

Alabama Department Of Mental Health Internal Rights, Protection And Advocacy Program



Alabama Department
of Mental Health
connecting mind and wellness

PRESENTATION GOALS

At the end of this 30 minutes, you should be able to:

- Give information on rights
- Understand the importance of preventing rights violations
- Discuss Advocacy and where everyone fits in
- Share how to contact ADMH Advocacy if needed
- Practice what you have learned

Let's move!

ADVOCACY PROGRAM INFORMATION

Established 1986 as part the Wyatt vs Stickney lawsuit for individuals receiving services in the state operated facilities.

Expanded in 1997 to provide services to individuals being served in community programs contracted with or certified by the ADMH.

26 full time equivalent Advocacy positions in 5 Service Areas across Alabama. One central number 800-367-0955 to call.

ADMH Advocates have unimpeded access to the individuals, staff, files and properties of all ADMH service providers.

SERVICES PROVIDED

Information and Referrals *

Rights Complaint
Investigations/Resolutions

Rights Compliance Monitoring*

Meetings and Contacts*

Rights Education and Training*

* Proactive actions to prevent rights violations

OUR MISSION

Advocates actively **assist** in safeguarding the rights of individuals served in ADMH inpatient facilities and those served in community programs under contract with or certified by the Alabama Department of Mental Health.

AT THIS POINT YOU MAY HAVE QUESTIONS LIKE:

- 1. Who are the ADMH Advocates assisting?** You, service providers, recipients of services, anyone involved in this field. Protecting rights is everyone's responsibility!
- 2. What does that have to do with me?** If you are going to work in this field, you have a responsibility to keep your eyes and ears open and report any rights violations you may encounter. You can also teach individuals about their rights, listen to their concerns and advise them. Call us, we will assist you.
- 3. What is ADVOCACY?** It is supporting another to express their wishes and views and stand up for their rights. It is also intervening when they are being disregarded.

THE RIGHTS



BE INFORMED ABOUT
THEIR RIGHTS



DUE PROCESS

- ▶ Rights cannot be taken away without justification.

Specifically:

- ▶ Individual must be involved in the process of discussing a rights restriction
 - ▶ Restriction must be time limited and reviewed
 - ▶ Individual must be informed of actions to be taken for restoration of the right
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- ▶ Actions that may lead to rights being restricted include but are not limited to:
 - ▶ Causing harm to self or others
 - ▶ Displaying behavioral patterns that cause concern

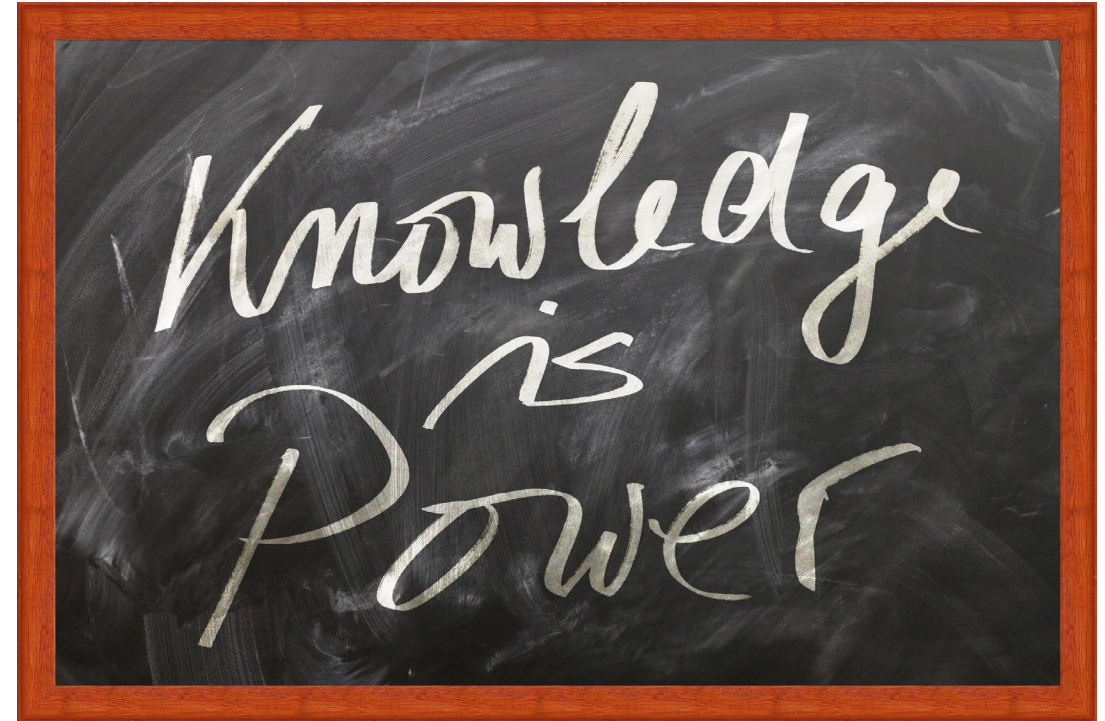
FILE A WRIT OF HABEUS CORPUS

If anyone believes they are being held at an ADMH facility illegally, they have the right to file a petition for a Writ of Habeas Corpus with an attorney of their choice, at their expense, or with an appointed attorney, in cases of financial hardship.



EDUCATION

- ▶ Anyone school age has the right to receive a free and appropriate public education.
- ▶ Note: This refers to grades 1-12 and does not include higher education.



COMPLAIN

Anyone who believes their rights have been violated, has the choice to follow the applicable grievance process where they receive services, or to contact their ADMH advocate at:

1-800-367-0955



LEGAL COMPETENCY

Everyone has the right to be treated as a legally competent individual, unless determined otherwise by a court of law.

SAFE & HUMANE ENVIRONMENT

Everyone has the right to receive services in an environment which is safe, clean, and where staff treat you respectfully.

PROTECTION FROM HARM

No one should be
abused, mistreated,
neglected or exploited.

PHYSICAL ABUSE- Any assault by an employee upon an individual served that includes but is not limited to:

CHOKING

HITTING

KICKING

PINCHING

SLAPPING

USING ANY PHYSICAL
FORCE IMPLIES INTENT
TO CAUSE HARM

VERBAL ABUSE- Verbal conduct by an employee that demeans an individual served by causing shame, humiliation, embarrassment, or emotional distress. Examples include, but are not limited to:

THREATENING

**OBSCENE
LANGUAGE**

**DEROGATORY
LANGUAGE**

TEASING

TAUNTING

**ABUSIVE
LANGUAGE**

SEXUAL ABUSE- Any sexual contact or conduct with an individual served by an employee, on or off duty. Sexual abuse is deemed to have occurred regardless of consent by the individual served.

EXPLOITATION-

Using a position of employment to take advantage of an individual served for personal benefit, and this includes, but is not limited to:

Requesting

Requesting individual served to perform employee work responsibilities.

Taking or receiving

Taking or receiving money or gifts from individual served.

Utilizing


Utilizing individuals to engage in conduct with other individuals that would be prohibited if performed by an employee.

MISTREATMENT- Act or threat of intimidation, harassment or similar act, that includes but is not limited to:

Use of physical or non-verbal gestures as intimidation



Withholding or threat of withholding physical necessities or personal possessions to control an individual served



Making false statements to confuse, frighten, or badger an individual served

NEGLECT- The failure to carry out a duty through reckless conduct, carelessness, inattention, or disregard of duty whereby the individual served is exposed to harm or risk of harm. This includes but is not limited to:

Not carrying out personal attention (i.e., 1:1)

Leaving unattended or failure to supervise

Not meeting medical or nutritional needs

Failure to ensure a safe environment

Failure to implement interventions in the treatment plan

Failure to provide treatment allowed by provider policy



PRIVACY/CONFIDENTIALITY

- ▶ Treatment is to be conducted in a respectful manner.
- ▶ All information relevant to treatment is to remain confidential.

PERSONAL POSSESSIONS

- ▶ Individuals have the right to have personal items.
- ▶ Items allowed depend on the individual served and program policies.





COMMUNICATIONS & SOCIAL CONTACTS

- ▶ HAVE VISITORS
- ▶ SEND AND RECEIVE MAIL
- ▶ MAKE AND RECEIVE TELEPHONE CALLS

Contacts may be subject to provider policy and procedures.

- ▶ Everyone has the right to practice a religion of their choice.
- ▶ Everyone also has the right to choose NOT to practice a religion.

RELIGION



NOT TO PERFORM LABOR

- ▶ No one should be forced to perform any type of labor as a condition of their participation in services.
 - ▶ This does not include household chores. Everyone is expected to do their part in completing household chores.
- ▶ Anyone choosing to work for a service provider must be adequately compensated for labor performed.

DISCLOSURE OF SERVICES AVAILABLE

Everyone should be informed of the cost of the care and services provided.

They should also be informed if there are services that might be beneficial to them.

TREATMENT RIGHTS

▶ QUALITY TREATMENT

Everyone has the right to receive treatment and care from qualified professionals

▶ INDIVIDUALIZED TREATMENT

Everyone's plan of services should be designed just for them. It should be based on each person's abilities, wishes and needs.



▶ PARTICIPATION IN TREATMENT

Everyone has the right to actively participate in treatment.

▶ LEAST RESTRICTIVE CONDITIONS

Treatment should be in the least restrictive manner and setting available for the individual's care.

▶ RESEARCH & EXPERIMENTATION

Everyone has the right to refuse to participate in research and experimental projects.

▶ INFORMED CONSENT

Voluntary, written, informed consent should be obtained for any treatment, care and services received.

RESPONSIBILITY



WITH EVERY RIGHT
COMES RESPONSIBILITY!

KNOW YOUR
RESPONSIBILITIES!

TO THE BEST OF ONE'S ABILITY:

1. Provide accurate medical information/history
2. Know and follow the rules of the program
3. Attend appointments and scheduled activities
4. Be considerate of the rights of others through civil language and conduct
5. Respect the property of others and the program
6. Participate in treatment and discharge planning and meeting your financial commitments
7. Help with the care and cleaning of living area
8. Maintain personal cleanliness including clothing
9. Obey laws which pertain to all of us

REMINDER

If anyone knows of rights violations or has questions about rights and responsibilities:

Feel free to call an **ADMH ADVOCATE**

1-800-367-0955

CHECKUP TIME

Did I meet the goals? Can you:

- Give information on rights
- Understand the importance of preventing rights violations
- Define Advocacy and discuss where everyone fits in
- Tell people how to contact ADMH Advocacy
- Practice what you have learned

Please come meet some of the ADMH Advocates at your break and have refreshments with us.

ADMH ADVOCACY PROGRAM: 1-800-367-0955