

PATIENT RIGHTS HANDBOOK

**As a person served
by PORT Health Services,
your rights are guaranteed by law.**



Unless you have been declared incompetent by a court of law, you have the same basic civil rights as other citizens. These rights include, but may not be limited to, the right to buy or sell property, sign a contract, register and vote, sue others who have wronged you, and marry and get a divorce. All patients have the right to social integration, self-governance groups and treatment in the least restrictive, most appropriate environment and access to self-help and advocacy support services. You also have other rights guaranteed by North Carolina General Statute 122C, Article 3, including the right to dignity, privacy, humane care, and freedom from physical and mental abuse, neglect, and exploitation.

It is our responsibility to give you or your legally responsible person a written summary and a verbal explanation of your rights within your first three visits or within your first 72 hours if you are in a 24-hour facility or program.

1. You have the right to an individualized service plan.

You have the right to live as normally as possible while receiving care and treatment. You have the right to treatment, including access to medical care and habilitation, regardless of age and degree of MH/DD/SA disability. You have the right to a written service plan based on your individual needs and a right to take part in developing and periodically reviewing your plan. You also have the right to receive a copy of your treatment plan from your therapist or by requesting a copy from the front office of the clinic you receive services.

2. You have the right to refuse treatment (unless it is an emergency, your treatment is court-ordered, or you are a minor and your parents have given permission for your treatment).

Before you agree to your treatment plan, you will be informed of the benefits and risks involved in the services you will receive. You have the right to consent to treatment and may withdraw your consent at any time. If you have asked to receive services, you always have a right to agree to or refuse any specific treatment. It is possible for all treatment options to be exhausted due to a patient's continued refusal of treatment. If this happens, it may be necessary to terminate treatment.

3. You have the right to be informed about medications.

If and when medication is needed, you have the right to receive it in the lowest therapeutic dose possible. All medication must be administered upon the written order of a physician, in accordance with accepted medical standards. You must be informed of the risks, benefits, and alternatives to any prescribed medication or procedure and cannot be treated with experimental drugs or procedures without your written permission. Medication shall not be used for punishment, discipline or for staff convenience. You may refuse to take prescribed medication and if this occurs, you will be informed of the risks associated with refusing.

4. You have the right to know your treatment costs.

Payments will be discussed upon your first visit. We accept self pay, most private insurances, Medicaid, and Medicare. Please check with your insurance provider to verify your benefits.

If you need services your insurance will not pay for, please ask us about other options in regard to funding services. Insurance cards are to be presented upon each appointment. If your payer source changes, you need to notify us immediately. Authorization has to be approved through the payer source, which then will designate units of services available to you.

5. You have the right to confidentiality.

The confidentiality of your care and treatment is protected by law. Unless required by law, your records and other information about you will not be released without your written permission. If you give your permission, we may share information about you with any person/agency that you name. We may share information about you without your consent in the following circumstances:

- If it is in your best interest, your next of kin may be informed that you are a patient according to NC GS 122C-55
- Minimum information necessary may be disclosed for coordination of care and services according to NC GS 122C-55.
- A patient advocate may review your record when assigned to work on your behalf;
- In response to a court of law issuing an order compelling us to release your records
- Our agency attorney may need to see your record because of legal proceedings.

- Another public agency may need to receive information from your record when your care is transferred;
- If you become imprisoned, we may share your record with prison officials.
- In an emergency, another professional who is treating you may receive your record.
- A responsible professional may disclose an advance instruction for mental health treatment to a physician or other qualified professional when determined that disclosure is necessary to provide treatment according to the advance instruction.
- If we believe that you are a danger to yourself or others, or if we believe that you are likely to commit a crime, we may share information with law enforcement officials.
- All instances of suspected or alleged abuse, neglect, or exploitation of patients and/or children of patients shall be reported to the local Department of Social Services as mandated by NC laws.

Special rules may apply if you are a minor, if you have a legal guardian, or if you are receiving treatment for substance abuse. You have the right to see your own records except under certain circumstances as specified by law and have the right to have these circumstances explained to you.

6. You have the right to privacy.

You have the right to be free from unwarranted (unnecessary) invasion of your privacy. When you are admitted to a 24-hour facility, staff may search you and your belongings to prevent dangerous or illegal substances from being brought into the facility. The facility itself may be searched if staff has reason to believe that dangerous or illegal substances are present. Within certain guidelines, staff may also search patients who are minors. Each program component has specific procedures relating to search and seizure. These procedures will be explained to you when you enter a program.

7. You have the right to be informed of the rules.

You have the right to be informed of the rules you are expected to follow in a particular program or facility. You must also be informed of possible penalties for violating those rules and this information must be provided to you when you enter a program. You have the right to be free from threat or fear of unwarranted suspension or expulsion from our programs and services. If you are discharged from a program or facility, you are entitled to a copy of your discharge plan.

8. You have the right not to be harmed, abused, neglected or exploited.

At the time of admission to a specific program, you will be informed of the types of interventions which are approved for use in that program. None of our programs are allowed to administer any potentially painful procedure or stimulus to reduce the frequency or intensity of a behavior. At no time is corporal punishment allowed! All of our staff must protect patients from harm and report any suspected or alleged abuse, neglect, or exploitation.

In an emergency situation, if your behavior is dangerous to yourself or others, or if we determine – based on very strict rules and guidelines – that it is necessary for your care, our approved trained staff may utilize an intervention that is aimed at protecting the health, safety and well-being of yourself and others. The gravity of some emergencies may require law enforcement assistance or the initiation of involuntary commitment procedures.

Strict compliance with regulations is also necessary when interventions such as non-exclusionary time-out, withdrawing or delaying access to possessions, taking away items, halting scheduled activities, or overcorrection are used.

9. You may have the special right to residential continuity of care if you have a developmental disability.

If your primary need is related to the fact that you have a developmental disability and are placed in a residential facility, you are entitled to assistance in finding another place to live if your original placement can no longer serve you. This right exists unless you have broken the rules you agreed to follow, or if we offer another place that can meet your needs and you refuse that offer. The facility must give you and your legal guardian 60 days advance notice if it intends to discharge you. This right does not apply, however, if you live in a privately operated ICF-MR/DD facility.

10. You have the right to make a complaint or grievance.

PORT Health Services strives to provide high quality, appropriate services to all of our patients, in an atmosphere of mutual respect and dignity. Any problem presented by or on behalf of a patient is taken seriously. Our goal is to solve all problems brought to our attention at the lowest, most informal level possible. By solving problems where they begin, we can assure that the necessary changes are made to improve services for all of our patients and stakeholders. Every effort is made to resolve problem situations to the mutual satisfaction of everyone involved, while assuring that professional standards of care are maintained. PORT Health Services will also provide Spanish and sign language interpreters upon request, to assist with problem resolution. Formal complaint procedures and forms are also readily available to patients at all program locations. Patients can also submit their complaints electronically by using the company's web site, <http://www.porthalthservices.org/qi.asp>.

PROCEDURE

If there is a problem with any interaction between a patient and PORT Health Services, the **patient, patient's advocate, legal guardian, or other stakeholder** should:

- A. Discuss the issue with the staff person involved and/or fill out a Complaint form. This could be a therapist, a nurse, someone at the front desk, someone in the business office, etc. If the problem is not resolved, then
- B. Call the Program Supervisor. The Program Supervisor will obtain the information about the situation and, within 24 hours, start the investigation.
 - 1) Within five business days, the supervisor and/or manager will complete the investigation, documenting the findings.
 - a. If the problem is resolved, the findings are returned to the Compliance-QI Manager.
 - b. If the problem is not resolved, the Compliance-QI Manager will be notified.
 - 2) Within five business days, the Compliance-QI Manager will review the documentation and complete an investigation. These findings are also recorded. If the problem is not resolved, all documentation is sent to the Chief Executive Officer (CEO).
 - 3) Within five business days, the CEO will review all documentation and make a decision. The CEO may ask to speak with any of the parties involved in the problem prior to making a decision. The CEO, through the Compliance-QI Manager, will notify the patient/advocate in writing of the decision.
 - 4) The CEO's decision is final, unless the problem is a patient rights issue or involves a Medicaid recipient's appeal of a change in covered service.
 - 5) If the problem is a patient rights issue and it is not resolved, the CEO forwards all documentation to the Compliance-QI Manager for presentation at the next Patient Rights Committee meeting. Patient Rights Committee meets at least quarterly or more often as needed. Patient rights issues include, but are not limited to, not getting the appropriate treatment, confidentiality concerns, discrimination, unfair treatment, etc. Any Medicaid recipient who disagrees with PORT Health Services' decision to change his/her covered service(s) may make Medicaid appeals.
 - 6) The Compliance-QI Manager will ensure that the problem is reviewed at the next Patient Rights Committee meeting by:
 - a. Placing the problem resolution on the agenda, and
 - b. Scheduling all involved parties to make brief (15 minutes or less) presentations to the committee if they so choose.
 - 7) After the presentations (if any) and the review of all documentation, the committee will retire into closed session to make its decision.
 - 8) The Compliance-QI Manager will notify all parties of the committee's decision, in writing, within two business days of the meeting.
 - 9) If the problem is corrected at any time during the process, the patient/advocate will be asked to sign a statement indicating that the problem was resolved and how it was done.
 - 10) The following documentation shall be kept by the Compliance-QI Manager:
 - a. Description of the problem
 - b. Name of staff members involved
 - c. Resolution
 - d. Reviewed by the QI and Patient Rights Committee
 - e. Identification of any system, policy, and/or procedures that need to be modified in order to avoid future problems.

Any patient/patient advocate that files a complaint will not result in retaliation or barriers to services.

11. You have additional rights if you are in a 24-hour facility:

When you receive care in a 24-hour facility or program, you have additional rights. You must be informed of these rights within 72 hours after entering the program.

- You have a right to dignity, privacy, and humane care.

This includes access to a daily bath or shower, a daily shave, the services of a barber or beautician, articles for personal grooming and hygiene, and bathtubs, showers and toilets which ensure privacy and are adequate for patient with mobility impairments. The facility must try to provide a quiet atmosphere for sleep during scheduled sleeping hours and are accessible to you for periods of personal privacy.

You may decorate the room in which you reside, within reasonable limits. The facility will make every effort to protect your personal clothing and possessions, including assisting you to keep an inventory, if you desire. If you remain in a 24-hour facility for more than 30 days, the facility shall encourage and assist you to place your money in outside accounts or follow agency procedure for internal personal account funds.

For Adults in 24-hour facilities:

- Certain rights that may not be restricted: Adults have the right to contact and communicate with a lawyer, personal doctor, or other private professionals at their own expense; contact and consult with a patient's advocate; send and receive sealed mail and have access to postage, writing materials and staff assistance; and receive necessary medical treatment if sick (however, the patient or patient's insurance may be billed for medical care beyond the facility's regular service).

- Some of your rights may be restricted by a qualified professional for reasons related to your care or treatment.

When your rights are restricted, the reasons must be written in your service plan and reassessed at least weekly. The restriction must be removed after 30 days unless there is a reason for it to be renewed. If and when your rights are restricted, you have the right to have an advocate or someone else of your designation notified of this. Rights which may be restricted include your right to make and receive confidential phone calls (including long distance calls at your expense); visiting hours for six hours daily (between 8a.m.-9p.m., with two of the hours after 6p.m.); communicate and meet with others under supervision; make visits outside the facility unless prohibited by court order; be out of doors daily, have access to physical exercise and activity daily; keep and use personal possessions and clothing except as prohibited by law; have access to reasonable sums of your own money; retain a driver's license; and have individual storage space.

For Minors in 24-hour facilities:

- Some certain rights may not be restricted. These rights must be explained to you within 72 hours of entering the 24-hour facility.

Minors are entitled to the same rights as adults, except that a minor's right to send and receive mail and have access to postage; writing materials and staff assistance may be restricted. Minors are additionally entitled to communicate and consult with parents, guardians, or legal custodians.

- You have the right to proper adult supervision and guidance; receive appropriate educational services and vocational training; opportunity for normal physical, emotional, intellectual and social maturation; appropriate structure, supervision, and control consistent with rights; and treatment apart and separate from adult patients, where practical and not in conflict with his/her needs.

PROGRAM POLICIES

- **Seclusion or Restraint:** PORT Health Services does not use seclusion. Emergency interventions are only used on an emergency basis. Emergency intervention is used if:
 - A. Patient is a danger to self.
 - B. Patient is a danger to someone else.
 - C. Patient is damaging property due to his/her destructive behavior.

It is not our policy to seclude or restrain. We only do so if you try to hurt yourself, someone else, or are damaging our property.



- Smoking: No smoking or the use of other tobacco products will be allowed inside the building.
- Illegal drugs: No illegal drugs can be used inside/outside the facility.
- Weapons: No firearms, weapons, ammunition, firecrackers, or other explosives are allowed in program facilities or on the grounds.
- Bringing medications to the program: You may bring your medications with you to the program in their original containers only if requested by a PORT Health Services physician or nurse. Keep them in your possession and out of sight at all times and hand them to PORT clinical staff only.

PURPOSE AND PROCESS OF ASSESSMENT

Purpose:

1. Assess needs of the patient. To find out what you need from us.
2. Gather patient information for the purpose of developing the initial service plan, organizing interventions, general data gathering, fee setting, and patient registration. To get information about you so that we can give you the best possible care.

Process:

1. Screening (We must make sure that you need us to care for you.)
2. Admission Assessment (Ask you questions about your life and how you feel today.)
3. Consent for Treatment (We need for you to sign papers saying that we can care for you.)
4. Program Specific Assessment

TREATMENT PLAN

1. The treatment plan is created during the first patient interview.
2. The treatment plan is person-centered and specific to your needs.
3. The treatment plan contains needs and preferences of the patient as well as goals and objectives for the patient.
4. The treatment plan is reviewed frequently to assess progress.
5. In creating the treatment plan, it is important for the patient to participate.
6. Goals must reflect the areas in which the patient has agreed to work
7. Treatment plans are a combination of therapist and patient preferences, goals, and ideas.

TRANSITION OR REFERRAL

It is the policy of PORT Health Services to make sure that transitioning and referral of patients is a smooth process. We will ensure that the needs of the patient are met through effective planning across departments. Services will not be overlooked and there will be an effective and practical plan made for each patient in transition. If while you are in our care, we find that you need other services, we will help you get them. We will follow up on all patients and document these findings in the medical record (See program specific manual).

HOURS OF OPERATION AND ACCESS OF AFTERCARE SERVICES

Regular business hours are from 8am to 5pm, Monday through Friday. Residential and Detoxification Programs are open 24 hours. If services are needed after 5pm Monday-Friday or on weekends, please call (252) 413-1637. We will be glad to help you. If you have an emergency or crisis after 5pm Monday-Friday or on weekends, please call (252) 413-1637 or 1-866-488-7678.

SERVICES AND ACTIVITIES

PORT Health Services provides a continuum of care; please refer to the program manuals that are made available upon request.

CODE OF ETHICS

It is the policy of PORT Health Services' Employees, Board Members, Volunteers and Students to adhere to a Code of Ethics developed to ensure the highest standards of professionalism and quality of care. The Code of Ethics adheres to best practices and the highest professional standards. PORT Health Services shall ensure that it is consistent with federal, state and local law and policy and consistent with the requirements of all relevant accreditation bodies and professional licensure requirements. You may view the Code of Ethics upon request.



PLEASE NOTE:

- You will receive a copy of the rules of the program that you are participating in.
- For any issues concerning service coordination, please contact Chief Clinical Officer at 252-830-7540.
- If you have questions or want to file a complaint, please contact PORT Health Services Compliance-QI Manager.

PORT Health Services

Attn: Compliance-QI Manager
154 Beacon Drive, Suite I
Winterville, NC 28590-7860
Phone: 252-353-1114 Fax: 252-353-1119

Disability Rights NC is a statewide agency is designated under federal and state law to protect and advocate for the rights of persons who have disabilities.

Disability Rights NC

3724 National Drive, Suite 100
Raleigh, NC 27612
Phone: 1-877-235-4210 or 919-856-2195 Fax: 919-856-2244
TTY: 1-888-268-5535
Email: info@disabilityrightsn.org

Or you may contact the:

NC Division of MH/DD/SAS

Advocacy and Customer Service Section
3022 Mail Service Center
Raleigh, NC 27699-3022
Phone: 919-715-3197

TO OUR PATIENTS: How to Help Us Serve You Better....

It is our pleasure and privilege to serve you and your family. We can best assist you if you will help us in the following ways:

- Keep appointments and attend activities that are part of the plan for your care.
- Call us as soon as you know you cannot keep an appointment.
- Know and understand that you have a choice about your treatment and services!
- Actively participate in your treatment planning and goal setting.
- Speak up if you would feel more comfortable receiving services with another one of our staff. Tell your therapist or someone at the front desk, or another staff with whom you feel comfortable if you would like to change therapists.
- Tell us about all other care you are receiving from other sources.
- Bring all of the medicine you are taking to your medical appointments, and let us know when any of your medications change.
- Tell us whom to contact in case there is an emergency.
- Let us know when there are changes in your name, address, telephone number, financial status or insurance/third party billing information.
- Respect the rights and confidentiality of our other patients served.
- Please do not bring weapons, illegal drugs, or alcohol to any of our programs or facilities.
- Let us know how you feel about the services you have received by filling out our satisfaction surveys that are provided for you at each of our facilities, this helps us with the quality of care and lets us know about your achievements and disappointments.
- Payment/co-pay is due at the time of service.