

SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER

POLICY AND PROCEDURE MANUAL

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Policy 170 - Consumer Rights

I. POLICY

It is the policy of Southern Highlands Community Mental Health Center to provide treatment and services under conditions that support each consumer's personal liberty and self determination. Restrictions on individual liberties and personal choices will only be imposed as necessary to comply with the interdisciplinary treatment process and the respective needs of the consumer. This agency will enforce this Policy and assure procedures are maintained that honor and enforce consumer rights throughout the course of treatment.

II. DISCUSSION

Southern Highlands Community Mental Health Center will assure the rights and welfare of each consumer receiving services from this agency are protected at all times. A Human Rights Committee will be an active component of consumer services and will serve to maintain the fair and honorable treatment of all program participants.

III. PROCEDURES

- A. The Center will maintain a Human Rights Committee whose role will be to assure the protection of consumer rights within all service areas of the facility.
 1. The Human Rights Committee membership is established as follows:
 - a. There will be minimum of **six five** members.
 - b. At least one third (1/3) of the members will be consumers of behavioral health services
 - c. No more than one third (1/3) of the members will be Center staff
 - d. **Members may attend via zoom or telephone if unable to attend in person.**
 - e. If any member misses two consecutive meetings, they will be removed from the committee for at least one year. New members will be appointed before the next Human Rights Committee meeting.
 - f. The HRC Committee Chair will not be counted in the quorum.
 2. The Human Rights Committee will keep written minutes of all meetings including the names and titles of all members present and absent and guests present. Guests must have the consumer's or their legal representative's written permission prior to attending any meeting where confidential matters are to be discussed. The chairperson of the Committee will assure this requirement is fulfilled with the

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consumer's or their legal representative's consent maintained in their clinical record. All meetings are to be conducted, as a general rule, with consumers only

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identified by case number.

3. In order for a meeting to take place, a quorum must be met. ~~To reach a quorum, there must be a minimum of 4 members present and at least one member from each of the 3 categories must be represented in that 4 member quorum.~~ **1/3 of consumers/community members and 1/3 of staff.**
 4. The Human Rights Committee will hear all consumer issues presented by Center staff, consumer grievances and treatment plan strategies that could possibly affect consumer rights and review all internal investigations.
 5. To review consumer issues and provide analysis of the results of reports by the Human Rights Committee. Written minutes will be maintained of this analysis and maintained by the Chief Executive Officer. This analysis will be utilized in the Chief Executive Officer's report to the Human Rights Committee of the investigation findings, conclusions and actions taken to prevent further occurrences of violations within seven (7) calendar days. A notation of the incident and the effect of the incident on a consumer's illness or treatment will be documented in the consumer's clinical record.
- B. Consumers' basic rights include the following listing with the understanding that staff must always respect the basis human dignity of all individuals served by the Center, whether every right is delineated below or not:
1. The Right to treatment and Services that support a consumer's liberty and result in positive outcomes to the maximum extent possible.
 2. The right to an individualized, written treatment plan to be developed promptly after admission; treatment based on the plan; periodic review and reassessment of needs, and appropriate revisions of the plan including a description of the services that may be needed for follow-up.
 3. The right to treatment and services in the least restrictive, most appropriate and effective setting.
 4. The right to ongoing informed participation in the treatment plan process.
 5. The right to refuse treatment at any time.
 6. The right to a legal representative when the consumer is unable to act on his or her own behalf.

7. The right to be free from involuntary experimentation.
8. The right to freedom from restraint or seclusion. Restraint and seclusion shall
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only be used in situations where there is imminent danger to the consumer or others and all less restrictive methods of control have been used.
9. The right to a humane treatment environment in which personal dignity and self-esteem are promoted.
10. The right to confidentiality of records, as provided in the current OHFLAC rules and regulations.
11. The right to access his or her own consumer records in accordance with State law.
12. The right to assert grievances, orally or in writing, with respect to the infringement of all rights, including the right to have all grievances considered in a fair, timely and impartial procedure (see Policy 175).
13. The right of access to an available advocate in order to understand, exercise and protect his or her rights.
14. The right to be informed in advance of any charges for services.
15. The right to all available services without discrimination because of race, religion, color, sex, sexual orientation, disability, age, national origin, or marital status.
16. The right to exercise his or her civil rights.
17. The right to referral, as appropriate, to other providers of behavioral health services.
18. The right to be free from physical, verbal, sexual or psychological abuse or punishment.
19. The right to be free from unnecessary or excessive medication.
20. The right to medication that is not used as punishment, for the convenience of staff, as a substitute for programming, or in quantities that interfere with the treatment program.
21. The right to be free from uncompensated labor, except for consumers in residential facilities who perform housekeeping tasks.
22. The right to be informed orally, in writing and in appropriate language and terms,

of the rights described in this Policy.

23. Rights and personal liberties may be limited by established policies and
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procedures when the limitation of the right is clinically appropriate and clearly justified in writing.

24. A consumer's rights and responsibilities shall devolve only to a legal representative and to the extent that the legal representative's acts are not hostile or adverse to the best interests of a consumer. This provision does not relieve this agency of the responsibility of informing a consumer, to the extent that a consumer is capable of understanding the matter, nor does it in any way deprive a consumer of his or her legal rights granted under State or Federal law.

BASIC RIGHTS OF RESIDENTIAL CONSUMERS

1. The right to be housed with consumers of the same approximate ages, developmental levels and social needs.
2. The right to unimpeded access to his or her attorney or religious advisor.
3. The right to constant access to his or her personal possessions unless contraindicated by treatment needs.
4. The right to private communication with others by mail, in person and by telephone.

It is the policy of Southern Highlands Community Mental Health Center to assure that individuals receiving services from the Center are protected from physical or verbal abuse, and receive humane and appropriate care in a least restrictive setting.

C. Freedom from Physical and Verbal Abuse

It is the responsibility of Southern Highlands Community Mental Health Center to ensure protection of all consumer's rights to be free from physical or verbal abuse and other infringements on civil, human, or legal rights while receiving services from the Center.

- A. Freedom from physical abuse includes but is not necessarily limited to:
1. Unnecessary physical restraint.
 2. Improper use of physical restraint.
 3. Placement in seclusion without proper orders or cause.

4. Use of unnecessary force in dealing with an acting-out consumer.

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5. Slapping, kicking, or hitting.

6. Inappropriate physical horseplay with consumers.

7. Inappropriate removal from treatment program, restriction of communications, and withdrawal of privileges for punitive purposes.

8. Withholding of meals.

9. Corporal punishment of any kind.

10. Sexual abuse through physical advances, caressing, kissing, intercourse.

B. Verbal abuse shall be defined to include but is not limited to:

1. Yelling and using derogatory, vulgar, or abusive threatening language.

2. Threatening, abusive tone in speaking to consumers.

3. Teasing, pestering, molesting, deriding, harassing, mimicking, or any other way of humiliating a consumer.

4. Sexual harassment through any sexual innuendo, physical advance, or verbal suggestion (see Chapter 27-13-3, WV Code).

5. Verbal threats.

6. Derogatory remarks about consumer or family.

I. III. PROCEDURE

A. As outlined in Consumer Rights Policy 170, the consumer's rights will be observed throughout an individual's involvement with the Center.

B. When verbal or physical abuse of a consumer has been observed or alleged by staff or consumer, the grievance procedure (see Policy 175) will be followed.