHANGE, OR STOP SEEING ANY PROVIDER:

(8) You have the right to pick, change, or withdraw from your providers, including providers who are part of the Public Mental Health System network. Also, you have the right to refuse care from a provider, at any time.

RIGHT TO REFUSE TO PARTICIPATE IN RESEARCH:

(9) You have the right to refuse to participate in research, at any time.

INDIVIDUAL REHABILITATION PLAN:

If your provider is required to develop an Individual Treatment Plan (ITP) or Individual Rehabilitation Plan (IRP) than you have the following rights.

(10-a) You have the right to have an Individual Rehabilitation Plan, to actively participate in developing it, to have an advocate available, if requested, to help develop it, and to receive treatment in accordance with the plan.

(10-b) You have the right to have a copy of the completed Individual Rehabilitation Plan.

(10-c) You have the right to have your Individual Rehabilitation Plan include your needs and wants in regard to housing, employment, education, vocational training, and other areas.

(10-d) Your Individual Rehabilitation Plan, when appropriate, will include identification of, recommendation for, and collaboration with other services, including self-help organizations.

(10-e) You have the right to have provider program services and supports that promote the use of community resources and self-help organizations to support you in participating fully in the community.

ABUSE:

(11) You have the right to be protected from neglect, physical, emotional, sexual, or verbal abuse and exploitation of any kind.

A person who reasonably believes that a consumer in a provider agency has been abused shall promptly report the alleged abuse to:

- (a) The administrative head of the provider agency, shall promptly report the alleged abuse to the Core Service Agency, Mental Hygiene Administration, Maryland Disability Law Center, and a law enforcement agency, or
- (b) An appropriate law enforcement agency.

RIGHT TO BE FREE FROM RESTRAINTS AND SECLUSION:

(12) You have the right to be free from physical restraint and seclusion.

RIGHT TO VOICE COMPLAINTS AND FILE GRIEVANCES:

(13-a) You have the right to voice a complaint and file grievances about the Public Mental Health System or services provided, in a timely manner, without fear of retaliation.

(13-b) You have the right to make a complaint related to the provider's services. You have the right to be given a written description of the provider's complaint process at the time of orientation and at any other time, at your request. A written description of the provider's complaint process must be prominently posted in a location accessible to you and visitors.

(13-c) You have the right to file a grievance regarding the denial of services based on eligibility or medical necessity criteria.

RIGHT TO ADVOCATE:

(14) You have the right to be a mental health advocate for yourself and others, without threat of reprisals or actual reprisals by a provider.

RIGHT TO HAVE AN ADVOCATE:

(15) You have the right to have an advocate speak on your behalf. An advocate will not be appointed for you. If you want an advocate, you may name an advocate at any time or you can name an advocate in an advance directive.

RIGHT TO OBTAIN AN ATTORNEY:

(16) You have the right to obtain a lawyer.

THE RIGHT TO ENGAGE IN WRITTEN AND TELEPHONE COMMUNICATION:

(17) You have the right to use the phone for a reasonable amount of time and to send and receive unopened mail.

THE RIGHT TO NOT BE EXPECTED TO CLEAN-UP AFTER OTHERS:

(18) You may not be expected to clean-up after others.

PROVIDER EMPLOYEE POLICIES:

(19-a) You have the right to expect that the provider has employee policies to address:

- Unethical conduct;
- Verbal abuse; and
- Unlawful conduct regarding personal property including theft of your money, personal items, or food from a food program or food purchased by you.

(19-b) You have the right to expect that provider will not borrow, ask to borrow, or take anything belonging to you. Providers may not accept gifts or loans from you or members of your family. If employees violate this rule, you have the right to report any violation to the director of the provider agency.

(19-c) You have the right to expect that employees will not engage in personal business during any services being provided to you individually or during an off-site group activity. This will include the use of consumer appliances in the home.

RIGHT TO NOTICE OF RULES OF CONDUCT:

(20) You have the right to be given your own copy of written rules of conduct expected by the provider and a verbal explanation of those rules within 48 hours after you begin receiving provider services. Also, you are entitled to have the rules of conduct clearly posted at a location in the provider agency to which you have complete access at all times.

RIGHT TO WRITTEN CHARGES OF RULES VIOLATIONS:

(21) You have the right to be given written charges of violating provider conduct rules. Without written charges, loss of privileges or any other action may not be taken by the provider against you.

(21-b) The employee of the provider, who claims that you violated the conduct rules, must provide you with written charges and action and meet with you to discuss the charges before any measures can be taken by the provider. If necessary, the charges will be read to you at that same time.

RIGHT TO TIMELY APPEALS OF CHARGES OF RULES VIOLATIONS:

(22-a) You have the right to be given timely review of any and all appeals of charges by the provider of violations of conduct rules. All disciplinary measures, loss of privileges, or other adverse action will immediately end when the time of the deadline has expired, without review by the provider.

HIPAA AND STATE LAW:

Confidentiality of Medical Information:

(23) You have the right to privacy and confidentiality related to all aspects of care. The only exceptions to confidentiality are those exceptions specifically stated in confidentiality laws. For people who receive Medical Assistance, the provider may disclose, without your consent, protected health and mental health information to other Medical Assistance Programs and Medical Assistance Providers.

Release of Information/Records:

(24) The provider's professional employees may share information about you with other agencies or individuals only after you have given consent by reading and signing a release of information form. You always have the right to refuse to release all or part of the information on the release of information form. You always have the right to rescind (revoke) the release of information form.

Amendment of Records:

(25) You have the right to request to amend the information in your records. The amended information will not alter the records. But the amendment will be part of the record.

Access to Your Records:

(26) You have the right to see and read your records, with certain exceptions, and have them explained. The exceptions are contained in HIPAA law.

Accounting of Disclosures of Protected Health Information:

(27) You have the right to have the provider give you a written record of instances when the provider made certain types of disclosures of your protected health information.

Notice of HIPAA Privacy Practices:

(28) You have the right to have the provider provide you a "Notice of Privacy Practices", which describes your HIPAA rights in detail. The Notice must be given to you by the first day that you begin provider services. Copies of the Notice are available upon request. Also, the Notice must be posted in a location in the provider agency where it can easily be read by you. If the provider maintains a web site, the Notice must be posted on its site.

HIPAA Complaint:

(29) If a provider violates any of the HIPAA privacy rights, you can file a HIPAA complaint.

To file a HIPAA complaint:

Call, the U.S. Department of Health and Human Services: 215-861-4441 or
TDD 215-861-4440

Download a complaint form: www.hhs.gov/ocr/hipaa Click on “how to file a complaint”

Call the Core Service Agency in the county where the Provider is located to report the violation and ask for assistance in filing a HIPAA complaint.

Note: Filing a HIPAA complaint is not the only option. You can seek assistance from the Core Service Agency.

THE RIGHT TO HAVE ACCESS TO THIS BILL OF RIGHTS AND TO HAVE YOUR RIGHTS EXPLAINED TO YOU:

(30-a) On admission to a provider agency, it is your right to be informed of your rights in language and terms that you understand.

(30-b) It is your right to be given a written copy of your rights and responsibilities on admission.

(30-c) The provider shall prominently display your rights in accessible centralized locations.

THE RIGHT TO ASSISTANCE IN APPLYING FOR ENTITLEMENTS:

(31) You have the right to have the provider:

- Determine if you may be eligible, for Federal or State entitlements; and
- Assist you, if necessary, to apply for all entitlements for which you may be eligible if you do not have entitlements.

THE RIGHT TO HAVE ASSISTANCE TO ACCESS MEDICAL AND DENTAL CARE:

(32) You have the right to have the provider facilitate access for you to get medical and dental care, as needed.

THE RIGHT TO INFORMATION ABOUT THE PROCEDURES FOR DISCHARGING CONSUMERS:

(33) It is your right to receive a verbal and written explanation of the provider’s procedures for discharging consumers. You will receive the verbal and written explanation by the first date that you start provider services.

RIGHTS REGARDING ADVANCE DIRECTIVES:

(34) You have the right to include an advance directive in your records and to have the advance directive followed.

THE RIGHT TO HAVE ASSISTANCE TO ACCESS AFFORDABLE HOUSING:

(35) You have the right to have a Provider assist you in accessing available housing in the community that is affordable and accessing available financial assistance to pay for housing.

CONSUMER RESPONSIBILITIES:

As a consumer, you are responsible for the following:

- (1) You are responsible for giving as much information as possible to the professional employees who are giving the care.
- (2) You are responsible for following instructions from the care provider who gives the health services.
- (3) You are responsible for providing current financial information when requested.
- (4) You are responsible for applying for all entitled benefits, in partnership with the provider.
- (5) You are responsible for helping with consumer satisfaction surveys to improve the Public Mental Health System.
- (6) You are responsible for learning about your illness and medicines to be more in charge of your health care.
- (7) You are responsible for giving concerns and ideas to the Public Mental Health System about services.
- (8) You are responsible for using services appropriately.
- (9) You are responsible for notifying the provider promptly if you decide to stop provider services.
- (10) You and other consumers are expected to work together harmoniously, seeking solutions to problems.
- (11) You may not use, possess or be under the influence of alcohol or illegal drugs at the provider.
- (12) Smoking is prohibited in all program locations and in program vehicles. A smoking area outside is designated at each location.
- (13) Behavior which is hurtful or disruptive is not permitted. Unacceptable behaviors include, but are not limited to:
 - Abusing others (either verbal, physical, sexual, or mental);
 - Inflicting injury;
 - Name calling;
 - Cursing;
 - Stealing;
 - Excessive teasing;
 - Borrowing and harassing others for money, cigarettes, or for any reason; and
 - Failure to respect other's reasonable needs, requests, property, and space.
- (14) You must take responsibility for your own possessions. The provider is responsible to assist you, as needed.
- (15) You are expected to pick up after yourself.

You must sign in and out each time you enter and leave the program site, if this is a program requirement.

- (17) You are encouraged to attend, participate, and possibly take a leadership role in activities and groups.
- (18) You are responsible for your own medication if needed during the program day, unless otherwise specified by your rehabilitation plan or treating physician.
- (19) You are expected to be clean, neat, and dressed appropriately for the activities of the day. This presents a positive image in the community and contributes to self confidence.
- (20) You are expected to participate in developing your Individual Rehabilitation Plan.
- (21) You are expected to determine what “recovery” means to you and actively take measures towards your recovery.
- (22) You are expected to treat employees, other consumers, and yourself with respect.