

## THE PATIENTS' BILL OF RIGHTS

As a patient at Hampstead Hospital, you have the following rights:

### ***DIGNITY AND RESPECT***

You have the right to be treated politely, fairly, and with dignity.

### ***FREEDOM FROM ABUSE AND NEGLECT***

You have the right to be free from physical, emotional and sexual abuse and from neglect while you are at Hampstead Hospital.

### ***A HEALTHY ENVIRONMENT***

You should have good light, enough heat, fresh air, hot and cold water, a bathroom with privacy, a bed.

### ***VISITORS***

You have the right to receive or refuse visitors. You are free to communicate, associate, and meet alone with anyone of your choosing including your family and those that will support your treatment goals. The Hospital may impose reasonable restrictions on visits as determined by your treatment goals

### ***TELEPHONE***

You have the right to have regular access to and unmonitored use of the telephone unless contraindicated in reference to your treatment goals.

### ***CONFIDENTIALITY***

You have the right to have information about you kept private. Hospital employees cannot give information about you to anyone without your written permission or that of your guardian unless a law allows it, requires it, or a court orders the Hospital to release your records. During involuntary commitment hearings, the law allows physicians and Hospital staff to tell the court about statements you have made to them. Information you share about your safety or the safety of others will also be shared with your team.

You will not be fingerprinted, tape recorded or photographed unless you or your guardian agree in writing. The only exception to this will be a photograph taken to ensure your safety and to identify you to the registered nurse who administers your medication.

### ***MAIL***

You have the right to receive and send mail without anyone opening it. Someone else may open your mail only if there is good reason to believe it contains something illegal or may cause you harm. You have the right to be told if this happens. You will be given writing materials if you ask for them.

### ***CLOTHES AND POSSESSIONS***

You have the right to wear your own clothes and to keep your own things as space and personal and unit safety permits. This right may be limited to protect valuable or potentially dangerous items to you or other patients. Your possessions will be reviewed at admission. Restricted items will be documented, secured and returned at discharge unless it is something illegal. Personal possessions may be searched to maintain a safe and secure environment. You have the right to watch the search and to have the reason for the search written in your record.

### ***MONEY***

You have the right to have a small amount of money. For security, the hospital rules may limit the amount of money you can have at any one time.

### ***COMMUNICATION***

During the admitting process, staff will identify if you need a foreign language interpreter or an American Sign Language Interpreter at no cost to you. At any time throughout hospitalization, you may request language services.

### ***FUNDAMENTAL RIGHTS OF CITIZENSHIP FREEDOM FROM DISCRIMINATION***

You have the right to be free from discrimination. You will not be discriminated against because of your race, color, religion, sex, sexual orientation, ability to pay, national origin, age, marital status or any physical or mental disability you may have or that other people believe you have.

### ***RELIGION***

You have the right to practice your religion. Hampstead Hospital will make reasonable provisions and arrangements for you to follow your chosen religious practices.

### ***PAYMENT FOR WORK***

You will not be required to perform services for the facility. Where appropriate for therapeutic or diversional purposes, and agreed to by the patient, such services may be included in the plan of care. We do ask that you keep your own living quarters tidy.

### ***DRIVING***

While you are a patient Hampstead Hospital, you will not be allowed to drive, or to keep your car on Hospital grounds.

### **TREATMENT RIGHTS**

You have the right to adequate and humane treatment provided according to generally accepted clinical practices and standards. You have the following rights regarding your treatment:  
To be told why you are being treated.

To have a physical and mental exam soon after you come to the Hospital.

To have a documented plan of treatment.

To be told at least once a month how you are progressing in your treatment.

To ask questions about your treatment.

To refuse treatment - including medication - unless a physician has certified that an emergency exists.

You have the right to refuse part or all of your treatment plan, but the Medical Director has the authority to discharge you if the Hospital is unable to provide treatment.

To receive treatment in a place where you have as much freedom as your condition allows.

To have staff help you get family planning services if you ask for them.

### **INFORMATION**

You have the right to read and get a copy of your medical record or a part of it upon request. (There is a charge for the cost of copying.)

If there is information about

someone else in the record, you might not be able to see that information.

If after reviewing your record you feel it contains information that is inaccurate, you may have any information you want written in your chart to clarify or correct those statements you feel are wrong.

### **FREEDOM FROM RESTRAINT and SECLUSION**

You have the right to be free from restraint and seclusion unless an emergency exists.

Restraint and seclusion may be used only in cases of imminent risk of harm to self or others and after less restrictive interventions have been attempted or considered.

### **EMERGENCY TREATMENT MEASURES**

Hampstead Hospital promises to provide a safe environment for all patients and staff. Sometimes mental illness causes serious loss of control and it becomes necessary to use emergency intervention to prevent a patient from harming himself or others. Hospital staff monitors and observes each patient's behavior to ensure the safety of all concerned.

Restraint and seclusion are interventions used if there is imminent risk of harm to self or others and is used after less restrictive alternative interventions

have been attempted or considered.

Emergency treatment such as involuntary medication may be used under the direction of a licensed practitioner in an emergency situation.

### **PROTECTING YOUR RIGHTS**

You have the right to see a Patient Advocate about any problems or concerns you have.

You may call the Patient Advocate any time. You may also file a Patient Grievance.

Complaint forms are located on each unit of the Hospital and in the lobby.

Staff members will help you fill out the form if you wish.

After receiving your complaint, the Patient Advocate or designee will meet with you to determine best how to manage your complaint.

There are informal and formal resolution processes depending on the nature of the complaint. If you or your guardian is not satisfied with the resolution, you may appeal within 30 days to the Director of Clinical Services. The Director of Clinical Services can request either a review or hearing on your complaint and will submit a written final decision within 30 days of receiving your request for an appeal.

The Patient Advocate will contact your court-appointed guardian if you have one to discuss your complaints. Your guardian may also request to be present when

you are interviewed by the Patient Advocate.

### **INVOLUNTARY ADMISSION**

If you are admitted on an Involuntary Emergency Admission (IEA), you must be told by the Hospital's admitting staff, in understandable language, and be given written notice within 12 hours of your right:

- to be represented by legal counsel
- to have free counsel if you cannot afford to hire a lawyer (the Court appoints an attorney for you unless you tell them that you have your own lawyer)
- to leave Hampstead Hospital within ten days from the day you were admitted, excluding Saturdays and Sundays, unless the Hospital files a request for a further court hearing by the Probate Court. (Your guardian, if you have one, may also have the power to keep you in the Hospital after the ten-day period expires).

### **INVOLUNTARY EMERGENCY ADMISSION (IEA) PROCEDURES**

If you are admitted on an IEA, your court hearing will be held within three days, excluding Sundays and holidays. Before the hearing you will meet with an attorney, either your own lawyer or one that has been appointed for you by the Court. If

you do not want to go to the hearing, you can ask, in writing, to be excused or have your attorney make the request for you. This is called waiving your appearance and it means that you will stay in the Hospital for up to ten days from the day you arrived.

The Hospital will tell the Court, in writing, what medication you are taking. You will not receive any medication or treatment that impairs your thinking for forty-eight hours before the hearing unless you consent to treatment or a medical or psychiatric emergency exists.

If you do go to the District Court hearing, the judge will decide whether to admit you to Hampstead Hospital. If the judge decides that there is probable cause to hold you here, you will be admitted for a total of not more than ten days (excluding Saturdays and Sundays) from the day you arrived.

The District Court will tell the Hospital staff what the judge's decision is no later than the end of the court's next business day. If your hearing is on Monday morning, you will know by Tuesday evening what was decided. If your hearing is on a Friday, you may not get the decision before Monday evening.

### ***PROBATE COURT - INVOLUNTARY COMMITMENT***

During the time you are here on your Involuntary Emergency Admission, the treatment team will decide whether you need to be here longer than the ten days the District Court allows. If you do need to be here for longer-term treatment, a petition is filed with the Probate Court no more than ten days (excluding Saturdays and Sundays) after you first arrived. The Probate Court will schedule your hearing within fifteen days (not including weekends or holidays) after the petition was filed.

Before your hearing, the Probate Court will appoint a psychiatrist to examine you and your Hospital records and tell the court:

- If you have been dangerous to yourself or to anyone else;
- If you are able to take care of yourself when you are not in the Hospital;
- If you need to be in the Hospital, and if so for how long;
- What form of treatment is best for you if you do not need to be here;
- What treatment plan is best for you if you do need to be here; and
- What other means of helping you can be found.

At the court hearing, you have:

- The right to be there. You do not have to be there for the whole hearing unless you want to,

but you will need to come to the courtroom long enough to tell the judge, in person, that you do not want to stay.

- The right to have the independent licensed practitioner who examined you testify in person while you are there.
- The right to have a lawyer. If you do not have your own lawyer and cannot afford one, the court will appoint one for you. That lawyer will meet with you before the hearing and represent you during the hearing.
- The right to have your own witnesses to testify on your behalf and to question all the witnesses during the hearing. Because an Involuntary Commitment is a very serious matter and can last anywhere from one week to a maximum of five years, the Probate Court judge can take as much time as he needs to give your case careful consideration and issue his decision. The judge will usually make his decision within a week of the hearing.

### ***HABEAS CORPUS***

Habeas Corpus is a legal term for a request for a hearing. If you have been committed to Hampstead Hospital and believe the commitment was not legal, you may ask the Superior Court to release you. You can ask an attorney to help you or you can represent yourself (pro se).

The Superior Court has provided Hampstead Hospital with a packet of materials on filing petitions as well as information on Legal Service programs to assist you. These packets are available from the Patient Advocate or Social Worker Dept. If you are an involuntarily committed patient and believe you no longer require treatment, you may request discharge from the Hospital from the Probate Court that committed you. You must first obtain a licensed practitioner's certificate stating that you are no longer in need of involuntary hospitalization and then submit the certificate to the probate court for reconsideration of your involuntary status.

### ***CONDITIONAL DISCHARGE***

If you have an involuntary commitment to Hampstead Hospital, but your treatment team determines that you could continue your treatment in a less restrictive place in the community, the team may recommend you for a conditional discharge. The terms of a conditional discharge require that you voluntarily participate in your continuing treatment as an outpatient at your regional community mental health center. Should you violate or disregard the terms of your conditional discharge; you will be returned to Hampstead Hospital for treatment.

Each conditional discharge is specifically designed to meet the individual needs of the patient. The terms of the discharge require the full agreement and participation of the patient, the Hospital treatment team and the community mental health staff.

### ***YOUR RESPONSIBILITIES***

You have the same rights, benefits and privileges at the Hospital as you do anywhere else. You also have the same responsibilities at the Hospital as you do anywhere else:

- You may be held legally responsible for breaking the law. You may be civilly or criminally liable for deliberately hurting another patient, employee, or any other person, destroying or stealing property.
- You are responsible for responding to summonses, warrants and subpoenas. Let your treatment team know if you have a hearing coming up.
- You have the right to keep personal property, and you are responsible for taking care of it and protecting it from theft or loss. Valuable property should not be brought to the Hospital. You may ask the Hospital to store some things of value for safekeeping.

- You are responsible for cooperating with your treatment team and for participating in your treatment program.
- You are responsible for not interfering with the care and treatment of others.
- You are admitted to the Hospital with others for treatment. You are responsible for respecting the rights of others just as they must respect your rights.
- You are financially responsible for your Hospital stay. Hampstead Hospital is required to bill all individuals who receive services. Your ability to pay for these services will be considered. If you have any questions about your responsibilities, discuss them with a member of your treatment team.

### ***NON-DISCRIMINATION NOTICE***

Hampstead Hospital does not discriminate on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin, sexual orientation or any other non-merit factor. Hampstead Hospital has chosen the Patient Advocate to coordinate efforts to comply with the US Department of Health and Human Services regulations (45 C.F.R. Parts 80, 83, 84, 86, 91, and 92) implementing these federal laws. This notice is in accordance with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.); sections 704 and 855 of the Public Health Services Act (42 U.S.C. §292d and 298b-2); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §1681 et seq.), the Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 et seq.), block grant provisions of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. §300w - 7, 300x - 7, 300y - 9, 708, 8625 and 9906); and the Americans with Disabilities Act (Public Law 101-336).

For further information about the regulations and our grievance procedure for resolution of discrimination complaints, contact the Patient Advocate at Extension 3236.

Disability Rights center – NH  
64 North St., Suite 2  
Concord, NH 03301  
1-800-834-1721 (Voice & TTY)

or

If you are seeking legal advice, you can contact:  
Legal Advice & Referral Center  
48 South Main St.  
Concord, NH 03301  
1-800-639-5290