

441—29.5(217,228,229) Rights of individuals. An individual receiving care from a state mental health institute shall have the following rights.

29.5(1) Information. An individual receiving care from a state mental health institute shall have the right to:

- a. Receive an explanation and written copy of the rules of the facility.
- b. Be provided information on the provisions of law pertaining to admission to and discharge from the facility.
- c. Receive an explanation of the individual's medical condition and be informed as to treatment plans and the attendant risks of treatment.
- d. Be provided with complete and current information concerning the individual's diagnosis, treatment, and progress in terms and language understandable to the individual.
- e. Have the information required in this subrule made available to the individual's parent, guardian, or legal representative when it is not feasible to give the information directly to the individual.

29.5(2) Care and treatment. An individual receiving care from a state mental health institute shall have the right to:

- a. Be evaluated promptly following admission and receive emergency services appropriate to the individual's needs.
- b. Have a current individualized written plan of treatment.
- c. Receive appropriate treatment, services, and rehabilitation for the individual's mental illness, including appropriate and sufficient medical and dental care.
- d. Have the opportunity for educational, vocational, rehabilitative, and recreational programs appropriate to the individual's treatment needs.
- e. Have the confidentiality of the individual's personal mental health institute records maintained and have access to those records within a reasonable period.
- f. Have an individualized posthospitalization plan.

29.5(3) Living conditions. An individual receiving care from a state mental health institute shall have the right to:

- a. Live in the least restrictive conditions necessary to achieve the purposes of treatment.
- b. Receive care in a manner that respects and maintains the individual's dignity and individuality.
- c. Have opportunities for personal privacy, including during the care of personal needs.
- d. Keep and use appropriate personal possessions, including wearing the individual's own clothing.
- e. Be free from unnecessary drugs, restraints, and seclusion except when necessary to protect the immediate health or safety of the individual or others.
- f. Be free from physical, psychological, sexual, or verbal abuse, neglect and exploitation.

29.5(4) Communication. An individual receiving care from a state mental health institute shall have the right to:

- a. Have a family contact or representative of the individual's choice or the individual's community physician notified promptly of the individual's admission.
- b. Communicate with people and access services at the facility and in the community, including organizing and participating in resident groups while at the facility.
- c. Receive visits of the individual's choice from parents, guardians, legal representatives, or family without prior notice given to the facility unless the visits have been determined inappropriate by the individual's treatment team.
- d. Communicate and meet privately with persons of the individual's choice without prior notice given to the facility unless the communication is determined inappropriate by the individual's treatment team.
- e. Send and receive unopened mail.
- f. Make and receive private telephone calls, unless the calls have been determined inappropriate by the individual's treatment team.
- g. Access current informational and recreational media such as newspapers, television, or periodicals.

29.5(5) Self-determination. An individual receiving care from a state mental health institute shall have the right to:

- a.* Have a dignified existence with self-determination, making choices about aspects of the individual's life that are significant to the individual.
- b.* Participate in the development and implementation of the individual's treatment plan.
- c.* Give informed consent, including the right to withdraw consent at any given time.
- d.* Refuse treatment (such as medication, surgery or electroconvulsive therapy) offered without the individual's expressed informed consent, and be provided with an explanation of the consequences of those refusals unless treatment is necessary to protect the health or safety of the individual or is ordered by a court.
- e.* Immediate discharge (if admitted voluntarily) by submitting a written notice to the superintendent or chief medical officer, unless a written request for involuntary hospitalization is submitted to a court.
- f.* Refuse to perform services for the facility and not be coerced to perform services.
- g.* Manage the individual's own financial affairs unless doing so is limited under law or determined not appropriate by the individual's treatment team.
- h.* Choose activities, schedules, and care consistent with the individual's interests, needs, and treatment plans.
- i.* Engage in social, religious, and community activities of the individual's choice.
- j.* Formulate advanced directives and be provided care in compliance with these directives.

29.5(6) Advocacy. An individual receiving care from a state mental health institute shall have the right to:

- a.* Exercise the individual's rights as a citizen or resident of the United States.
- b.* File a grievance pursuant to rule 441—28.4(225C,229) without any intimidation or reprisal resulting from the grievance.
- c.* Request a judicial review of the hospitalization, file for a writ of habeas corpus, have an attorney of the individual's choice, and communicate and meet privately with the individual's attorney without prior notice given to the facility.

[ARC 8094B, IAB 9/9/09, effective 11/1/09; ARC 6273C, IAB 4/6/22, effective 6/1/22]