



*Le Chris*TM

"All Things Are Possible"

CONSUMER



RIGHTS



RIGHTS FOR ALL CITIZENS UNDER THE UNITED STATES CONSTITUTION & STATE LAW

Individuals receiving services within any community behavioral healthcare program have certain rights that are protected by federal and state law. Le'Chris is committed to protecting the human rights of all the persons we serve.

WHAT IS A RIGHT? A right is something you can do – by law.

WHAT IS A RESPONSIBILITY? A responsibility is something that you agree to do to the best of your ability.

WHAT IS INFORMED CONSENT? Making decisions after considering all available options is called “informed consent.” Except during an emergency, informed consent is always your right. Before you give your approval for any service or treatment, be sure you have all of the information you need. This right is based on the idea that you are the person who best knows what works for you.

WHAT ARE RIGHTS RESTRICTIONS? Rights restrictions limit or take away a person’s right to do something. This does not mean that rights can never be restricted. Le'Chris restricts a person’s rights only as a last resort and only after other positive behavioral supports have been tried and have failed.

Rights restrictions can not and should not be imposed without safeguards to protect those rights and must be a part of your Person-Centered Plan. The Client Rights Committee at Le'Chris must approve any restrictions before they are used, except in emergency situations. In addition, all rights restrictions must be time-limited and reviewed periodically by a qualified professional.

WHAT IS DUE PROCESS? Before a consumer's rights can be restricted, due process must be in place. Due process is a set of safeguards to protect individual rights. The type and extent of due process used depends on which rights are being restricted. The greater the impact a restriction will have on a consumer's life, the greater the requirement for review and protection.

A consumer's participation in the decision-making process is an important part of due process.

When considering rights restrictions, the following guidelines must be followed:

- The consumer's need
- Restrict only specific rights
- Use the least amount of restriction possible
- Obtain consent and approval
- Plan for periodic review and reinstatement of rights
- Inform the consumer what is required to have the rights reinstated



YOUR RIGHTS ARE GUARANTEED BY LAW

North Carolina laws protect the rights of consumers receiving mental health, developmental disabilities, or substance abuse services. Le'Chris adheres to these rights which can be found in North Carolina General Statutes 122C, Article 3.

CIVIL RIGHTS: Unless you have been declared legally incompetent by a court, you may exercise all of your civil rights. This means that you:

- May buy or sell property
- Make purchases
- Register and vote

- Marry and divorce
- Bring civil actions
- Enter into contracts
- Sign legal papers

It is the responsibility of Le'Chris to inform you of your rights prior to the beginning of service delivery or at initiation of service delivery. At that time, program-specific rules will also be explained.

BASIC HUMAN RIGHTS: It is the policy of Le'Chris to assure your basic human rights are protected. These include your right to:

- Dignity
- Privacy
- Humane care
- Freedom from abuse, neglect, financial or other exploitation, retaliation and or/humiliation
- Right to treatment, including access to medical care and habilitation, regardless of age or degree of mental illness, developmental disabilities, or substance abuse.



THE RIGHT TO AN INDIVIDUALIZED PERSON-CENTERED PLAN

You have the right to take part in the development and periodic review of your individualized Person-Centered Plan. This plan must be in use no later than 30 days after you begin receiving services. You have the right to request a copy of this plan.

You have the right to receive services in the least restrictive environment possible appropriate for your age and situation.



THE RIGHT TO BE INFORMED ABOUT MEDICATIONS

If medication is a part of your plan, only a physician will prescribe necessary medication. You have the right to know the risks, benefits, and alternatives to medication. It is your right to refuse medication, but you will be informed of the risks of doing so.



THE RIGHT TO ACCEPT OR REFUSE TREATMENT

You will be informed of the benefits and/or risks involved in the services you will receive before you consent to your Person-Centered Plan.

You have the right to withdraw this consent at any time and refuse treatment. You will be informed of the risks of refusing treatment.

There may be situations where you are at risk to yourself or others. In these situations, you may be legally required to receive services.

THE RIGHT TO BE FREE FROM UNJUSTIFIED SUSPENSION OR EXPULSION



Every consumer should be free from the threat or fear of unjustified suspension or expulsion from a program. Suspension or expulsion will only occur upon recommendation of the consumer's Person-Centered Planning team and only after review and agreement by the program director.

****Emergency services will never be denied to any consumer****



THE RIGHT TO CONFIDENTIALITY

The Health Insurance Portability and

Accountability Act of 1996 (HIPAA) is the federal law that protects your private health information. The HIPAA law states that all medical records, treatment plans and any other information about you (including what you say or share) must be kept private. Anyone not involved in providing your care, including family members, must first obtain your or your guardian's permission before this information is provided to them.

Situations in which information can be shared include:

- If you give written permission, information may be shared with a person that you name
- In special situations, your next-of-kin or legally responsible person with a legitimate role in your services may receive certain information about your services. This information is shared only if it is in your best interest and has therapeutic benefit to you.
- A consumer advocate may review your record when assigned to work on your behalf
- The court may order the release of your records in situations such as involuntary commitment or guardianship proceeding
- Our agency attorney may need to see your record in special legal circumstances
- If your care is transferred, another mental health, developmental disability, or substance abuse facility may need to receive your files
- If you become incarcerated, the Department or Correction may need to view your files if they determine you need mental health, developmental disabilities, or substance abuse services
- In an emergency, another professional who is treating you may receive your records

- A physician or psychologist who referred you to Le'Chris may receive your files
- Le'Chris can share information with law enforcement if we believe you are a danger to yourself or others or if we believe that you are likely to commit a crime
- Special confidentiality rules may apply if you have a legal guardian, you are a minor, or you are receiving treatment for substance abuse
- When a minor is receiving treatment and the parents are divorced both biological parents may have access to their child's record unless parental rights have been terminated or the minor is receiving treatment for substance abuse or emotional distress without the parent's knowledge or consent. In these situations, parents are not allowed access
- Le'Chris is bound, by law, to report suspected abuse or neglect of minors to disabled adults to the proper authorities.
- Le'Chris may use or disclose protected health information in order to get payment or to pay for the health care services you receive.

THE RIGHT TO SEE YOUR OWN RECORD



If you wish to see your record, you have the right to do so under certain circumstances specified by law and according to Le'Chris procedures. You have the right to have those circumstances and procedures explained to you and your therapist or case manager must be present to answer any questions you may have.

THE RIGHT TO KNOW THE COST OF SERVICES



Fees for services will be discussed with you at your first visit. You have a right to request a listing of charges for services, and you may appeal the fee set by completing a request for reduction of fees. If you are covered by health insurance, you will need to contact the insurance company for specific information regarding your coverage. This includes co-payments, covered services, and other terms that may affect your reimbursement.



THE RIGHT TO PRIVACY

You have the right to be free from any unwarranted search of your person or property.



THE RIGHT TO BE FREE FROM UNNECESSARY PHYSICAL RESTRAINT AND PHYSICAL ABUSE

Authorized and trained staff may use restrictive interventions such as restraint, isolated time-out, or seclusion if it is an emergency situation and the individual's behavior is perceived as being dangerous to him/herself, to other people, to property or if it is determined that it is necessary for the consumer's care.

Safeguards must be in place when these interventions are used, and the recipient or their guardian has the right to request that a designated person be notified.

For your protection, there are very strict rules governing staff conduct when a restrictive intervention is used, and you have the right to refuse any planned restrictive interventions.

Law enforcement assistance or the initiation of involuntary commitment procedures may exist in some emergency situations. At no time is corporal punishment allowed.



YOU HAVE THE RIGHT TO:

1. Participate in appropriate social interactions.
2. Provide input in the program operations and rules to the extent possible depending on the length of your stay.
3. Choose a provider of your choice and have input into the makeup of the service delivery team
4. Concurrent services, meaning that you can choose one provider for one service and another provider for another service, as long as it is allowed by the clinical coverage policy.



THE RIGHT TO ADVANCED DIRECTIVES

If you become unable to decide for yourself, an advanced instruction for mental health treatment is a legal document that tells doctors and health care providers what mental health treatments you would or would not want. Should you be unable to make health care decisions for yourself, a designated person to make decisions for you must be (established as part of a Health Care Power of Attorney. You may contact the person in charge of your care for more information regarding advanced instruction.



THE RIGHT TO MEDICAID APPEAL

Working closely with the state, Le'Chris and our LME/MCOs oversee how services and supports are provided. It is your right to disagree with the decision made by Le'Chris to deny a request for services and reduce, suspend or terminate one of your current services.

If you receive Medicaid funding, Medicaid has an appeal process that follows Federal and State laws to help resolve disagreements.

It is the job of the LME/MCO to evaluate your treatment needs, and it is possible that an evaluation may determine that you will not benefit from a specific service that you request. It is also possible that an evaluation may determine that you are not eligible for a specific service. Evaluations may also determine that you are no longer in need of a service you are receiving.

When these decisions have been made, the LME/MCO must inform you in writing giving the reasons for the decision along with the laws that support your appeal rights and the appeal steps and deadlines.

YOU HAVE THE RIGHT to ACCESS and Referral to:

- Legal entities for appropriate representation
- Self-help support Services
- Advocacy support services.



YOUR RIGHTS IN A 24-HOUR FACILITY

When you are living in a 24-hour facility, you are guaranteed additional rights by North Carolina state law, the Division of Mental Health, and Developmental Disabilities and Substance Abuse Services. These rights must be shared with you prior to the beginning of service delivery or at initiation of service delivery.

At the time of admission, the staff may search you and your belongings to prevent dangerous or illegal substances from being brought into the facility. If there is reason to believe that dangerous or illegal substances are present, the staff may also search the facility.



YOUR RIGHTS AS AN ADULT LIVING IN A 24-HOUR FACILITY

You have the right to:

1. Prompt medical treatment when you are ill and for medical services for prevention of illnesses. Le'Chris may bill you or your insurance company for services beyond our regular service.
2. Send and receive mail.
3. Contact and consult your doctor, attorney, or other private professional. This will be at your own expense.
4. Make and receive phone calls. Long distance calls will be at your own expense. You have the right to privacy when making a telephone call and may ask others to leave the room.
5. Have visitors.
6. Make visits outside the facility unless special circumstances will not allow this.
7. Be outside daily and have access to physical exercise.
8. Keep and use your personal clothing and possessions. The staff will maintain an inventory of your belongings to prevent loss.
9. Participate in the religious worship of your choice.
10. Keep your driver's license (unless prohibited by law).
11. Have storage space for your own personal use.
12. Have privacy in the bathroom and have access to adaptive equipment, if needed.

13. Have the right to dignity, privacy and human care in provision of personal health, hygiene and grooming care. You will have the opportunity to shower or bathe and shave on a daily basis. If you cannot afford personal hygiene articles, Le'Chris will provide them for you.
14. Receive regular services of a barber or beautician.
15. Have a quiet atmosphere for uninterrupted sleep during scheduled sleeping hours.
16. Keep and spend a reasonable amount of your own money.
17. Decorate your room within reasonable limits.
18. Participate in community activities.
19. Attend your Person-Centered Planning team meetings and make suggestions concerning your care.
20. Help make the rules for your program.
21. Be free from unnecessary medication.
22. Receive a written discharge plan with recommendations for further services.



YOUR RIGHTS AS A MINOR LIVING IN A 24-HOUR FACILITY

You have the right to:

1. Adult supervision and guidance.
2. Access to opportunities to mature physically, emotionally, intellectually, socially and vocationally.
3. An appropriate level of structure, supervision and control.
4. Treatment separate and apart from adult service recipients.

5. Communicate with your parents or guardian or the individual having legal custody.
6. Special education and vocational training in accordance with federal and state laws.
7. Send and receive mail.
8. Make and receive confidential phone calls.
9. Receive visitors with parent/guardian approval.
10. Exercise out-of-doors daily.
11. Keep and use personal clothing and possessions except what is prohibited by law.
12. Participate in the religious worship of your choice.
13. Have storage space for your own personal use.
14. Have dignity, privacy, and humane care in the provision of health and hygiene care.
15. Keep and spend a reasonable amount of your own money.

RULES RELATING TO PERSONS SERVED



The following rules apply to all of the programs and services offered by Le'Chris. There may be additional rules with specific programs; those will be explained to you when applicable:

1. All Le'Chris programs and buildings have a smoke-free environment.
2. No weapons, drugs, or alcoholic beverages are permitted on Le'Chris premises.
3. If you are transported in the car of a Le'Chris employee, adults must wear seatbelts and children must be seated according to State and Federal laws.
4. Your failure to follow the rules may result in suspension or dismissal from a program.



YOUR RESPONSIBILITIES:

To help us protect your rights and provide you with the best services possible, we ask that you accept the following responsibilities:

1. You have the right to choose your treatment and service provider. Let us know who you prefer to see.
2. Provide a list of doctors that are providing care for you including a list of medications that you are currently taking.
3. Provide all the facts about the problems that bring you to us for help.
4. Do your best to follow your Person-Centered Plan and participate in the development of the plan.
5. Attend all activities that are part of your Person-Centered Plan.
6. Keep appointments. If you cannot keep an appointment, please call and let us know.
7. If you have Medicaid or Medicare, please bring your card each month so we can make a copy of it.
8. Let us know if you have a change of address, phone number, name, insurance or financial status.
9. Let us know if you have trouble making the payments that were agreed upon.
10. Be considerate of our staff and anyone else you may meet in our office.
11. Respect the rights and confidentiality of our other consumers.
12. Let us know how you feel about the services you receive and if you have a concern or complaint about your services.

Get Involved:

The success of the mental health, developmental disabilities and substance use service system relies on active participation from concerned individuals. As the person served or family member of a person served-- your contribution is important. There are a number of ways you can be involved:

- Participate in local consumer and family advisory committees.
- Serve on area LME/MCO and service provider boards.
- Participate in focus groups and provide feedback on policies and proposed rules.
- Participate in the development of monitoring tools that measures the quality of services.
- Become a peer support specialist.
- Serve on a rights committee.
- Advocate at local, state and national levels either individually or with an established group

If at any time you need assistance, just let us know!

THE RIGHT TO MAKE A COMPLAINT



A complaint is an oral or written expression of concern regarding your rights, the services you receive, or administrative issues that you believe are a problem. If you are not satisfied with your services, you have the right to make a complaint.

In North Carolina, the Division of Mental Health, Developmental Disabilities and Substance Abuse Services has created a statewide complaint process that is used by all LME/MCOs. By knowing your concerns, Le'Chris can determine whether our services need to be changed or how they can be improved.



If you are not satisfied with the services you receive from Le'Chris or believe you have been the victim of abuse, neglect of discrimination, you may talk to someone or write your concerns down. You may talk to any staff person, but we suggest that you start by talking to the person who provides your services. If you cannot do that, you may talk to that person's supervisor. You may also contact the Quality Management Director at 910-330-1810. If you prefer you can write or call the Le'Chris office that provides your services.

New Bern 252-636-6105	Wilson 252-243-2339
Greenville 252-353-8452	Morehead City 252-726-9006 office 252-726-9732 PSR
Elizabethtown 910-879-9996	Jacksonville 910-577-8200
Rocky Mount 252-443-0480 Office	Wilmington 910-772-2515 x 808 Day Tx

All grievances are taken seriously by Le'Chris staff and investigated thoroughly. You shall be informed that you will receive a call back within 72 hours with a progress report and/or a resolution at that time. A written response (as applicable) will be given to the complainant within five (5) business days identifying steps taken to resolve the complaint. If you are not satisfied with the way your complaint has been handled, you may contact the LME/MCO in your county:

Coastal Care	1-855-250-1539
ECBH	1-252-636-1510
Eastpointe	1-800-513-4002