

PATIENTS' RIGHTS FOR MENTAL HEALTH PROVIDERS



What is the value of advocacy?

...for the consumer?

In addition to resolving problems that contribute to their emotional distress, advocacy helps clients maintain a measure of dignity and autonomy. By participating in making decisions that will impact their treatment, negotiating with clinicians, controlling where and how they live, and handling their own finances, the clients are encouraged to develop independence and improve their self-esteem.

...for the mental health professional?

Because of their access and perspective, Advocates can assist in rooting out systemic problems that have been hidden even to people working within the system. By participating in the development of policies and practices, Advocates can help prevent future abuse and neglect. By articulating the concerns of the mental health consumer, Advocates can impact the mental health system in a responsive and humane manner.

...for the community?

In advocating for the rights and interests of the clients, Advocates can increase public awareness of a “hidden” population. Advocates can also generate public support for financial, medical and social programs in mental health treatment.

MHS Patients' Rights Advocacy Services

600 West Santa Ana Blvd., Suite 805
Santa Ana, CA 92701

(714) 276-8145

(800) 668-4240

Fax: (714) 242-1579

Hours of Operation

Monday through Friday
8 AM – 5 PM.

mhsinc.org/pras



MENTAL
HEALTH
SYSTEMS



What are Patients' Rights Advocates?

California has a state mandated Patients' Rights Advocacy system made up of three components:

1. Patients' Rights Advocates (who are appointees and/or contract employees of their respective counties)
2. State hospital Patients' Rights Advocates
3. Office of Patients' Rights (employees of the designated contractor of the State Department of Mental Health)

In addition to the Patients' Rights Advocacy System, California has a federally-mandated program, Disability Rights California, which provides legal protection and advocacy services to Californians identified as mentally ill, who are or have been residents of facilities providing mental health treatment or care.

The Orange County Patients' Rights office performs the following:

- Investigate complaints

... types of complaints include:

Abuse	Quality of Care
Patients' Rights	Financial
Legal Status	Medication
Placement	Confidentiality

... settings include:

Acute Hospitals	Board and Care
Outpatient Clinics	State Hospitals
Skilled Nursing Facilities	Jail
Assisted Living	Room & Board

- Process telephone calls requesting information, assistance or inquiries and referrals
- Review records for Denial of Rights and/or ECT, Seclusion/Restraint and Involuntary Detention

Whose interests do Patients' Rights Advocates represent?

Advocates represent the consumers' interests as defined by the client, as long as those interests are within the bounds of the law and are achievable within the Advocate's resources. Advocates do not determine what is "most appropriate" for the client or what is in the "best interests" of the client.

What are the functions of the Patients' Rights Office and the Patients' Rights Advocates?

Major duties of the Patients' Rights Advocates are contained in California W&I Code Section 5000 et. seq. and California Code Regulations, Title 9, Section 864.

- Provide advocacy services to all consumers in any Mental Health facility, program or service
- Provide education and training to consumers and providers
- Ensure posting of Patients' Rights information in all mental health facilities
- Investigate and resolve complaints received from clients about denial of their rights or abuse
- Monitor facilities for compliance with Patients' Rights laws, regulations, and policies
- Facilitate liaison activities between the State Advocacy Program and the Patients' Rights Program

- Train staff in mental health facilities about patients' rights, laws, regulations, policies, and treatment with Dignity and Respect

What kinds of advocacy are there?

Individual Advocacy

Historically, Patients' Rights Advocates' primary responsibility has been the investigation and resolution of individual problems:

- Education on legal rights for consumers and Mental Health professionals
- Assist the client with problems that relate to the outpatient and inpatient or community treatment programs

System Advocacy

How Advocates work toward improving the system:

1. Monitor mental health facilities for compliance with patients' rights laws
2. Review and comment on policies and practices that impact recipients of mental health services
3. Provide consultation and training to mental health professionals
4. Coordinate with other advocates for system reform
5. Analyze state and federal legislation and regulatory developments
6. Educate/reach out to mental health consumers to improve their ability to advocate for themselves
7. Represent consumers' interests in public forums