



Your Rights as a Client or Patient

of the Connecticut Department of Mental Health & Addiction Services
Miriam Delphin-Rittmon, Ph.D., Commissioner



You are entitled to be treated in a humane and dignified way at all times, with full respect to:

❖ Personal Dignity ❖ Right to Privacy ❖ Right to Personal Property ❖ Civil Rights

You have the right to be free from physical or mental abuse or harm. You have the right to a written treatment plan developed with your input and suited to your own personal needs, goals and aspirations. You should be informed of your rights by the institution, agency or program. In addition, a list of your rights must be posted on each ward of a hospital.

Other rights you have include:

Humane and Dignified Treatment: You have the right to receive humane and dignified treatment at all times and with full respect to your personal dignity and privacy. A specialized treatment plan shall be developed in accordance with your needs and shall include, but not be limited to, reasonable notice of discharge, your active participation in and planning for appropriate aftercare. (CGS §17a-542)

Personal Dignity: While in an inpatient facility, you have the right to wear your own clothing, to maintain your own personal belongings (given reasonable space limitations) and to have access to and spend your own money for personal purchases.* Except for patients in Whiting Forensic Division, you have the right to be present during any search of your personal belongings. Any exception to these rights must be explained in writing and made a part of your clinical record. (CGS §17a-548)

Privacy & Confidentiality: You have the right to privacy & confidentiality. Records that would identify your person, manner of treatment or your diagnosis cannot be given to any other person or agency without your written consent. All records maintained by the courts [as they relate to a recipient's treatment] shall be sealed and available only to respondent or counsel.* No person, hospital, treatment facility nor DMHAS may disclose or permit the disclosure of the identity, diagnosis, prognosis or treatment of any service recipient that would constitute a violation of state or federal statutes concerning confidentiality.*

(CGS §§17a-500, 17a-688, 52-146f and 42 CFR part 2)

Physician's Emergency Certificate & Commitment: You, your advocate or counsel, can find out more about what Commitment procedures apply by reviewing the appropriate statutes. All persons admitted through a Physician's Emergency Certificate have the right, upon request, to a probable cause hearing within three business days from admission. All voluntarily admitted patients shall be informed, upon admission, of their ability to leave after three days notice. Any voluntarily confined patient shall not be denied his or her request to leave within three days notice in writing unless an application for commitment has been filed in a court of competent jurisdiction. Different statutes apply depending on your placement in addiction treatment or for a psychiatric disorder. (CGS §§ 17a-495 et seq.; 17a-502; 17a-506; 17a-682 to 17a-685, 54-56d)

Visiting and Communication Rights: You may receive visitors during scheduled visiting hours. You have the right to visit with and may have private conversations with clergy, attorneys or paralegals of your choice at any reasonable hour. Facilities may reasonably maintain rules regulating visitors. Mail or other communications to or from a service recipient in any treatment facility may not be intercepted, read or censored.* Any exceptions to rights regarding communications must be explained in writing, signed by the head of the facility (or designee) and made a part of your clinical record. (CGS §§ 17a-546, 17a-688)

Access to Your Medical Record: You or your attorney may have the right, upon written request, to inspect your hospital records. Unless your request is made in connection with litigation, a facility may refuse to disclose any portion of the record which the mental health facility has determined would create a substantial risk that you would inflict a life threatening injury to self or others, experience a severe deterioration in mental state,* or would constitute an invasion of privacy of another. (CGS §§ 17a-548, 52-146f)

Restraint & Seclusion: If conditions are such that you are restrained or placed in seclusion, you must be treated in a humane and dignified manner. The use of involuntary seclusion or mechanical restraints is allowed only when there is an imminent danger to yourself or others. Documentation of reasons for these interventions must be placed in

your clinical records within 24 hours. Medications cannot be used as a substitute for a more appropriate treatment. (CGS § 17a-544)

Remedies of Aggrieved Persons: If you have been aggrieved by a violation of sections 17a-540 to 17a-549 you may petition the Superior Court within whose jurisdiction you reside for appropriate relief. (CGS § 17a-550)

Medication, Treatment, Informed Consent & Surgical Procedures: You, your advocate or counsel, can find out more about what procedures apply by reviewing the appropriate statutes (See CGS 17a-543a-j). If you have been hospitalized under any sections of 17a-540 to 550, you shall receive a physical examination within 5 days of admission and at least once every year thereafter. Reports of such exams must be entered into your clinical record (See CGS 17a-545). No medical or surgical procedures, no psychosurgery or shock therapy shall be administered to any patient without such patient's written informed consent, except as provided by statute.* A facility may establish a procedure that governs involuntary medication treatments but any such decision shall be made by someone not employed by the treating facility and not until the patient's advocate has had reasonable opportunity to discuss such with the facility.* If a facility had determined to administer involuntary medication pursuant to statute, the patient may petition the Probate Court to hold a hearing to decide whether to allow this intervention. Notwithstanding the provisions of this section (17a-540 to 550) if obtaining consent would cause a medically harmful delay, emergency treatment may be provided without consent. (CGS § 17a-543a-f)

Treatment by Prayer: You have the right to ask the hospital to be treated by prayer alone in accordance with the principals and practices of your church or religious denomination.* (CGS § 17a-543i)

Freedom of Movement: You are entitled to the greatest degree of freedom possible, limited only by: dangerousness to self or others or potential elopement ["AWOL"] risk. (CGS §§17a-541, 178-542)

Denial of Employment, Housing, Etceteras: You cannot be denied employment, housing, civil service rank any license or permit (including a professional license) or any other civil or legal right, solely because of a present or past history of a mental disorder, unless otherwise provided.* (CGS §17a-549)

Filing of Grievances: Recipients of DMHAS facilities or programs have the right to file a grievance if any staff or facility has: 1) violated a right provided by statute, regulation or policy; 2) if you have been treated in an arbitrary or unreasonable manner; 3) failed to provide services authorized by a treatment plan; 4) engaged in coercion to improperly limit your treatment choices; 5) unreasonably failed to intervene when your rights have been jeopardized in a setting controlled by the facility or DMHAS; or 6) failed to treat you in a humane or dignified manner. (CGS § 17a-451-u)

Disclosure of Your Rights: A copy of your rights shall be prominently posted in each ward where mental health services are provided. (CGS §17a-548)

Other rights not included in this list may be guaranteed by federal law, state statute, case law, agency regulation or policy include but are not limited to: Connecticut General Statutes, sections 17a-450 et seq.; 17a-540 et seq.; 17a-680 et seq.; 52-146d-j; 54-56d. Federal regulations: 42 CFR part 2 (Confidentiality of Substance Use Disorder Patient Records), 42 CFR part 482.13 (Patient's Rights) as well as: the Rehabilitation Act of 1973, the Americans with Disabilities Act, Title II and Title III; Patients' Self-Determination Act, in Section 1983, Affordable Care Act Section 1557.

You are encouraged to seek counsel to learn of or to better understand these laws and policies

*Many of the rights of service recipients in Connecticut psychiatric facilities in Connecticut are specified in Connecticut General Statutes (CGS) Sections 17a-540 through 17a-550 (Patient Bill of Rights) and along with other rights provided by state statute, federal law and court ruling must be adhered to by inpatient or outpatient psychiatric facilities in Connecticut and unless otherwise provided, apply to both voluntary and involuntary service recipients. Both DMHAS operated and private psychiatric facilities in Connecticut are prohibited from depriving you of any of your personal, property or civil rights including the right to vote, to hold or convey property and contract, except in accordance with due process of law after you have been declared incapable pursuant to CGS Sections 45a-644 to 45a-662. Any finding of incapability should specifically state which civil or personal rights you are incapable of exercising (CGS §17a-541).

Under Section 1557 of the Affordable Care Act, (42 U.S.C. 18116) no healthcare provider should discriminate against any patient on the grounds of race, color, national origin, age, disability or sex. The Connecticut Department of Mental Health and Addictions does not exclude people or treat them differently because of race, color, national origin, age, disability or sex and provides effective communication and equal access to services and programs to persons with disabilities.

If you have questions about your rights speak to an attorney or contact a state-wide advocacy program such as: Connecticut Legal Rights Project (860-262-7070) and Disability Rights Connecticut (860-297-4300). You can also speak to the designated Client Rights Officer for the facility or DMHAS contracted provider posting this notice or contact the DMHAS Office of the Commissioner, Client Rights and Grievance Specialist (860-418-7000) 410 Capitol Ave. 4th Floor PO box 341431 Hartford, CT 06134