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| Policy Title: Rights of Individuals Served   |   |  |
| Department: Compliance   |   |   |
| Date Issued: 02/07/2012  | Revised Date: 12/07/2021<br>Review Date: 12/07/2021 |   |
| CEO Approval:<br> | Effective Date:<br>12/22/2021                       |   |

**POLICY:**

It is the policy of Central Florida Cares Health System, Inc. (CFCHS) to ensure the adherence to the rights of individuals served during the delivery of all services, and to guarantee that individuals are made aware of their rights.

**RELATED POLICIES:**

- Consumer’s Complaints and Grievances
- Subcontractor and Vendor HIPAA Compliance

**PROCEDURES:**

1. CFCHS will make available on it’s website a listing of the Rights of Individuals Served.
2. During Quality Improvement monitoring visits, CFCHS will ensure that notices of the Rights of Individuals Served are posted at the Subcontractors’ facilities and are accessible to individuals and families.
3. CFCHS will also provide Subcontractors with information on where to obtain the Individuals Rights Posters in English, Spanish, and Creole.
4. As a part of monitoring, CFCHS will review Subcontractor’s intake policies and procedures to determine that individuals are provided information on their rights as a service recipient during the intake process.
5. CFCHS will conduct file reviews to make sure that Subcontractors are advising individuals of their rights prior to the beginning of service delivery and annually for persons served in a program longer than one year. All attempts should be made to communicate Individual Rights in a language understood by the individual.

**INFORMATION**

CFCHS will ensure that the following information is provided to individuals being served by Subcontractors:

- Rights of Persons in Mental Health/Substance Abuse Facilities and Programs.
- The following rights are guaranteed to you under Florida law. These rights will be fully explained to you when admitted into a facility or program. You have the right to read the Mental Health (Baker Act) and Substance Abuse (Marchman Act) laws and rules at any time cited under Florida Statutes 394.459 and 397.501. The agency providing services to you will give you a form containing these rights and will ask you to sign it. Your signature on the form, if you choose to sign it, only acknowledges that you have had the rights explained and that a copy of this form was provided to you. You have the right to individual dignity and access to all constitutional rights. The Federal American with Disabilities Act (ADA) applies to persons receiving services in a mental health and substance abuse facilities.

- If you have a mental illness and HAVE NOT committed a crime, you should not be detained or incarcerated in the jails of this state and restraint devices commonly utilized during criminal processing should not be placed on you for merely receiving mental health or substance abuse services, except for safety related situations to protect you as a patient or to protect others.
- Individuals receiving services should also have the right of freedom from abuse, financial exploitation, retaliation, humiliation, and neglect.
- You should not be denied access to services based on your race, gender, ethnicity, age, sexual preference, and human immunodeficiency virus (HIV) status, prior service departures against medical advice, disability, or your number of relapse episodes.
- If you take medication prescribed by a physician, a Subcontractor may not deny you access to substance abuse services solely on that basis.
- If space and sufficient state resources are available, you should not be denied access to services based on inability to pay.
- You should be offered the least restrictive and most appropriate services available, based on your needs and the availability of resources.

### Informed Consent

Before any treatment is given to you, you will be given information about the purpose of the treatment, the common side effects of medication you receive, alternative treatments, the approximate length of care, and notification that any consent given may be revoked at any time by you, your guardian your guardian advocate, or your health care surrogate/proxy. There are additional disclosures that must be made for medications you receive. If the treatment for which you have given consent is changed at any time during your stay in the facility, it will be fully explained by the employee prior to asking for your written consent to the revised treatment.

### Treatment

- You have the right to receive the least restrictive, available, appropriate treatment.
- During inpatient services, you will get a physical examination within 24 hours of arrival and you will be asked to help develop a treatment plan to meet your individual needs.
- Information about the criteria and procedures for the use of restraints, seclusion, isolation, emergency treatment orders, and close levels of supervision, should be available for your review. Such interventions may never be used for punishment, convenience of staff, or to compensate for inadequate staffing.
- You will be asked to participate in the development and review of your individualized treatment or service plan.
- You have the right to receive services that are adequate to meet your needs, and they should be administered with full respect for your dignity and personal integrity, and in accordance with all statutory and regulatory requirements.
- You should be informed of any treatment that is a part of research projects and you should be given the opportunity to consent or refuse such type of treatment.

### Communication

- You have the right to communicate openly and privately by phone, mail, or visitation with persons of your choice during your stay at service facilities.
- You have the right to make free local calls and will be given access to a long-distance service for collect calls. If communication is restricted, you will be given a written notice that will include the reason(s) for the restrictions.

- Service Subcontractors are required to develop reasonable rules governing visitors, visiting hours, and the use of telephones but you cannot be limited in your access to your attorney, to a phone for the purpose of reporting abuse, and contacting Disability Rights of Florida for advocacy services.
- Several toll-free telephone numbers you may want to keep in mind are:
  - ❖ Florida Abuse Registry  
1 800 96-ABUSE or (800) 342-9152
  - ❖ Disability Rights of Florida  
1 800 342-0823
- In substance abuse programs, close supervision of each individual's communications and correspondence may be necessary, particularly in the initial stages of treatment, and the service Subcontractor must therefore set reasonable rules for telephone, mail, and visitation rights, giving primary consideration to the well-being and safety of individuals, employees, and the community. The Subcontractor shall inform you, and your family if involved, at the time of admission about the rules relating to communications and correspondence.
- Individuals who are deaf or hard of hearing, as well as individuals with limited English proficiency have the right to obtain auxiliary aids at no cost to them as stipulated by the DCF-HHS settlement agreement.

#### Designation of a Representative

You will be asked to identify a person to be notified in case of an emergency. If you are at facility for involuntary examination and do not have a guardian appointed by the court, you will be asked to designate a person of your choice to receive notification of your presence in the facility, unless you request that no notification be made. If you do not or cannot designate a representative, a representative will be selected for you by the facility from a prioritized list of persons. You have the right to be consulted about the person selected by the facility and you can request that such a representative be replaced.

You also have the right to access legal representation, such as a public defender, and the right to access referrals to advocacy support services.

#### Confidentiality of Information and Records

Information about your stay in a facility or participation in a program is confidential and may not be released, except under special circumstances without your consent (or the consent of your guardian or guardian advocate or health care surrogate/proxy if you have one). Special circumstances include release of information to your attorney, in response to a court order, to an aftercare treatment Subcontractor, or after a threat of harm to another person. You have the right of reasonable access to your clinical record unless such access is determined to be harmful to you by your physician.

#### Clothing and Personal Effects

If you are receiving services in an inpatient unit, you have the right to keep your clothing and personal effects unless they are removed for safety or medical reasons. If they are taken from you, an inventory of the possessions will be prepared and given to you to sign. Your possessions will be immediately returned to you or your representative upon your discharge or transfer from this facility.

#### Habeas Corpus

You or your representative have the right to ask the Court to review the cause and legality of your involuntary placement in an inpatient program; or, if you believe you have been unjustly denied a legal

right or privilege, or if you believe an authorized procedure is being abused. A petition form will be given to you by staff upon your request. If you wish to file a habeas corpus petition, you can submit it to a facility staff member, and it will be filed with the Court for you by the facility no later than the next court working day.

#### Voting

If you are in an inpatient program, you have the right to register to vote and to cast your vote in any elections unless the Court has removed this right from you. Employees will assist you in arranging for registration or voting.

#### Right to Request Discharge by Persons on Voluntary Status

If you are receiving mental health inpatient services under a voluntary status and request discharge, your doctor will be notified and you will be discharged within 24 hours from a designated community facility and within three (3) working days from a state hospital, unless you withdraw your request or you meet the criteria for involuntary placement. If you meet the criteria for involuntary inpatient placement or involuntary outpatient placement, the hospital administrator will file a petition with the Court for your continued stay within two (2) working days of your request for discharge.

#### Discharge

You have the right to seek treatment from a professional or agency of your choice after your discharge from a facility or program.

#### Advance Directives

You have the right to prepare an advance directive when competent to do so that specifies the mental health care you want or don't want, and to designate a health care surrogate to make decisions for you at the time of crisis. Mental health treatment facilities are required to make reasonable efforts to honor those choices or transfer you to another facility that will honor your choices. The facility must document whether you have an advance directive and inform you of its policies about advance directives.

#### Complaints and Grievances

You have the right to voice complaints and grievances and to seek resolution from the agency that is providing services to you. If the complaint is not resolved to your satisfaction, you have the right to contact Central Florida Cares Health System at (407) 985-9568 and ask for assistance. You can also contact the local DCF SAMH Office at (407) 317-7010, as well as the following entities:

#### **Assistant Staff Director**

#### **Department of Children and Families (DCF)**

#### **Human Resources – Office of Civil Rights**

1317 Winewood Boulevard

Building 1, Room 110

Tallahassee, Florida 32399-0700

(850) 487-1901; or TDD (850) 922-9220; or Fax (850) 921-8470

#### **United States Department of Health and Human Services (HHS)**

#### **Attention: Office for Civil Rights**

Atlanta Federal Center, Suite 3B70

61 Forsyth Street, SW

Atlanta, Georgia 30303-8909

(404) 562-7888; TDD/TTY (404) 331-2867; or Fax (404) 562-7881

**United States Department of Agriculture (USDA)**

**Attention: Office of Civil Rights**

Atlanta Federal Center, Suite 8T36

61 Forsyth Street, SW

Atlanta, Georgia 30303-3427

(404) 562-0532; TDD/TTY (202) 720-5964; or Fax (404) 527-4517

**United States Department of Justice (USDOJ)**

**Office for Civil Rights – Office of Justice Programs**

810 7th Street, NW

Washington, DC 20531

(202) 307-0690; or TDD/TTY (202) 307-2027; or Fax (202) 616-9865

**United States Department of Justice (USDOJ)**

**Civil Rights Division– Disability Rights Section**

1425 New York Avenue

Washington, DC 20530

(800) 514-0301; or TDD/TTY (800) 514-0383