

**The intent of this educational document is to provide general information to individuals determined to have a Serious Mental Illness in Arizona's public behavioral health system regarding their rights while inpatient in a mental health facility. It is not intended as a substitute for individual guidance or advice. Additionally, the AHCCCS/DCAIR Office of Human Rights is not a law firm.**

## Your Rights -While You Are Inpatient

As a person determined to have a SMI, you have a number of rights. The Office of Human Rights educational document "Your Rights" outlines these and the Arizona Administrative Code Title 9, Chapter 21 lists them in full [apps.azsos.gov/public\\_services/Title\\_09/9-21.pdf](https://apps.azsos.gov/public_services/Title_09/9-21.pdf).

Rights related to being at an inpatient psychiatric facility include, but are not limited to:\*

- Right to wear your own clothing and to keep and use your personal possessions.\*\*
- Right to reasonable access to a telephone and the opportunity to make and receive confidential phone calls.\*\*
- Unrestricted right to send and receive uncensored and unopened mail and to be provided with stationary and postage in reasonable amounts.\*\*
- Right to visit and be visited by others.\*\*
- Right to give informed consent for medication (unless you are under a court order for treatment (COT) or due to an emergency, when staff can force you to take a medication - see Seclusion & Restraint section for more information).
- Right to be free from unnecessary or excessive medication.
- Right to be free from unlawful discrimination on the basis of race, creed, religion, sex or physical or mental disability.
- Right to be informed of your rights in a language and in terms you best understand.
- Right to be assisted (at your own expense) by an attorney or designated representative and the right to meet in private.

\*Unless you are under a general or limited guardianship - the court can leave some rights in place and take others away. Look at the specific court order on guardianship for details.

\*\*Keep in mind that the facility can place reasonable restrictions on these rights.

## Freedom from Abuse & Neglect and from Seclusion & Restraint

[\(R9-21-202 & 204\)](#)

### Abuse & Neglect

- Staff must protect you from abuse (physical, mental and verbal), neglect, exploitation, mistreatment and commercial exploitation.
- Staff cannot use corporal punishment or unreasonable force.

### Seclusion & Restraint

- You can only be secluded (placed in a room from which you are not allowed to leave) and/or restrained (tied down with straps or physically held or given medication to control behavior/restrict movement temporarily) under limited circumstances.
- You have the right to be free from seclusion or restraint unless you are in immediate danger to yourself or others.
- Before being placed in seclusion or restraint, staff must try all less restrictive, reasonable, and available alternatives.
- Seclusion or restraint can never be used as a convenience for staff or to discipline, coerce, or retaliate against you.
- While in restraint or seclusion, staff must monitor, personally examine you every 15 minutes and give meals and bathroom breaks as needed.
- You must be released from seclusion or restraint as soon as the immediate danger to your safety or safety of others is over.

## Court Ordered Evaluation & Treatment

[\(R9-21-211 & 501-506\)](#)

In Arizona, the law allows a person to be held against his or her will for mental health evaluation (COE) or treatment (COT), if the person is, due to mental illness:

- A danger to self (DTS),
- A danger to others (DTO),
- Gravely disabled: unable to care for basic needs (GAD),
- Persistently or acutely disabled (PAD): likely to suffer severe mental or physical harm because of impaired judgment caused by a mental health condition (PAD)

If you are inpatient under COE/COT, you must be given the option of being evaluated and/or treated voluntarily unless a court has ordered otherwise.

Other rights while inpatient under COE/COT:

- You have the right to an independent evaluation.
- You have the right to an attorney to defend you in the COT process.
- You have the right to a hearing before being court-ordered for treatment at which you have a right:
  - To be present and to testify
  - To present evidence & question other witnesses (usually done by your attorney)
- When under COT, you have the right to request a judicial review every 60 days.

## Discharge Planning (ITDP)

[\(R-9-21-312\)](#)

- Every individual with a SMI at an inpatient facility must have an Inpatient Treatment and Discharge Plan (ITDP), also known as “discharge plan.”
- The ITDP must be developed **with your fullest participation** and with participation from any designated representative and/or guardian.
- The facility treatment team, you, your outpatient case manager, and other team members shall develop a preliminary ITDP within three days and a full ITDP within seven days after your admittance to the facility.
- The ITDP meeting shall include discussion of the following: review of your Individual Service Plan’s (ISP) long term view, current goals & objectives, your preferences regarding services, services that need to be in place before discharge.
- The ITDP must be consistent with your needs, strengths, goals, and preferences for services.
- When done correctly - with your fullest participation - the ITDP will list specifically what you need and will help make sure you get the services you need to help you in your recovery.
- You can choose to accept or reject all or a part of the ITDP.
- If you are **not in agreement with the discharge plan (ITDP)** & you and the team do not find a solution, **you can file an appeal.**
- The case manager shall meet with you within five days after discharge to ensure that the plan is being implemented.

## Self-Advocacy While Inpatient

You can advocate for yourself in several ways while you are at an inpatient facility.

It is very important that you attend your Inpatient Treatment and Discharge Plan (ITDP or discharge plan) meeting(s) and give your input. If you have not had a meeting, you can ask staff to schedule one.

If you have a question or a concern about your treatment, talk with the social worker, nurse or patient advocate at the facility and explain the issue in detail. Work with them informally to find a solution.

You can call OHR for assistance in understanding, exercising & protecting your rights.

If that does not work, consider doing any of the following:

- File a complaint with the appropriate Health Plan or Regional Behavioral Health Authority (RBHA) Customer Service or contractor.
- If you are not happy with the discharge plan and/or services planned, file an appeal with the Health Plan or RBHA. It is best to file in writing using the SMI Appeal/Grievance form (ask staff for the form or see our website) with details about what you need ([R9-21-401\(A\)](#)).\*
- If your issue involves a possible rights violation, file a grievance with the Health Plan or RBHA. It is best to file in writing using the SMI Appeal/Grievance form (ask staff for the form or visit our website) with details about the rights violations and what solution you want ([R9-21-403](#)).
- Remember that staff cannot retaliate against/punish you for reporting concerns or rights violations or for filing an appeal.

## AHCCCS CONTACTS AND RESOURCES

### RESOURCE LINKS

AHCCCS Medical Policy Manual (AMPM) <a href="https://www.azahcccs.gov/shared/MedicalPolicyManual/">https://www.azahcccs.gov/shared/MedicalPolicyManual/</a>
AHCCCS Contractors Operating Manual (ACOM) <a href="https://www.azahcccs.gov/shared/ACOM/">https://www.azahcccs.gov/shared/ACOM/</a>
Arizona Administrative Code (R9-21) <a href="https://apps.azsos.gov/public_services/Title_09/9-21.pdf">https://apps.azsos.gov/public_services/Title_09/9-21.pdf</a>

### AHCCCS/DCAIR OFFICE OF HUMAN RIGHTS

OHR Main Office Phone:  
 602-364-4585 or 800-421-2124 (toll free)  
 Email: [OHRts@AZAHCCCS.GOV](mailto:OHRts@AZAHCCCS.GOV)  
 Mail: 801 E. Jefferson St.  
 Phoenix, AZ 85034 MD 4200

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### AHCCCS CLINICAL RESOLUTION UNIT

602-364-4558 or 800-867-5808

### LONG TERM CARE HEALTH PLANS (PROGRAM CONTRACTORS)

<b>Banner – University Family Care LTC</b> Customer Service 1-833-318-4146 <a href="http://www.bannerufc.com">www.bannerufc.com</a>	<b>Mercy Care LTC</b> Customer Services 1-800-624-3879 <a href="http://www.mercycareaz.org">www.mercycareaz.org</a>
<b>United Healthcare LTC</b> Customer Service 1-800-293-3740 <a href="http://www.uhccommunityplan.com">www.uhccommunityplan.com</a>	<b>Department of Economic Security/                  Division of Developmental Disabilities (DES/DDD)</b> Customer Service 1-800-770-9500 <a href="http://www.azdes.gov/ddd/">www.azdes.gov/ddd/</a>

### REGIONAL BEHAVIORAL HEALTH AUTHORITY (RBHA) HEALTH PLANS

<b>Arizona Complete Health - Complete Care Plan RBHA</b> Customer Service 1-888-788-4408 <a href="http://www.azcompletehealth.com/completecare">www.azcompletehealth.com/completecare</a>	<b>Mercy Care RBHA</b> Customer Service 1-800-564-5465 <a href="http://www.mercycareaz.org">www.mercycareaz.org</a>	<b>Health Choice Arizona RBHA</b> Customer Services 1-800-322-8670 <a href="http://www.healthchoiceaz.com">www.healthchoiceaz.com</a>
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