NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES

POLICY AND PROCEDURE

SUBJECT: CONSUMER RIGHTS

NUMBER: NN-RI-13

ORIGINAL DATE: 10/09/91

REVIEW/REVISE DATE: 06/08/95, 10/22/98, 12/05/02, 03/02/06, 2/19/09, 8/20/09, 7-19-12

APPROVAL: Cody L. Phinney, Agency Director

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I. PURPOSE

To describe procedures for informing our consumers of their rights and responsibilities and for ensuring these rights are protected.

II. POLICY

Northern Nevada Adult Mental Health Services (NNAMHS) supports and protects the fundamental rights of each consumer. All consumer interactions will be conducted in a courteous, professional manner consistent with accepted standards of clinical practice and with respect for human dignity.

III. REFERENCES

1. NNAMHS Inpatient Handbook
2. NNAMHS Outpatient Handbook
3. NNAMHS Policy and Procedure NN-RI-14 Compliance with Civil Rights
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4. NNAMHS Policy and Procedure NN-RI-15 Consumer/Family Complaint/Compliment/Suggestion Procedure
5. NNAMHS Policy and Procedure NN-RI-04 Restraint and Seclusion of Consumers
6. NNAMHS Policy and Procedure NN-RI-08 Reporting the Denial of Consumer Rights
7. NNAMHS Policy and Procedure NN-RI-09 Involuntary Administration of Medications
8. NNAMHS Policy and Procedure NN-PS-03 Notice of Privacy Practices
9. NRS 433.464 Right to Habeas Corpus Unimpaired
10. NRS 433.482 Personal Rights
11. NRS 433.484 Rights concerning Care, Treatment, and Training
12. NRS 433.494 Individualized Plan of Services for Consumer
13. NRS 433.504 “Right to Information; Inspection and Copying Records”
14. NRS 433.514 Medication: Responsibility of Psychiatrist and Physician; Review of Methods for Administration and Custody
15. NRS 433.524 Labor by client: Conditions; compensation
16. NRS 433.534 Denial of Rights Prohibited; Exceptions; Report; Investigation and Action by Commission
17. NRS 433A.360 Clinical Records; Content; Confidentiality
18. Nevada Disability Advocacy and Law Center: http://www.ndalc.org/
19. Division of Mental Health and Developmental Services Policy and Procedure CRR-1.1 Consumer Rights
20. Division of Mental Health and Developmental Services Policy and Procedure 2.002 Reporting Denial of Rights

IV. PROCEDURE

1. Upon admission, all consumers will be given the appropriate NNAMHS handbook and the Notice of Privacy Practices. Consumers acknowledge receipt of these when they sign the Consent for Admission (MR 126).
2. Consumers and/or families who have complaints concerning the quality of care, rights violations, conflicts regarding admission, treatment and/or discharge may send a written complaint to the Agency Director. Consumer/Family/Complaint/Compliment /Suggestion Procedure.
3. Consumers and/or families who have complaints concerning rights violations, or require additional assistance regarding their rights may contact the Nevada Disability Advocacy and Law Center. Information on how to contact this agency is posted on the inpatient units and is in the patient handbook. Staff will provide assistance when necessary to assist consumers in establishing contact.
4. The Hospital Educator provides staff with annual training on consumer rights. Each department is responsible for ensuring that staff is apprised of consumer rights information.
5. When the rights of a consumer are denied to protect the consumer's health and safety or to protect the health and safety of others, staff must comply with NNAMHS Policy and Procedure NN-RI-08 Reporting the Denial of Consumer Rights.
6. When a consumer’s right to refuse medication is denied (i.e., the consumer is given a medication over his/her objection) as a part of their treatment program, staff must comply with NNAMHS Policy and Procedure NN-RI-09 - Involuntary Administration of Medication.
7. Any employee who witnesses or receives reports of a consumer’s rights being violated is obligated to report that incident to their supervisor immediately and to complete the necessary incident report per NNAMHS Policy and Procedure NN-PI-04 - Incident Report.

8. If an employee has reason to believe that their supervisor has violated the rights of a consumer, they are to report the violation to the supervisor's supervisor.

Attachment 1 Description of right afforded to consumers

DESCRIPTION OF RIGHTS AFFORDED TO CONSUMERS

The following is a list of rights afforded to patients by Nevada Revised Statutes (NRS):

1. Legal capacity of client unimpaired unless adjudicated incompetent (NRS 433.003, 433A.460):
   a. Unless a court has specifically adjudicated a person incompetent, clients have the right to do the following:
      i. Dispose of property
      ii. Marry
      iii. Execute instruments
      iv. Make purchases
      v. Enter into contractual relationships
      vi. Vote
      vii. Hold a driver’s license
2. Right to habeas corpus unimpaired (NRS 433.464).
3. Rights concerning admission and discharge (NRS 433.471):
   a. Right not to be admitted to the facility under false pretenses.
   b. The right to receive a copy, upon request, of the criteria upon which the facility makes admission and discharge decisions.
4. Rights concerning involuntary commitment
   a. Right to request and receive a second evaluation by a psychiatrist or psychologist who does not have a financial interest in the facility.
   b. Right to receive a copy of the procedure of the facility regarding involuntary commitment and treatment.
   c. Right to receive a list of the rights concerning involuntary treatment.
5. Personal rights (NRS 433.482):
   a. Right to wear his/her own clothing, to keep personal possessions (unless they may be used to endanger his/her or another's life), and to keep and spend reasonable sum of his/her own money.

b. Right to have access to individual space for storage for his/her private use.
c. Right to see visitors daily.
d. Right to have reasonable access to phones, both to make and receive confidential calls.
e. Right to ready access to materials for writing letters, including stamps.
f. Right to send and receive unopened correspondence (not packages). Correspondence containing checks payable to the client may be subject to safekeeping by the administrator, if the services plan so states.
g. Right to reasonable access to an interpreter if the client does not speak English or is hearing impaired.
h. Right to designate a person to be kept informed by the facility of the consumer's condition.
i. Right to have access to the medical records denied to any person other than: staff members, persons with a waiver from the consumer and persons with a court order.

6. Rights concerning care, treatment and training (NRS 433.484):
   a. Right to medical, psychosocial and rehabilitative care, treatment and training, including prompt and appropriate medical treatment and care.
   b. Before instituting a plan of care, express and informed consent must be obtained in writing from the consumer, the parent or legal guardian of a minor consumer or the legal guardian of a consumer adjudicated incompetent.
   c. Right to be free from abuse, neglect and aversive interventions.
   d. Right to consent to transfer from one facility to another.
7. Individualized plan of services (NRS 433.494):
   a. Right to an individualized written plan of services for each consumer
   b. Plan must provide for the least restrictive treatment that may reasonably be expected to benefit the consumer.
   c. Plan must be current, modified when indicated and thoroughly reviewed at least once every three months.

d. The person in charge of implementing the plan of services must be designated in the plan.

8. Basis for decisions regarding emergency and involuntary Admissions (NRS 433.496):
   a. Decision regarding emergency and involuntary admissions will be based on clinical efficiency rather than cost containment.
   b. Public facilities are not precluded from making decisions based on the limits of money made available to them.
9. Right to information (NRS 433.504):
   a. a consumer must be permitted to inspect his/her records
   b. A consumer must be informed of his clinical status at reasonable intervals, no longer than three months, in a manner appropriate to his/her clinical condition.
   c. Consumers are entitled to a copy of their clinical records, unless a psychiatrist has made a specific note to the contrary in the record.
10. Medication (NRS 433.514):
   a. Attending psychiatrist or physician will be responsible for all medications
11. Labor by consumers (NRS 433.524):
   a. Consumers may perform labor at Division facilities under certain circumstances. See policy #2.014 Labor of Persons Receiving Services, for more information.
12. Right concerning suspension or violation of rights (NRS 433.531)
   a. Right to receive a list of rights
   b. Right to receive a copy of the facility's policy on the circumstances in which those rights may be suspended or violated.
   c. Right to have all the facility's policies regarding consumer rights prominently posted in the facility.
13. Denial of rights prohibited (NRS 433.534):
   a. The rights of the people receiving services will be denied only when necessary to protect the person's health and safety or to protect the health and safety of others. See policy #2.002 Reporting of Denials of

Consumer Rights, for more information and procedures.

14. Right to counsel (NRS 433A.240):
    a. In any proceding before a district court related to the involuntary court-ordered admission, the person alleged to have a mental illness has a right to counsel.
15. Right to be present and testify at hearings (NRS 433A.290):
    a. In proceedings for an involuntary court-ordered admission, the person has a right to be present and testify.
16. Right to petition for sealing of records (NRS 433A.703):
    a. Any person admitted to a mental health facility, as a result of a non-criminal activity, can petition for the sealing of records related to the admission after being released as recovered or in which the illness is in substantial remission.
17. Rights of person admitted to facility (NRS 435.360)
    a. The rights of persons with mental retardation can be denied for cause.