

# **PATIENTS/FAMILY HANDBOOK**

## **PATIENTS' RIGHTS**

New Hampshire Hospital policy and the law guarantee your rights as a patient. These rights include:

**DIGNITY AND RESPECT.** You have the right to be treated politely, fairly, and with dignity. For example, staff members should ask you what form of your name you want people to use when speaking with you. Hospital staff will use that name. You should always feel respected.

**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 New Hampshire Hospital.

**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. Anyone who wants to take your picture must ask you first. If you object, you have the right not to be photographed. The only exception to this will be a photograph taken to insure your safety and to identify you to the registered nurse who administers your medication.

**A HEALTHY ENVIRONMENT.** You should have good light, enough heat, fresh air, hot and cold water, a bathroom with privacy, a bed and a dresser or locker. The space you occupy at New Hampshire Hospital should be clean and free of unpleasant odors.

**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 resident groups. The Hospital may impose reasonable restrictions on the number and time of visits and may limit visits that present a serious chance of physical or emotional harm to you or to other patients. Some visits may be supervised or visiting times limited according to your supervision status. A staff member will ask you to meet with your visitors in a designated area on your unit.

Children under the age of 13 are welcome to visit, but a staff member must supervise all visits. These visits must occur in a room off the unit or on Hospital grounds. This means you should arrange visits with children with your social worker.

**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.

**TELEPHONE.** You have the right to have regular access to the private use of a telephone. This right may be limited to keep you or others from being harmed, or to keep you from breaking a law. It may also be limited to stop you from calling a person who has asked in writing that you not phone them. If you are making so many calls that no one else is able to use the phone, you may be asked to stop using the phone for a while as a courtesy to other patients. If the treatment team decides to restrict your phone calls, you will receive a written notice advising you of the limits, duration of and reasons for the restriction. This restriction is for a maximum of seven days and a physician must renew the restriction. You may make calls within New Hampshire at no cost to you. You are responsible for paying the cost of your long distance calls. If you require a TTY or TTD (Telecommunication device for the deaf or hard of hearing), please request one. It will be provided to you at no cost. The Hospital's incoming TTY number is 1-800-735-2964.

**CLOTHES AND POSSESSIONS.** You have the right to wear your own clothes and to keep your own things as space permits. This right may be limited to protect valuable property you may have brought with you, to prevent you from physically hurting yourself or others, or to prevent you from having or using something that would interfere with the operation of the Hospital. You must receive a receipt for items taken from you and you will get it back when you are discharged, unless it is something illegal.

Your things may be looked at or searched only if there is a good reason to do so. You have the right to watch the search and to have the reason for the search written in your record. The Hospital must pay for your lost or stolen property if the loss or theft was the Hospital's fault.

**MONEY.** You have the right to take money out of your account and to spend your money as you want. Hospital rules may limit the amount of money you can have at any one time as well as the use of any of your credit cards.

During the admitting process, staff will identify if you need a foreign language interpreter or an American Sign Language Interpreter. If this does not happen at this time, please let your treatment team know that you request and need this service. An interpreter will be provided at no cost to you.

## **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. You may practice your faith, but New Hampshire Hospital will never force you to go to a religious event. The Hospital will make reasonable provisions and arrangements for you to follow your chosen religious practices.

**PAYMENT FOR WORK.** You have the right to be paid for work you agree to do. If you are offered a job and agree to do it, you will be paid for the work performed. You will not be paid for personal housekeeping chores such as making your own bed.

**VOTING.** If you are registered, you may vote in local, state and federal elections. A staff member will help you get to the polls, or help you vote by absentee ballot if you cannot leave the Hospital. Staff will help you register to vote if you are not registered.

**DRIVING.** While you are a patient at New Hampshire Hospital will not be allowed to drive, or to keep your car on Hospital grounds.

**OTHER FUNDAMENTAL RIGHTS.** You have the right to:

- manage your affairs
- enter into contracts
- hold professional, occupational or drivers' licenses
- marry or obtain a divorce
- make a will.

You have the right to exercise any other civil right, unless a court of law has determined that you are incapable of making such decisions for yourself and has appointed a guardian for you, or unless a medical or psychiatric emergency exists.

## 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 and again at least once a year.
- 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 Chief Executive Officer has the authority to discharge you if the Hospital is unable to provide treatment.
- To refuse surgery unless your life is in danger.
- 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.
- To make a medical directive in advance to allow you to refuse certain medical or psychiatric procedures if you are unable to communicate your wishes. Your social worker will assist you in contacting an advocate or attorney if you desire an advance directive.

**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.** You have the right to be free from restraint, unless there is a special limit in your treatment plan or an emergency exists. Restraint may be used:

- To keep you from physically hurting yourself or others.
- To keep you from seriously damaging property.
- For a treatment reason that is to be explained to you.

You may be put in a locked room for only two reasons:

- To keep you from physically hurting yourself or others.
- For a treatment reason which must be explained to you.

You may be physically restrained only in an emergency to keep you from physically hurting yourself or others or after giving your informed consent.

**EMERGENCY TREATMENT MEASURES.** New Hampshire 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.

IF YOU BEGIN TO LOSE CONTROL, attempts will be made to help you regain control of your behavior by offering supportive activities such as:

- talking
- moving to a quieter area such as a day room or your bedroom
- asking you to leave a stressful situation
- offering a medication.

IF YOU BECOME MORE SERIOUSLY OUT OF CONTROL, you will be directed to the quiet or time-out room for a brief period. A time-out area is a room with no furniture, low lights and soundproofing. This quiet atmosphere may help you regain your control. In addition, the psychiatrist or physician may order medication to assist you in regaining control.

IF YOUR BEHAVIOR IS DANGEROUS TO YOURSELF OR OTHERS, an assigned staff member may personally supervise you, or the psychiatrist may declare a personal safety emergency (PSE) and prescribe emergency measures, which may include:

- temporary seclusion to ensure the safety of others
- protective devices such as physical restraints, which may be ordered temporarily to ensure your safety and that of others
- emergency treatment such as involuntary medication.

## **PROTECTING YOUR RIGHTS**

### **THE PATIENT RIGHTS' INVESTIGATOR**

You have the right to see a Patient Rights' Investigator about any problems or concerns you have. You may call or visit the Patient Rights' Investigator any time Monday through Friday between 8:00 a.m. and 4:30 p.m. You may also write to the Patient Rights' Investigator. Complaint forms and boxes are located on each unit of the Hospital. In the APS building the forms are available for your convenience next to the public phone on each unit. The drop box for completed complaint forms is just below the phone on the left side. Staff members will help you fill out the form if you wish. The Patient Rights' Investigator checks the complaint box regularly. You may also contact the Patient Rights' Investigator through the US Mail or by phone at:

New Hampshire Hospital  
36 Clinton Street  
Concord NH 03301  
271-5918

After receiving your complaint, the Patient Rights' Investigator 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 Administrative Appeals Unit. The Hearings Officer 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 Rights' Investigator 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 Rights' Investigator.

## **LEGAL REPRESENTATION**

You have the right to legal counsel. The court will appoint a lawyer to represent you at your Involuntary Emergency Admission hearing and at any hearing you may have regarding a probate commitment. Your private attorney, if you have one, may represent you or you may request the assistance of one of the following agencies that may represent you even if you cannot afford such services:

Disabilities Rights Center, Inc.  
64 North Main Street  
Suite 2, Third Floor  
Concord NH 03301  
1-800-834-1721 or

New Hampshire Civil Liberties Union:  
18 Low Avenue  
Concord NH 03301  
(Request must be made in writing)

New Hampshire Bar Association  
Pro-Bono Program  
224-3333  
1-800-639-5290

## **YOUR LEGAL STATUS**

### **VOLUNTARY ADMISSION**

New Hampshire Hospital admits applicants for voluntary admission only if the Hospital is the least restrictive treatment option, and if the Hospital has the capacity, programs and services to meet the applicant's needs.

If you are a voluntary patient and want to leave, you must notify the staff of your wish to be discharged. The treatment team then has 24 hours (excluding weekends and holidays) to assess your needs and determine if it is necessary to file a petition with the court to hold a hearing for an involuntary commitment. If the treatment team does not petition the court within 24 hours, then you are free to leave the Hospital.

### **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 New Hampshire 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 New Hampshire Hospital. If he 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. So 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 psychiatrist 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 New Hampshire 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 New Hampshire 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 Rights' Investigator or the Legal Services Department.

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 psychiatrist'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.

## **SPECIAL LEGAL ARRANGEMENTS**

### **GUARDIANSHIP**

If during your stay at New Hampshire Hospital, your treatment team feels you are unable to make decisions on your own behalf, the Hospital will petition the court to appoint a guardian. If the court determines you are in need of a guardian, it will appoint one for you. Your guardian will then act as your decision maker in those areas that the court determines you are unable to make such decisions.

Because guardianship involves a serious limitation of liberty, the law requires that guardianship be imposed only when other less restrictive alternatives have proven to be ineffective.

Some areas for which a guardianship may be granted are:

- traveling or deciding where to live
- refusing or consenting to medical treatment
- admission to a hospital or other institution
- possessing or managing real estate or personal property or income
- making gifts
- initiating, defending or settling lawsuits
- payment or collection of debts
- access to and release of confidential records and papers
- making a will
- decisions concerning education.

The court looks at each person's unique situation and tries to impose only those conditions that are absolutely necessary to maintain that person's well-being.

### **CONDITIONAL DISCHARGE**

If you have an involuntary commitment to New Hampshire 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 New Hampshire 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. New Hampshire 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**

The New Hampshire 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. New Hampshire Hospital has chosen the Patient Rights' Investigator 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 Rights' Investigator at Extension 5918.

## **INFORMATION REGARDING FIREARMS**

Title 18 US Code Section 922, commonly known as the **BRADY BILL**, affects any person who has been committed by the Probate Court in New Hampshire under RSA 135-C. The Brady Bill prohibits the possession, receipt, transportation or shipping of firearms. A conviction for the violation of this law could lead to a period of up to ten years imprisonment.

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