



**Mental Health Association of Tarrant County**  
**3136 West 4<sup>th</sup> Street**  
**Fort Worth, TX 76107**  
**817-335-5405/www.mhatc.org**

## **Know Your Rights**

The Americans with Disabilities Act (ADA) ensures that people with disabilities, such as severe mental illness, have legal protection against discrimination in the workplace, housing and residential settings (including treatment facilities such as hospitals), public programs, and telecommunications.

*The ADA's goal is to give the 43 million Americans who have disabilities full and equal opportunities.*

**Protection and Advocacy:** Each State, as well as the District of Columbia and the five Territories, has a Protection and Advocacy for Individuals with Mental Illness (PAIMI) program. PAIMI programs safeguard the rights of people with mental illness. The programs also investigate reports of abuse or neglect in facilities providing mental health care or treatment. Where problems are found, PAIMI programs pursue legal, administrative, and other remedies to ensure protection of rights for people with severe mental illness.

*People with disabilities who are not eligible for PAIMI services may be eligible for other programs within the Protection and Advocacy (P&A) system, such as the Protection and Advocacy for Individual Rights (PAIR) program or the Client Assistance Program (CAP).*

**Advance Directives:** If you frequently seek and use mental health services, you may want to establish an advance directive. There are two general types of advance directives: instructional, such as living wills, and proxy, such as durable power of attorney. Each directive is a legal document that lets you describe what services you want to receive if an illness renders you unable to make decisions about your care. For example, if you should require hospitalization, you might prefer a specific hospital or day treatment program. Instructions might include how you want to be treated if you become angry-for instance, to be in a quiet room rather than in restraints-or which medicines have proven helpful for you. Give a copy of the directive to your usual service provider(s) so that it can become part of your medical record. Share it with your family, friends, and advocates.

*Laws about advance directives vary from State to State. Work with a lawyer, paralegal, or advocate to write your advance directive.*

You may also designate a durable power of attorney. When you are not capable of making medical decisions, this person can make decisions on your behalf. Durable power of attorney is in effect as long as you cannot make health care decisions. You may revoke or change durable power of attorney at any time. To find out more about advance directives, contact your State's P&A office, Legal Aid Society, State consumer group, or your attorney.

**Right to Refuse/Informed Consent:** Informed consent refers to when a patient agrees to undergo or participate in a medical or surgical procedure, treatment, or study after learning what is involved. Informed consent requires that a person know and fully understand the risks and benefits of a certain treatment or procedure.

People generally have the right to consent to or refuse treatment. However, under certain conditions-such as when a person is considered a danger to self or others-he or she may be required to seek or receive treatment. This can include involuntary civil commitment, which can be for either outpatient or inpatient treatment, as well as forced medication. Laws about commitment vary by State. If you have questions about the commitment process in your State, contact your State P&A program or consumer or family organization.

**Managed Care: Rights and Grievance Procedures:** Many organizations have developed bills of rights for people with severe mental illness who are treated in a managed care setting. The Center for Mental Health Services (CMHS) has developed principles for managed care treatment. The Consumer Managed Care Network has developed similar principles. CMHS recommends that providers, managed care firms, and consumers consider these principles in their decision-making process.

Most managed care firms have a process for grievances and appeals. Participants may appeal a treatment decision, question payment decisions, or file complaints about providers and facilities. Each plan has its own procedure, which is available to plan participants.

**Confidentiality and Privacy:** Mental health providers agree to keep your meetings and what you discuss confidential. This means that what you say-as well as your diagnosis and treatment-cannot be disclosed to anyone, including family members, without your written consent.

The following list is a basic guide to some organizations that can help protect your rights. For more information on any of these issues-and on any aspect of mental illness-call the CMHS National Mental Health Services Knowledge Exchange Network (KEN).

## RESOURCES

National Mental Health Services  
Knowledge Exchange Network (KEN)  
P.O. Box 42490  
Washington, DC 20015  
Telephone: 800-789-2647  
Fax: 301-984-8796  
TDD: 301-443-9006  
E-mail: [ken@mentalhealth.org](mailto:ken@mentalhealth.org)  
<http://www.mentalhealth.org/>

American Bar Association  
Commission on Mental and Physical Disability Law  
740 15th Street NW, 9th Floor  
Washington, DC 20005  
Telephone: 202-662-1570  
Fax: 202-662-1032  
E-mail: [cmpdl@abanet.org](mailto:cmpdl@abanet.org)  
[www.abanet.org/disability](http://www.abanet.org/disability)

American Civil Liberties Union  
of the National Capital Area  
1400 20th Street NW  
Washington, DC 20036  
Telephone: 202-457-0800  
<http://www.aclu.org/>

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66738  
Washington, DC 20035-6738  
Telephone: 800-514-0301  
Fax: 202-307-1198  
TTY: 800-514-0383  
[www.usdoj.gov/crt/drssec.htm](http://www.usdoj.gov/crt/drssec.htm)

Judge Bazelon Center for Mental Health Law  
1101 15th Street NW, Suite 1212  
Washington, DC 20005-5002  
Telephone: 202-467-5730  
Fax: 202-223-0409  
<http://www.bazelon.org/>

National Alliance for the Mentally Ill  
Colonial Place Three  
2107 Wilson Boulevard, Suite 300  
Arlington, VA 22201-3042  
Telephone: 800-950-6264  
Fax: 703-524-9094  
<http://www.nami.org/>

National Association of Protection &  
Advocacy Systems, Inc.  
900 2nd Street NE, Suite 211  
Washington, DC 20002  
Telephone: 202-408-9514  
Fax: 202-408-9520  
TDD: 202-408-9521  
<http://www.protectionandadvocacy.com/>

National Empowerment Center  
599 Canal Street  
Lawrence, MA 01840  
Telephone: 800-769-3728  
Fax: 978-681-6426  
<http://www.power2u.org/>

National Mental Health Association  
1021 Prince Street  
Alexandria, VA 22314  
Telephone: 800-969-NMHA (6642)  
Fax: 703-684-5968  
<http://www.nmha.org/>

National Mental Health Consumer's Self-Help Clearinghouse  
1211 Chestnut Street, Suite 1207  
Philadelphia, PA 19107  
Telephone: 800-553-4539  
Fax: 215-636-6312  
E-mail: [info@mhselfhelp.org](mailto:info@mhselfhelp.org)  
<http://www.mhselfhelp.org/>

National Rehabilitation Information Center  
1010 Wayne Avenue, Suite 800  
Silver Spring, MD 20910  
Telephone: 800-346-2742 or 301-562-2400  
TDD: 301-495-5626  
Fax: 301-562-2401  
E-mail: [naricinfo@kra.com](mailto:naricinfo@kra.com)  
<http://www.naric.com/>

Note: These are suggested resources. It is not meant to be a complete list.