



**Mental Health
Mental Retardation
of Tarrant County**

3840 Hulen Street • Hulen Tower North • Fort worth, TX 76107 • 817-569-4300

**MENTAL HEALTH & ADDICTION SERVICES
HANDBOOK
OF
CLIENT RIGHTS & RESPONSIBILITIES**

JUNE 2001

MHMR/TC Complaint Line: 817-569-4367

**TDMHMR (Austin) Consumer Services & Rights Protection:
1-800-252-8154**

**Relay Texas' number (for hearing) 1-800-735-2988 and
1-800-735-2989 (for TDD)**

Advocacy, Inc.: 1-800-880-2884

MHMR/TC Crisis Line: 817-335-3022 or 1-800-866-2465

Table of Contents

PREFACE	3
RIGHT TO TREATMENT.....	3
REFERRAL.....	3
AVAILABLE SERVICES	3
INDIVIDUAL RIGHTS.....	4
FEE SCHEDULES.....	4
PHYSICAL HANDICAPS	4
INFORMATION REGARDING TREATMENT	5
PRIVACY.....	5
LEAST RESTRICTIVE SETTING	6
PHOTOGRAPHS.....	6
MEDICATION.....	7
CHOICES WITHOUT PRESSURE	7
FREEDOM FROM MISTREATMENT	7
MEDICAL RECORDS.....	8
PROGRAM COORDINATOR	8
TREATMENT PLANS.....	8
DISCHARGE PLAN.....	9
APPEALS PROCESS	9
ADVOCACY	10
ADDITIONAL CLIENT RIGHTS SERVICES.....	10
ADDITIONAL RIGHTS FOR PERSONS RECEIVING MENTAL HEALTH SERVICES	11
ADDITIONAL RIGHTS OF PERSONS RECEIVING RESIDENTIAL MENTAL HEALTH SERVICES.....	11
ADDITIONAL RIGHTS OF INDIVIDUALS RECEIVING INPATIENT ALCOHOL AND MENTAL HEALTH SERVICES.....	13
REFUSAL OF TREATMENT	16
MENTAL HEALTH CODE	17
CLIENT RESPONSIBILITIES.....	188

PREFACE

This handbook will tell you about your rights (what staff and programs at Mental Health Mental Retardation of Tarrant County (MHMR/TC) will do for you). It will also tell you about your need to do certain things. You need to understand these rights. If you do not understand, then ask the person explaining these rights to you to help you. You can keep this book and ask questions later if you would like to do so. You can also call the client rights officer to ask questions. Contact the client rights officer if you would like to have more information about any of the rights listed in this book.

The phone number for the Client Rights Officer is 817-569-4429.

Right To Treatment

No matter what your age, disability, race, religion, or sex, you will be treated in a fair way while you are getting help at MHMR/TC. If you have someone who makes your legal decisions for you, we will have to ask that person to make some choices for you. MHMR/TC will try very hard to be sure that you will receive help at the times and the places that are best for you. You have the right to be treated in a clean and safe place.

Referral

If MHMR/TC can not help you with something then staff will refer you to where you can get help. You can go to other places for help if you want to. You can always ask someone who does not work for MHMR/TC if they agree with the services that you are getting. But, if that person charges you for that advice, you will have to pay that person yourself.

Available Services

You have the right to have MHMR/TC write down and give to you a list of all the help that you can get from them.

Individual Rights

As a citizen of the United States and of the state of Texas you have the right to make your own decisions. Only a judge in court can take away your right to make your own decisions. If a judge wants to have someone make decisions for you, then you have the right to talk to the court. The judge may tell a parent or another adult that she or he will be your guardian. The guardian can then make decisions for you.

Ask staff for help if you want to be told about having a "living will" (Executive Advance Directive). You can also ask staff about how to fill out a "mental health will" (Declaration for Mental Health Treatment). These forms will tell doctors and others what you want to have happen in an emergency (when you can not tell them yourself). You have the right to apply for jobs that are open at MHMR/TC. If you work for MHMR/TC then you have the right to be paid a fair amount of money for the work you do. State and Federal laws will be followed when you are paid.

You have the right to be told about all of the rules that you must follow while getting help at MHMR/TC.

You have the right to have this handbook explained to you in a way that you can understand. If you do not understand English, then someone must use an interpreter to help you understand your rights. You have the right to have your rights told to you, within 24 hours, when you enter into any program. During the entire time that you are getting help at MHMR/TC your rights will be explained to you whenever you ask.

Fee Schedules

You have the right to know if you have to pay for the help that you are getting at MHMR/TC. You have the right to know how much you must pay. You can not be told that you will not get help at MHMR/TC just because you can not pay for it. If staff know that the help you are getting from MHMR/TC is going to end, then you have the right to know when it will end.

Physical Handicaps

All of the help you get at MHMR/TC will be given at times and places that are best for any physical limits that you have.

Information Regarding Treatment

You have the right to know the name of the person who is involved with helping you at MHMR/TC. You also have the right to know about any changes in the way that MHMR/TC is helping you. You have the right to know why MHMR/TC is changing the person who has been working with you. You must be told why the help you are getting at MHMR/TC is changing.

You have the right to ask that someone else work with you as you are getting help at MHMR/TC. If MHMR/TC does not make the change for you then you have the right to know why.

You have the right to know what kind of help you will get at MHMR/TC. You have the right to know why this help is needed. You also have the right to know if anything can harm you as you are getting this help. This includes medicine and any other help you are getting at MHMR/TC.

You have the right to know about any other kinds of help you can get at MHMR/TC. For example, different kinds of medicine and tests.

You should talk with staff if you are unhappy with the help that MHMR/TC has planned with you. You can ask the program to think of another plan or you can ask someone outside of MHMR/TC what he or she thinks of the plan. If you are still unhappy with the plan you can call the client rights officer.

Privacy

Every person working at MHMR/TC must respect your privacy. All of your medical records will be kept private. Other people will not be allowed to see your records unless you (or the person who is supposed to make legal decisions for you) agree that the other person can see them. You will have to sign a paper giving the other person permission to see the records. Your records and all of the private conversations that you have with staff will be kept private even if you stop coming here for help.

You need to know that sometimes the law will demand or lets MHMR/TC share your private information without your permission. For example, even if you do not want MHMR/TC to share some of your private records with a probation or parole officer, there are some laws that may demand that this information be shared. There are other times that MHMR/TC must share private information. In cases of child abuse or neglect, Child Protective Services will have to be contacted. Sometimes private information will be

shared when someone threatens to seriously hurt someone else. Private information might also be shared in a court of law if a judge orders it.

People working at MHMR/TC can share private information with certain people who are also working with MHMR/TC. These people may be looking at medical records to see how MHMR/TC is working with you. If someone does look at your records they will have to follow all of the rules that the Texas Department of Mental Health Mental Retardation (TDMHMR) tells them to follow. Private records can also be shared with TDMHMR or other state agencies who must look into cases of client abuse, neglect, exploitation or when someone does not follow your rights.

Sometimes different departments of TDMHMR may share private information with each other. If they do share this information about you, then you have the right to know about it. You have the right to know about it before it happens. You have the right to know why it is being shared.

If you (or the person who makes legal decisions for you) sign a release allowing MHMR/TC to share information with someone, you can decide to stop the sharing anytime that you want to.

Least Restrictive Setting

You have the right to have services given to you in a setting that respects your rights. The setting should be safe and protect you and others.

Photographs

You must give your permission before someone can take pictures of you in the program. You may decide who, other than staff, will be allowed to see the photographs.

Medication

MHMR/TC will not give you medicine that you do not need. You will not be given more medicine than you need. As permitted by law, you can refuse any medicine.

Before a doctor gives you medicine you have the right to know:

- why you are being given the medicine
- how the medicine will help you
- what might happen if you do not take the medicine
- if there is different medicine that could be given to you
- why the doctor does not want to give you the different medicine
- how long the doctor plans to give you the medicine
- any medicine can have side effects
- what side effects you might have from the medicine given to you
- that you should tell staff if you are having side effects
- that you can stop taking the medicine at any time without negative actions on the part of staff.

Choices Without Pressure

MHMR/TC will ask you (or the person who makes legal decisions for you) to make some decisions about the help you will get at MHMR/TC. You (or the other person) can make that decision without any pressure or force from MHMR/TC. When you make that decision, it will not affect the other kinds of help you are getting at MHMR/TC.

Freedom From Mistreatment

You have the right to be protected from client abuse, neglect and exploitation. Anyone with suspicion or knowledge of a client who is being abused, neglected or exploited in a Mental Health, a Mental Retardation or an Early Childhood Intervention program must report the allegation to Texas Department of Protective and Regulatory Services at 1-800-647-7418.

Anyone with suspicion or knowledge of a client who is being abused, neglected or exploited in an Addiction Services program must report the allegation to the Texas Commission on Alcohol and Drug Abuse at 1-800-832-9623.

You have the right to expect that MHMR/TC will do it's best to protect your personal property from being stolen or lost while you are receiving help at an MHMR/TC facility.

You have the right to be treated with dignity and respect.

Medical Records

You have the right to get a copy of your own medical record. There are times, however, that your treatment team might feel that if you review your medical record it might be harmful to you or not in your best interest. The law would then allow the treatment team to keep these records from you. If you are told that you will not get to review all of your records, then you can appeal that decision through the Treatment Team who will make a final decision. You have the right to get a written statement, signed and dated that explains why you can not see the records. The statement should tell you that if you see the records it would be harmful to your physical, mental or emotional health. The statement has to tell you what part of the record you will not get to review. It also has to tell you how long that part of your record will be kept from your review.

If you have questions about how to get a copy of your medical records then you should call the Client Records Department at 817-569-4417.

You can give written consent for other people to look at your record. If you are a minor then your parent can look at your record. If you have a guardian then he or she can look at your record.

Program Coordinator

You have the right to have a program coordinator assigned to you. This person will be responsible for writing and starting your services at MHMR/TC.

Treatment Plans

You have the right to have a written individual treatment plan. You and/or the person who makes legal decisions for you can participate as the plan is written and reviewed. You have the right to ask that it be reviewed at any time. You can participate in any changes in this plan or in any other services that you receive. You may request to have any other person of your choice participate in the planning and you must be given a reason for the denial of that request if it is denied.

You have the right to participate in planning the days and times that a member of your team may visit your home.

You have the right to know and to meet each staff who will be working with you at MHMR/TC. You have the right to know what their job is and how they will be helping you.

You have the right to ask that your treatment team meet so that you can talk about the services you are receiving.

Discharge Plan

If you stop getting help at MHMR/TC you have the right to participate in the writing of your discharge plan. You have the right to receive help from MHMR/TC if you transfer your services to another county. As permitted by law, MHMR/TC will send your records to the new county.

Appeals Process

If MHMR/TC makes a decision

- to stop providing you services, or
- to reduce the amount of services you are getting, or
- to refuse to provide you with services,

then you have the right to appeal that decision.

You will be told by MHMR/TC if it is stopping, reducing or refusing to give you services. MHMR/TC will have 2 days to give you information on how to appeal the decision.

You will have 30 days to appeal the decision. You, your legal representative or your program coordinator can file an appeal. To file your appeal you can use the phone, a fax machine or write it down and give it to MHMR/TC.

After MHMR/TC looks at your appeal they must tell you if they will change the decision about stopping, reducing or refusing services. If the decision is not changed then you will be told about how you can appeal a second time.

You can appeal again within 14 days after being told the results of your first appeal. This can be by you, your legal representative or your program coordinator. To file your appeal you can use the phone, a fax machine or write it down and give it to MHMR/TC.

MHMR/TC will look at your second appeal and must tell you what decision is made within two days. If there is no change in the decision, you will not be able to appeal again unless your condition changes.

Advocacy

In addition to getting help at MHMR/TC you have the right to get help from other agencies or advocacy groups in the area. The only thing that is not permitted is to get the same kind of help from two different places (for example: getting the same medication from two different doctors).

Some of the local advocacy groups are:

- Advocacy, Inc., (800) 880-2884
[NOTE: Advocacy, Inc. is a federally mandated agency which is independent from TDMHMR and whose purpose is to protect and speak out for your rights.]
- Tarrant County Mental Health Association, (817) 335-5405
- National Alliance for the Mentally Ill (NAMI), (817) 332-6600
- Challenge, Inc. (817) 882-8820
- Manic/Depressive Association of Fort Worth, (817) 654-7100
- The Arc of Greater Tarrant County: Fort Worth/Arlington (817) 877-1474
- The Arc of N.E. Tarrant County: Birdville (817) 834-7700

Texas Rehabilitation Commission:

- Arlington Office (817) 277-9176
- Central Office (817) 923-5080
- HEB Field Office (817) 282-3455
- North Field Office (817) 831-4511
- West Field Office (817) 731-1431
- South Field Office (817) 921-0244

Additional Client Rights Services

You may also file a complaint by contacting:

- MHMR/TC's Client Rights Officer, Paul Duncan at (817) 569-4429
- MHMR/TC's Complaint Line at (817) 569-4367
- TDMHMR's office of Client Services & Rights Protection at (800) 252-8154

You have the right to file a complaint without anyone retaliating against you.

You have the right to have unlimited contact with your attorney. Under no circumstances will your contact be limited in part or whole.

You have the right to be visited at any time by advocates, representatives from Advocacy Inc., private doctors, or other mental health professionals. The visits should take place at times and places that are reasonable.

Additional Rights For Persons Receiving Mental Health Services

1. You can refuse to participate in the treatments being offered to you. If you refuse, your decision will not make a difference in the other services that you are getting (based only on your refusal).
- 2 You have the right to be a part of any discharge plan that is written for you. The plan can include issues like mental health, physical health and social needs. If you have a person who makes legal decisions for you, then that person can be a part of writing the plan too. If you want someone, other than your legal representative, to help and be part of writing the plan then MHMR/TC must consider your request. If your request is denied, you have the right to know the reasons why.
3. If you have given consent for any treatment or release of information, then you can stop the consent at any time. This decision can not stop you from continuing to receive the services that you are getting at MHMR/TC.
4. If you have to travel with MHMR/TC staff, you have the right to travel in dignity and safety. This includes:
 - a) the right for females to travel with a female employee
 - b) the right not to travel in a "marked" vehicle.

Additional Rights Of Persons Receiving Residential Mental Health Services

In addition to the rights already listed in this book, residents of any MHMR/TC mental health residential program have the following rights:

1. to talk to people outside of the program, including:
 - a) you can receive visitors at reasonable times, with as much privacy as possible.
 - b) you can make phone calls at reasonable times, with as much privacy as possible.
 - c) you can write and receive letters with privacy except:
 - when there is reason to believe that there is something in the mail that you have received that might be harmful to you or to others.
 - if you are unable to physically open personal mail.

- if you need someone to watch you open your mail because you can not protect your own mail from other people.
2. have visits with your attorney, client rights staff, Advocacy Inc. staff, private doctors or other professionals at reasonable times and places.
 3. keep and use your own items. This right might be limited if the personal item is seen as a danger to you or others. The treatment team may decide that the item is a security risk or that it might stop you from working on your treatment plan.
 4. not be searched, or to have your belongings searched. Searches may only be done if there is a reason to believe that there is a danger to someone. Searches must be performed with your permission or ordered by a doctor. You have the right to choose someone to witness any search.
 5. have a time to exercise and to go outside with or without supervision.
 6. have religious freedom. You also can not be forced to participate in a religious activity.
 7. have times when you can have suitable contact with people of the same or opposite sex, with or without supervision, as appropriate.
 8. have any request to move to another room be considered quickly when the other person in the room is disturbing you. If you are not allowed to move then you should be told why.
 9. as an adult, be told about the right to make your own decisions about health care. You also have the right to make advance directives as permitted by state law.
 10. as an adult, give permission to the program to tell anyone who you choose, that you have entered into the program.
 11. as an adult, give permission to the program to tell your family when you will be leaving the program.

Additional Rights Of Individuals Receiving Inpatient Alcohol/Mental Health Services

1. You have the right to confidentiality. Staff will not tell anyone outside of the facility that you are in the program. The only time that staff will tell others that you are in the program is when:
 - a) you give your written consent; or
 - b) it is a court order; or
 - c) it is a medical emergency; or
 - d) otherwise permitted by law.
2. When you enter the program you have the right to know about things that might cause you to have to leave the program (breaking rules, behaviors, actions, etc.).
3. You have the right to have visitors at reasonable times and places. This right may be restricted for security reasons.
4. You have the right to get phone calls and to make phone calls. This right may be restricted for security reasons.
5. You have the right to talk and write to people outside of the facility.
6. You have the right to send and get mail without it being censored or opened. This right may be restricted for security reasons.
7. You have the right to visit with attorneys, private doctors or other mental health professionals at reasonable times and places.
8. You have the right to be referred for help outside of the facility if you get sick.
9. You have the right to wear your own clothes. This right may be restricted for security reasons.
10. You have the right to use your own possessions. This right may be restricted for security reasons.
11. You have the right to exercise and go outside at least once a day.
12. You have the right to religious freedom. You can practice your own religion. You may not be forced to join in with any religious activity.

13. You have the right to interact with the opposite sex. These interactions may be limited. They may also be supervised.

14. You have the right to be treated with respect. You should be spoken to in a respectful way.

15. If you volunteered to have inpatient mental health services then you have the right to:

a) make a written request to end your treatment and to leave the facility

b) leave the facility within 4 hours after asking to leave

16. You have the right not to be held against your will.

17. You have the right to have your need for inpatient care reviewed periodically (if you are in a mental health program).

18. When you come into the program and when you leave the program, you have the right to be told about Advocacy, Inc. (the federally mandated protection agency, 1-800-880-2884).

19. You have the right to be given whatever you need to file a complaint (pens, paper, envelopes, postage, telephone).

20. You have the right to file complaints. You may report your complaint to:

a) any staff member and/or ask a staff to help you call or write your complaint

b) MHMR/TC's Complaint Line at 817-569-4367

c) Texas Commission on Alcohol and Drug Abuse

9001 IH35, Suite 1053

Austin, Texas 78753-5233

1-800-832-9623 or 1-512-349-6600

d) TXMHMR's Consumer Services and Rights Protection at

1-800-252-8154

21. If you file your complaint with the program they must let you know (within 24 hours on weekdays, within 72 hours on weekends) how they will

solve it. Within 7 calendar days the program will tell you about their findings and any recommendations.

22. You have the right to give your consent to receive treatment and medication. You have the right to know what might happen if you refuse to give consent.

23. You have the right to be involved with the writing and the review of your individualized treatment plan.

24. You have the right to know why restrictions are being placed on you.

25. You have the right to not be physically disciplined. You have the right not to be given any harsh, cruel or excessive discipline. Your right to talk to your family may never be used as discipline.

26. You have the right to know the qualifications of staff working with you.

27. You have the right to know about the cost for treatment. You have the right to know about any third party coverage for the treatment. You have the right to know about any limitations on how long you can receive treatment.

Refusal Of Treatment

You have the right to refuse treatment or to leave MHMR/TC services. If you have been told by a court that you must attend MHMR/TC, you have the right to know what might happen if you quit receiving services.

You have the right to refuse to participate in any research program that might be taking place in a MHMR/TC program. This decision will not make a difference with the services you are getting at MHMR/TC.

You have the right to refuse any of the following: surgical procedures, electroconvulsive therapy, unusual medications, behavior therapy, hazardous assessment procedures, audiovisual procedures and any other procedure that you have to give consent to receive.

Mental Health Code

If you are receiving mental health services you also have all the rights that are in the Texas Mental Health Code. When you begin to get help at an MHMR/TC program, you must be told within one day (24 hours) about all of your rights under the Texas Mental Health Code. You must be told about these rights in a language that you clearly understand. If you have impaired hearing, your rights will be communicated to you so that you will clearly understand them. If you are a minor, this information about your rights will be given to the person who is legally responsible for you.

Client Responsibilities

While receiving help at MHMR/TC:

1. You have the responsibility to be on time. If you can not make it to your appointment, please contact the program at least 24 hours before your appointment time.
2. You have the responsibility not to behave in a way that is dangerous to other people. MHMR/TC staff may respond to any dangerous activity by calling the appropriate people (security and/or local law enforcement).
3. You have the responsibility to follow the rules of any program that you enter and/or receive services. (If you have questions about the rules violating your rights, you can contact the client rights officer.)
4. You have the responsibility to tell your program coordinator or other staff helping you what you need.
5. You have the responsibility to tell MHMR/TC about any medication(s) you are taking.
6. You have the responsibility to follow and work with any treatment plan or service plan that was written by you and the program.
7. You are responsible for any money that you owe to MHMR/TC. (You may not be denied services because you can not afford to pay.)
8. You have the responsibility not to verbally abuse, physically abuse or harass any client or staff at MHMR/TC. If this is not followed, your services might be reduced, restricted and/or stopped.
9. Any client of MHMR/TC, who also works as an employee at MHMR/TC, will be held responsible for his/her actions as outlined in the MHMR/TC Employee Handbook.