

??? QUESTIONS ???

If there is any information in this pamphlet that you do not understand, please ask for help. You may ask the person responsible for your care, such as your therapist, teacher, aide, group home manager, or the facility director.

If at any time, for any reason, you feel that that you have been denied your rights, or that you cannot get the information or help you need from people in our facility, you may want to contact a family member or friend, or contact a client advocate or attorney. You can also get help about your rights from:

Governor's Advocacy Council for Persons with Disabilities at 1-800-821-6922.

Advocacy and Customer Services- Division of MH/DD/SAS at 919-715-3197.

The N.C. Mental Health Consumer's Organization, Inc. at 1-800-326-3842

The N.C. CARELINE 1-800-662-7030.

Each of these toll-free numbers is open Monday through Friday between 8:00 a.m. and 5:00 p.m.

For your information: If you are interested in initiating a **Health Care Power of Attorney and Advance Instruction for Mental Health Treatment** your therapist or case manager can help you.

You may also contact your local Department of Social Services Office:

Clay County 1-828-389-6301 Haywood County 1-828-452-6620

Cherokee County 1-828-837-7455 Jackson County 1-828-586-5546

Graham County 1-828-479-7911 Macon County 1-828-349-2124

Swain County 1-828-488-6921

Your Rights As a Consumer of Mental Health, Developmental Disability or Substance Abuse Services



A Summary of the Provisions of Article 3 of Chapter 122C of the North Carolina General Statutes

Prepared By:

**The Division of Mental Health, Developmental Disabilities,
and Substance Abuse Services
North Carolina Department of Human Resources**

Your Rights As a Consumer of Mental Health, Developmental Disability or Substance Abuse Services

When you receive mental health, developmental disability or substance abuse services you have certain rights. This pamphlet will tell you about your rights, and it will tell you what to do if you have questions about your rights or problems with being able to practice your rights.

As a consumer of mental health, developmental disability or substance abuse services, you have the right to be treated with respect. You have the right to dignity, privacy, humane care, and freedom from mental and physical abuse, neglect, and exploitation. You have the right to live as normally as possible while receiving care and treatment.

You have the same civil rights as any other citizen of North Carolina, unless a court decision has taken away some of your rights. This may include the right to vote, marry, divorce, make a will, buy, sell, and own property, and decide all things about your life.

You have certain specific rights related to your care, services, and treatment. These rights include the following:

- * You have the right to receive age-appropriate treatment for your illness or disability.
- * You and the person legally responsible for you, if any, have the right to be informed in advance of the benefits or risks of the treatment choices.
- * You have the right to be informed of the cost of services; the cost of services and insurance issues should be discussed at your first visit, or when you schedule your first appointment.
- * You have the right to an individualized written treatment or habilitation plan which is implemented within 30 days of admission.
- * You have the right to be free from the threat of unwarranted suspension or expulsion from treatment.
- * You have the right to be free from corporal punishment, abuse, neglect, and exploitation.
- * You have the right to be free from unwarranted searches of your person or seizure of your possessions.
- * You have the right to be free from unnecessary or excessive medication. Medication shall not be used for punishment, discipline, or staff convenience. Medication shall be administered in accordance with accepted medical standards and only upon the order of a physician or other medical practitioner as documented in your record.
- * You have the right to consent to or refuse treatment involving electroshock therapy, the use of experimental drugs or procedures, or surgery other than emergency surgery. The right to consent to or refuse treatment applies to the person who is legally responsible for you; for example, your parent if you are a minor.

- * You (or the person legally responsible for you) have the right to consent to or refuse any other treatment except in the following circumstances:
 - a.) in an emergency; or
 - b.) involuntary commitment, which is a legal proceeding in which it is determined that without the treatment, a person would be likely to harm self or others.
- You may have additional rights as part of your services. If your services involve additional rights, these will be provided to you in writing and explained to you.

You have certain specific rights if you disagree with Smoky Mountain Center (SMC) or your provider about the services that you need.

Authorization for a service you are requesting may be denied, or authorization for a service you are currently receiving may be reduced, suspended, or terminated if SMC finds that you do not meet certain requirements for the service.

If you are a Medicaid recipient, you have the right to appeal such decisions, and you will be provided with written information concerning your appeal rights.

If you are not a Medicaid recipient:

- * You will receive a letter if your service is denied due to a finding by SMC that you do not meet the clinical requirements for the service or if funding for the service is not available.
- * If you disagree with the decision and wish to have it reconsidered, you may file a complaint with SMC Customer Services within 10 days of the date of the letter notifying you that services were not authorized. To file a complaint, call 800-849-6127 or write:
SMC Customer Services, P.O. Box 127, Sylva, NC 28779.
- * You will be notified of the decision within 7 days of the date that you file your complaint.

You have the right to complain! If you feel:

- * that your rights have been violated,
- * that you are not getting the services that you should have,
- * that the quality of your services is unacceptable, or
- * that services are being mismanaged.

Customer Service staff are available during normal business hours to assist you with your concern. If you would prefer not to be identified as the source of a complaint, Customer Service staff will protect your identity unless legally required to do otherwise. Usually complaints can be resolved informally, but if necessary, SMC will conduct a formal investigation or refer to an appropriate agency for investigation.

*To get help with your concern or complaint, call 800-849-6127 or write:
SMC Customer Services, P.O. Box 127, Sylva, NC 28779.*