

## Know Your Rights

If you or a loved one are receiving mental health or substance use services, it is important to know your rights. This fact sheet provides a general overview about some of the rights for people receiving behavioral health services.

These rights are in addition to any other rights given by Federal and state law and the U.S. Constitution. If you have questions about your rights or nondiscrimination laws, you can check the resources provided below.

### **What to Do If You Believe Your Rights Are Being Ignored or Not Respected:**

1. Talk with your healthcare provider or facility's patient advocate, if available.
2. Report the problem to the right oversight agencies, including your state's [Protection and Advocacy Systems and Client Assistance Programs](#)
3. Contact your local peer or family organization. Find a [Family Run Organization](#) or email [info@fredla.org](mailto:info@fredla.org)
4. Contact a lawyer or other legal rights organization for help.



**Contacts You Can Reach Out to If You Want to Report Possible Rights**

**Violations:**

1. State oversight agencies work to make sure that people get good and safe healthcare by checking on hospitals, clinics, providers, and some healthcare workers to make sure they follow the rules and provide quality care.
  - a. Contact: **Online-** [Filing a Complaint with the State Survey Agency](#)
  
2. Ombudsman services help people receiving care in long-term care settings by empowering, supporting, and helping to solve any issues related to care in long-term care facilities.
  - a. Contact: **Online-** [Long-Term Care Ombudsman Programs](#)  
**By Phone:** Call 800-677-1116
  
3. The Protection and Advocacy for Individuals with Mental Illness (PAIMI) program helps to protect and advocate for the rights of adults with mental health conditions and children and youth with emotional conditions through making sure that the laws in the Constitution, and at Federal and State levels are followed. To Find Your State Protection and Advocacy System, visit the National Disability Rights Network (NDRN).
  - a. Contact: **Online-** Find your State [Protection and Advocacy Systems and Client Assistance Programs](#)



If you want to learn more about the rights of people on Medication-Assisted Treatment, check out this resource [Know-Your-Rights-Brochure.pdf \(samhsa.gov\)](#)

Other non-discrimination laws, such as the [Americans with Disabilities Act](#), can help make sure you are treated fairly in various places like school, work, and where you live.

There are more government offices that work to make sure nondiscrimination laws are upheld such as the U.S. Department of Education, the U.S. Department of Housing and Urban Development, the U.S. Department of Justice, the U.S. Department of Agriculture, and the Equal Employment Opportunity Commission. You can find their details and how to reach them here: [Civil Rights Enforcement through Other Agencies | HHS.gov](#).



The following lists rights afforded within the [Protection and Advocacy for Individuals with Mental Illness Act](#) (42 USC Ch. 114 §10841 ). In general, these rights include:

- A. The right to get the treatment you need in a setting and way that supports your personal liberty and restricting such liberty only to the extent for treatment needs, requirements of applicable law, and ordered by a court.
- B. The right to your own written plan for treatment, and you can ask to change it if needed.
- C. The right to help plan your mental health services and to understand:
  - i. What is going on with your mental health.
  - ii. What the treatment aims to do.
  - iii. What unwanted reactions might happen if you get the recommended treatments.
  - iv. Why a certain treatment is chosen.
  - v. Why some visitors may not be allowed.
  - vi. Other options for treatment that you can consider.
- D. The right to say “no” to a mode or course of treatment if you did not freely agree in writing to it, except during an emergency situation or under applicable law if ordered by a court.
- E. The right to not be part of alternative treatment experimentation if you do not want to unless you say it is okay in writing. If you change your mind later, you have the right to revoke such consent.
- F. The right to not be isolated or held down, also known as, seclusion or restraint, except during an emergency or part of your treatment that is documented by written order of a responsible mental health professional in charge.
- G. The right to be in a safe and caring place where you are protected from harm and where your privacy is respected when it comes to your personal needs.
- H. The right to keep your treatment records private, even after you finish or leave the place of treatment. It is important to know that your information is kept confidential to protect your privacy.
- I. The right to ask for and get your mental health care records when you want to see them or if you need them.
- J. The right, if you are staying in hospital or residential care, to talk with others privately, to have access to the phone and mail easily, and to see visitors during set visiting hours unless a treating mental health professional had ordered it for treatment purposes, provides written explanation and terms in your treatment plan and informs you about why a specific visitor is not allowed.
- K. The right to be told about your rights described in this document clearly when you first arrive and from time to time after that, in words that you can easily understand. This includes knowing your rights according to the laws of your state.



- L. The right to speak up if you feel your rights are not being respected. Your concerns should be listened to fairly, quickly, and through a fair process set up by the program or place you are receiving treatment in.
- M. The right to talk privately with any available rights protection program in the setting you are in, to the rights protection service within the state mental health system, and to groups created to protect people with mental health conditions, along with qualified advocates.
- N. The right to get help understanding and protecting your rights without facing any punishment, like being denied any acceptable and available treatments you need.
- O. The right to be recommended to other mental health providers when you leave.



You can also report possible problems with emergency medical care. If you want to learn more, please visit the [Emergency Medical Treatment and Labor Act \(EMTALA\)](#).



Knowing your rights can help ensure you receive fair treatment and support. Anti-discrimination laws protect people with disabilities, including mental health and substance use conditions, while promoting inclusion, equity and respect for all individuals.