

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2557. Medical Rights of Persons Receiving Evaluation and Treatment.

(a) *Right to Treatment.* Every patient, whether inpatient or outpatient, voluntary or involuntary, is entitled to such medical, social, and rehabilitative services as their condition may require to bring about their improvement or release from psychiatric inpatient care, in a setting and under conditions that are most supportive and least restrictive of their personal liberty. Minimum requirements for a patient's treatment under this article must include:

- (1) Sufficient qualified mental health professional staff in the evaluation facility;
- (2) Written, individualized treatment plans for each patient;
- (3) Evidence in the record that the treatment plan is being followed;
- (4) Periodic review of treatment;
- (5) Evidence of actual treatment, including individual therapy, group therapy, and occupational therapy; and
- (6) Appropriate discharge planning where applicable.

(b) *Medication.*

(1) Persons have a right to receive and have reasonably available to them supplies of appropriate or needed medication.

(2) Persons have a right to be free from unnecessary or excessive medication. No medication shall be administered unless at the written order of a physician. The attending physician shall be responsible for all medication given or administered to a patient.

(3) Notation of each individual's medication shall be kept in the patient's medical records. Medication shall not be used as punishment, for the convenience of the staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program.

(4) Persons who are receiving medication as a result of mental illness shall be given, in terms and language appropriate to such person's condition and understanding, as soon as possible before or after giving of the medication, information about the medication by an attending physician. The following shall be given to the patient:

- (i) The nature of the mental illness or behavior that is the reason the medication is being given or recommended;
- (ii) If a physical exam has been provided, a statement of such person's general physical condition;
- (iii) The objectives of treatment and the likelihood of improving or not improving without the medication and the nature and significant possible adverse effects of recommended treatments;
- (iv) Reasonable alternative treatments available and why the recommended treatment is chosen instead of the alternatives; and
- (v) The name and type, frequency, amount, and method of dispensing the medication.

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DIVISION 2: HEALTH

(5) The person shall have the right to ongoing participation, in a manner appropriate to such person's capabilities, in the planning of the mental health services, care and treatment to be provided.

(6) The fact that information required to be given has or has not been given shall be indicated in the patient's chart. If the information has not been given, an attending physician or designee shall document in the patient's chart the justification for not providing the information.

(c) *Right to Refuse Treatment.* A person has the right not to receive a course of treatment established pursuant to the treatment plan in the absence of such person's informed, voluntary, written consent to such mode or course of treatment, except treatment:

(1) During an emergency situation if such treatment is pursuant to or documented contemporaneously by the written order of a mental health professional or attending physician.

(2) If the person has been found by the court to lack the capacity to consent to treatment. In such cases, consent shall be obtained pursuant to law.

(3) If the person is a minor. In such cases, consent shall be obtained pursuant to law.

(d) *Right to Refuse Experimentation.* A person has the right not to participate in experimentation in the absence of such person's informed voluntary, written consent to such mode or course of treatment.

Source: PL 8-38, § 7, modified.