



MHMR Behavioral Health Services
Mental Health & Substance Use Disorder
Your Rights and Responsibilities Handbook
2016

MHMR Complaint Line: 817-569-4367
Texas Department of State Health Services: 1-800-252-8154
Relay Texas' number (for hearing) 1-800-735-2988 and 1-800-735-2989 (for TDD)
Disability Rights Texas: 1-800-252-9108
MHMR 24-Hour ICARE Call Center: 817-335-3022 or 1-800-866-2465

Table of Contents

Preface	2
Right To Treatment	2
Referral	2
Available Services	2
Your Rights	2
Fee Schedules	3
Physical Disabilities	3
Information Regarding Treatment	3
Privacy	3
Least Restrictive Setting	4
Photographs	4
Medication	4
Choices without Pressure	5
Freedom from Mistreatment	5
Medical Records	5
Program Coordinator	6
Recovery Plans	6
Discharge Plan	6
Appeals Process	6
Advocacy	7
Additional Rights Services	8
Persons Receiving Mental Health Services	8
Persons Receiving Residential Mental Health Services	9
Individuals Receiving Inpatient Alcohol/ Mental Health Services	10
Refusal of Treatment	11
Mental Health Code	12
Your Responsibilities	12
Clinic Site Phone Numbers, ICARE Crisis Line	13

Preface

This handbook will tell you about your rights, what staff and programs at MHMR will do for you. It also will 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 also can call the Rights Officer to ask questions. Contact the Rights Officer if you would like to have more information about any of the rights listed in this book.

The phone number for the 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. 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 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 cannot help you, 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 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 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 also can 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 cannot tell them yourself).

You have the right to apply for jobs that are open at MHMR. If you work for MHMR 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.

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

Physical Disabilities

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

You have the right to ask that someone else work with you as you are getting help at MHMR. If MHMR 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. 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.

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

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

Privacy

You have specific rights under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). There are so many rights that they cannot all be listed in this handbook. Some of your rights under HIPAA include that:

- 1) your health care provider must protect the privacy of your medical records
- 2) you can access your health information (with few exceptions)
- 3) if you are denied access to your health information you can appeal the decision
- 4) you must be given written notice of the privacy practices at MHMR
- 5) you can request that MHMR restrict access by others to your health records

- 6) you can request that MHMR make amendments to your health records
- 7) you can file a complaint

You can ask staff for another copy of MHMR's Privacy Notice any time you want one. You also can contact the following individuals to answer questions or to file a complaint:

- MHMR Privacy Officer – Kathy Munn (817-569-4382)
- MHMR Complaint Line (817-569-4367)
- DSHS Consumer Rights For Mental Health Services (1-800-252-8154)
- Texas Attorney General (1-800-463-2100)
- The Secretary of U. S. Department of Health and Human Services (1-800-368-1019)

Every person working at MHMR must respect your privacy. People outside of MHMR will not be allowed to see your medical records unless it is permitted by law or you give your permission. If you sign a paper that permits others to see your medical records, then you can stop the sharing at any time by writing that you want it to stop.

There are times that the law will demand or allow MHMR to share your private information without your permission. For example, there are some laws that permit information to be shared with a probation or parole officer. The law demands that information be shared in cases of child abuse or neglect. Private information might also be shared in a court of law if a judge orders it.

People working at MHMR can share private information with certain people who work at MHMR. These people may be looking at medical records to see how MHMR is working with you. If someone does look at your records, then they will have to follow all of the rules that DSHS tells them to follow. Information that does not identify you may be gathered for research purposes if the research has been approved by the MHMR Institutional Review Board.

Private records might also be shared with other state agencies who must look into cases of abuse, neglect, exploitation, or when someone violates your rights.

Sometimes different departments of DSHS 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 can ask for an accounting of when this information was shared and you have the right to know why it was shared.

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 and use the photographs.

Medication

MHMR 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
- some of the side effects that 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 will ask you (or the person who makes legal decisions for you) to make some decisions about the help you will get at MHMR. You, the individual receiving services, may not be the one who can legally make that decision. You or the legal representative can make that decision without any pressure or force from MHMR. When you make that decision, it will not affect the other kinds of help you are getting at MHMR.

Freedom from Mistreatment

You have the right to be protected from abuse, neglect and exploitation.

- Suspicion or knowledge of someone who is being abused, neglected or exploited in a Mental Health, Intellectual and Developmental Disabilities (IDD) or Early Childhood Intervention program must report the allegation to Texas Department of Family and Protective Services at 1-800-647-7418.
- Suspicion or knowledge of a person who is being abused, neglected or exploited in a Substance Use Disorder program must report the allegation to the DSHS Substance Abuse Services, 1-800-832-9623.

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

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

Medical Records

You have the right to review and to receive a copy of your own medical records. You should be able to review or receive a copy of all the parts of your medical records that would not cause you or another person to be at risk of harm. There are times, however, that your request may be denied. You can appeal that decision if a licensed health care professional denies your request because “access is reasonably likely to endanger the life or physical safety or cause substantial harm to you or another person.”

Contact the Medical Records Department if you would like to appeal the decision not to allow you access to your medical records. If you file an appeal, then someone who was not involved

with the first denial will decide whether or not you can review or copy your records. If the second person also decides that you should not review or copy your records, then you can appeal to Health and Human Services, 1-800-368-1019.

You can make your request to review or copy your medical record in writing to the Medical Records Department at MHMR. You can also contact the Medical Records Department if you would like to ask questions about your medical records, 817-569-4417.

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.

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

Appeals Process

If MHMR 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 if it is stopping, reducing or refusing to give you services. MHMR 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.

After MHMR 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.

MHMR will look at your second appeal and must tell you what decision is made within 2 days. If there is no change in the decision, you will not be able to appeal again unless your condition changes.

If you are not happy with the appeal decision, then you may request a review of the decision by contacting DSHS Consumer Services Rights for Mental Health Services. Your request must be made within 10 working days after you have received the decision made by MHMR. You can contact the Consumer Rights Office, PO. Box 12668, Austin, TX 78751 or 1-800-252-8154.

MHMR may not take any action based upon their decision during the time that your appeal is being reviewed by the Consumer Rights Office.

Advocacy

In addition to getting help at MHMR 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:

- Disability Rights Texas (800) 252-9108
[NOTE: Disability Rights Texas is a federally mandated agency that is independent from DSHS and whose purpose is to protect and speak out for your rights.]
- Mental Health America of Greater Tarrant County (MHA), (817) 335-5405
- National Alliance for the Mentally Ill (NAMI), (817) 332-6600
- Challenge, Inc. (817) 336-6617
- Depression Bipolar Support Alliance (817) 654-7100
- The Arc of Greater Tarrant County: Fort Worth/Arlington (817) 877-1474
- Texas Department of Assistive and Rehabilitative Services:
 - Arlington Office (972) 949-2460
 - North Field Office (817) 759-3710
 - West Field Office (817) 759-3750
 - South Field Office (817) 321-8500

Additional Rights Services

You may also file a complaint by contacting:

- MHMR Rights Officer, Paul Duncan, (817) 569-4429
- MHMR Complaint Line, (817) 569-4367
- DSHS Consumer Rights for Mental Health Services, (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 Disability Rights Texas, 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 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 at MHMR then you can stop the consent at any time.
4. An authorization allows MHMR to share your protected health information for reasons other than treatment or payment. If you have given authorization to release information to others outside of MHMR then you can stop it any time.
 - You will be given a copy of the signed authorization. You cannot be denied services because you decide not to give an authorization.
 - The authorization will:
 - describe the information that will be shared,
 - state who is permitted to share the information
 - state who the information is to be shared with, and
 - note the expiration date.
5. If you have to travel with MHMR staff, you have the right to travel in dignity and safety. This includes:
 - the right for females to travel with a female employee
 - 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 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 cannot protect your own mail from other people.
2. Have visits with your attorney, Rights Staff, Disability Rights Texas 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 whom 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 Substance Use/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:
 - you give your written consent; or
 - it is a court order; or
 - it is a medical emergency; or
 - 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 clinical and/or 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 clinical and/or 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 be treated with respect. You should be spoken to in a respectful way.
14. If you volunteered to have inpatient mental health services then you have the right to:
 - make a written request to end your treatment and to leave the facility
 - leave the facility within 4 hours after asking to leave
15. You have the right not to be held against your will.

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

17. When you come into the program and when you leave the program, you have the right to be told about Disability Rights Texas, 1-800-252-9108).

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:

- any staff member and/or ask a staff to help you call or write your complaint
- MHMR Complaint Line at 817-569-4367
- DSHS Mental Health and Substance Abuse Division
9001 IH35, Suite 1053, Austin, Texas 78756, 1-800-832-9623
- DSHS, 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 services. If you have been told by a court that you must attend MHMR, 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 program. This decision will not change the services you are getting at MHMR.

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 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.

Your Responsibilities

While receiving help at MHMR:

1. You have the responsibility to be on time. If you cannot make it to your appointment, 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 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 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 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. (You may not be denied services because you cannot afford to pay.)
8. You have the responsibility not to verbally abuse, physically abuse or harass any individual at MHMR. If this is not followed, your services might be reduced, restricted and/or stopped.

Any person receiving services from MHMR, who also works as an employee at MHMR, will be held responsible for his/her actions as outlined in the MHMR Employee Handbook.

Clinic Site Phone Numbers

ACT Clinic	817-569-4200
Arlington Clinic	817-569-4900
Circle Drive Clinic	817-569-4750
Homeless Clinic	817-569-5400
Mid-Cities Clinic	817-569-5800
Northwest Clinic	817-569-5000
Pennsylvania Square Clinic	817-569-4555
Western Hills Clinic	817-569-5980
Pine Street	817-569-4600
Project R.A.P.P.	817-569-5050
Community Addiction Treatment Services (CATS)	817-569-4620
Addiction Recovery Center	817-569-5750
The Youth Center	817-569-5900
The Campus	817-569-4270

ICARE Crisis Line

Emergency Mental Health and Substance Use Disorder Information, Referrals

24 hours a day, 365 days a year Call 817-335-3022 or 1-800-866-2465

If you have a medical emergency, call 911.



MHMR ICARE Call Center
817-335-3022 | 800-866-2465 **toll-free**