

**DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES
POLICY: CRR-1.1 CONSUMER RIGHTS**

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POLICY: The Division of Mental Health and Developmental Services (MHDS) provides a process that supports and protects all of the rights granted to people receiving services from Division agencies through Nevada Revised Statutes chapters 433, 433A, and 435.

PURPOSE: MHDS is committed to ensuring that MHDS staff, contract service provider staff, and consumers have all necessary information about consumer rights. Consumer rights are an essential feature of all services and cannot be denied without due process. Division programs are expected to demonstrate knowledge of and respect for consumer rights through supportive staff interaction with consumers.

SCOPE: Division wide including services by contract providers

REFERENCES: Nevada Revised Statutes (NRS): 433.003, 433.5493, 433.456 - 433.536, 433A.270, 433A.290, 435.350; MHDS Policy #2.014 Labor of Persons Receiving Services, MHDS Policy #4.012 Interdivision Transfers HIPAA {164.524 (a)(1)(ii)}

PROCEDURES:

I. Staff Education Regarding Consumer Rights

- A. Each MHDS agency employee or contract service provider staff will be apprised of this policy in orientation and educated in its implications prior to working independently with consumers. Through this education, each staff member or provider staff will be knowledgeable about the consumer rights as defined. Documentation of this training will be maintained within the agency.
- B. Each employee will receive a minimum of annual training on consumer rights. Documentation of this training will be maintained within the agency.

II. Consumer Education Regarding Consumer Rights

- A. Each consumer will be given a list, during the admission process, of the rights granted to them and a copy of the agency's policies regarding when these rights can be suspended (NRS 433.531). The Division and/or provider agency staff member will go over these rights with the person and/or legal representative or guardian, as appropriate, within a reasonable time following admission. This will be documented by having the person sign a statement that they have reviewed these rights, and by being countersigned by the admitting staff (NRS 433.533).
- B. A list of the rights of all people receiving services will be prominently posted in all agencies providing services, and all policies regarding the rights of consumers of

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the agency are to be prominently posted in the agency. (NRS 433.531, 433.484, 433.472).

III. Reporting Violations and Denials of Rights

All violations and denials of rights must be reported per Policy CRR-1.4 Reporting Denials of Rights. (NRS 433.543, 433.5493, 433.5499, 443.5503, 433.551, 435.350)

IV. Consumer Rights:

- A. The rights listed below apply to all consumers unless a court has adjudicated the consumer incompetent (NRS 433.003, 433.456-433.536):
 - 1. Dispose of property
 - 2. Marry
 - 3. Execute instruments
 - 4. Make purchases
 - 5. Enter into contractual relationships
 - 6. Vote
 - 7. Hold a driver's license
 - 8. Freedom of religion
 - 9. Free association
- B. The rights of a consumer can only be denied for cause to protect the consumer's health and safety or to protect the health and safety of others, or both. (NRS 433.534, 435.350)
- C. Right to habeas corpus unimpaired (NRS 433.464).
- D. Rights concerning admission and discharge (NRS 433.471):
 - 1. Right not to be admitted to the agency under false pretenses.
 - 2. The right to receive a copy, upon request, of the criteria upon which the agency makes admission and discharge decisions.
- E. Rights concerning involuntary commitment (NRS 433.472):
 - 1. Right to request and receive a second evaluation by a psychiatrist or psychologist who does not have a financial interest in the agency.
 - 2. Right to receive a copy of the procedure of the agency regarding involuntary commitment and treatment.
- F. Personal Rights (NRS 433.482):

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1. 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 a reasonable sum of his/her own money.
 2. Right to have access to individual space for storage for his/her private use.
 3. Right to privacy regarding the consumer's program.
 4. Right to see visitors daily.
 5. Right to have reasonable access to a phone to make and receive confidential calls.
 6. Right to ready access to materials for writing letters, including stamps.
 7. Right to send and receive unopened correspondence (not packages). Correspondence containing checks payable to the consumer may be subject to safekeeping by the Agency Director or designee, as specified in the service plan.
 8. Right to reasonable access to an interpreter if the consumer does not speak English or is hearing impaired.
 9. Right to have information presented in a manner that meets their specific needs.
 10. Right to designate a person to be kept informed of the consumer's condition by the agency.
 11. Right to deny access to the medical records to any person other than: a member of the staff of the agency or related medical personnel, as appropriate, persons with a waiver from the consumer, and persons with a court order.
- G. Rights concerning care, treatment and training (NRS 433.484):
1. Right to medical, psychosocial and rehabilitative care, and treatment and training, including prompt and appropriate medical treatment and care.
 2. Before instituting a service plan, 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.
 3. Right to be free from abuse, neglect, and aversive interventions.
 4. Right to consent to transfer from one agency to another. (See Policy #4.012)
 5. Right to be respected for cultural and personal values, beliefs, and preferences.
 6. Right to an individualized written plan of services that provides for the least restrictive treatment that may reasonably be expected to benefit the consumer; the plan is current and modified when indicated by the consumer's change of circumstances, and thoroughly reviewed at least every three months. The plan must designate the individual that is in charge of implementing the plan. (NRS 433.494)
 7. Right to participate in decisions about his/her care.

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- H. Basis for decisions regarding emergency and involuntary admissions (NRS 433.496):
 - 1. Decisions regarding emergency and involuntary admissions will be based on clinical efficiency rather than cost containment.
 - 2. Public agencies are not precluded from making decisions based on the limits of money made available to them.

- I. Right to information (433.504):
 - 1. A consumer must be permitted to inspect his/her records.
 - 2. A consumer must be informed of his clinical status at reasonable intervals, no longer than every 3 months, in a manner appropriate to his/her clinical condition.
 - 3. Consumers are entitled to a copy of their clinical records, unless a psychiatrist has made a specific note to the contrary in the record or if the information is created for litigation compiled in anticipation of use in a civil, criminal, or administrative proceeding.

- J. Medication (NRS 433.514):
 - 1. Attending psychiatrist or physician will be responsible for all medications given to the consumer.

- K. Labor by consumers (NRS 433.524):
 - 1. Consumers may perform labor at Division agencies per Policy #2.014 Labor of Persons Receiving Services.

- L. Right to counsel (NRS 433A.270):
 - 1. In any proceeding before a district court related to an involuntary court ordered admission, the person alleged to have a mental illness has a right to counsel.

- M. Right to be present and testify at hearing (NRS 433A.290):
 - 1. In proceedings for an involuntary court ordered admission, the person has a right to be present and testify.



ADMINISTRATOR

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SUPERSEDES: Policy #2.001 Consumer Rights

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