

**125.92 Rights and privileges of committed persons.**

A person who is detained, taken into immediate custody, or committed under [this subchapter](#) has the right to:

1. Prompt evaluation, emergency services, and care and treatment as indicated by sound clinical practice.

2. Render informed consent, except for treatment provided pursuant to [sections 125.81 and 125.91](#). If the person is incompetent treatment may be consented to by the person's next of kin or guardian notwithstanding the person's refusal. If the person refuses treatment which in the opinion of the chief medical officer is necessary or if the person is incompetent and the next of kin or guardian refuses to consent to the treatment or no next of kin or guardian is available the facility may petition a court of appropriate jurisdiction for approval to treat the person.

3. The protection of the person's constitutional rights.

4. Enjoy all legal, medical, religious, social, political, personal, and working rights and privileges, which the person would enjoy if not detained, taken into immediate custody, or committed, consistent with the effective treatment of the person and of the other persons in the facility. If the person's rights are restricted, the physician and surgeon's or osteopathic physician and surgeon's or mental health professional's direction to that effect shall be noted in the person's record. The person or the person's next of kin or guardian shall be advised of the person's rights and be provided a written copy upon the person's admission to or arrival at the facility.

[[82 Acts, ch 1212, §20](#)]

[2017 Acts, ch 34, §11](#); [2017 Acts, ch 54, §76](#); [2018 Acts, ch 1026, §46](#)

Referred to in [§229.21](#)