NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES

POLICY AND PROCEDURE

SUBJECT: REPORTING THE DENIAL OF CONSUMERS RIGHTS

NUMBER: NN-RI-08

ORIGINAL DATE: 09/26/88

REVIEW/REVISE DATE: 01/19/90, 08/28/91, 06/09/95, 11/24/98, 09/04/03, 09/07/06, 5/21/09, 6/21/12

APPROVAL:_________________________, Agency Director

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I. PURPOSE

To ensure the accurate and timely reporting of denial of rights.

II. POLICY

Northern Nevada Adult Mental Health Services (NNAMHS) will protect and preserve consumer's rights and will file a denial of rights report for each consumer who, according to Nevada Revised Statues, has had rights denied.

III. REFERENCES

1. NNAMHS Policy and Procedure NN-RI-09 -Involuntary Administration of Medications.
2. MHDS Policy #CCR-1.1 – Consumer Rights
3. MHDS Policy #2.002 – Reporting of Denial of Rights
4. NRS 433.464- Right to habeas corpus unimpaired--
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5. NRS 433.482 -Personal rights
6. NRS 433.484-rights concerning care, treatment and training.
7. NRS 433.494- Individual plan of services for consumer
8. NRS 433.504 Right to information; inspection and copying of records
9. NRS 433.514 Medication: Responsibility of psychiatrist and physician; review of methods for administration and custody
10. NRS 433.524 Labor by consumer: Conditions; compensation
11. NRS 433.534 Denial of rights prohibited; exceptions; report; investigation and action by Commission
12. NRS 435.340 Legal capacity of a Person with mental retardation or person with a related condition unimpaired unless adjudicated incompetent
13. NRS 435.350 Rights of person admitted to facility of division

IV. PROCEDURE

1. Nothing in this policy and procedure shall preclude the prompt administration of emergency medical care or treatment to any consumer if delay of emergency care or treatment would endanger the health of the consumer within a reasonable degree of medical certainty.
2. The right of a consumer must not be denied except to protect the consumer's health and safety or to protect the health and safety of others or both.
3. The consumer's name and medical record number must be entered only on the back of the form and nowhere else on the form. The name will be coded before being sent to the Division and the Commission. This is to protect the consumer's confidentiality. All other references to the consumer in the text of the report should state the word “consumer”.
4. Each of the numbered categories below refers directly to those numbered areas on the Report of Denial of Rights form. Entries are required in each area.

a. Enter “Facility” name, Northern Nevada Adult Mental Health Services.
b. Enter the Date of Incident” and “Consumer’s Current Admit Date”
c. Enter Right Denied
d. Enter the “Reporting Staff” with full name and position at Northern Nevada Adult Mental Health Services.
e. Enter “Reporting Staff Signature.”
f. Enter the “Specific Behavior of the Client Leading to Denial” using behavioral description.
g. Enter the “Response of Staff” to the consumer's specific behavior.
h. Enter the “Prior Staff Intervention to Prevent Need for Denial of Rights” that staff utilized, i.e.: PRN medications, Timeout, etc.
i. Enter the “Name of Dr. Called” and “Time Called.”
j. Enter “Time Frame of Denial” (need to be specific).
k. Enter “Witness to Denial Incident” including full name and title.
l. Physician will write an order and enter the “Report of Medical Doctor Ordering Denial” including full justification for, and consequences of, denial action. If more space is necessary, the physician will use an additional page of paper.
m. Physician will date and sign the form.

5. The handwritten Denial of Rights Report is to be completed on the shift that the denial occurred. The form is to be turned in to the Nursing Supervisor present on that shift.
6. The Director of Nursing will deliver the Denial of Rights Report to the Northern Nevada Adult Mental Health Services Agency Director on the next working day.
7. The NNAMHS Director's office shall review the Denial of Rights report and then forward it to the Division of Mental Health and Developmental Services in keeping with the Division of Mental Health and Developmental Services instructions on this issue.