

Behavioral Healthcare Providers

Patients' Bill of Rights and Responsibilities

Declaration

It is declared to be the public policy of the state that the interest of each patient be protected by a declaration of a patients' bill of rights, which shall include, but not be limited to, the rights specified in this document.

Definitions

For the purposes of this statement, "patient" means any person who receives mental health or substance abuse treatment on an outpatient, residential or inpatient basis, in a community support program or another community-based program involving a Behavioral Healthcare Providers (BHP) practitioner.

Information about rights

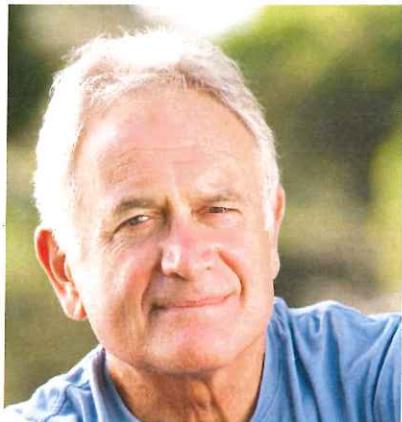
The patient has the right to receive information about BHP services and practitioners, clinical guidelines and patients' rights and responsibilities. Reasonable accommodation shall be made for those with communication impairment and those who speak a language other than English. A written statement of rights shall be available to patients, their guardians or chosen representative upon reasonable request to either BHP staff or a participating BHP practitioner.

Respect and privacy

Patients have the right to be treated with courtesy and respect for their individuality by BHP employees and practitioners providing services. Patients shall have the right to every consideration of their privacy, individuality and cultural identity as related to their social, religious and psychological well-being. Patients shall have the right to privacy as it relates to their mental health or substance abuse treatment.

Confidentiality of records

Patients shall be assured confidential treatment of their personal information and clinical record. The patient has the right to approve or refuse release of any individual information. This right does not apply to complaint investigations, where required by third-party payment contracts or as otherwise provided by law. (See *Release of Health Records and Confidentiality*)



Behavioral Healthcare Providers

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Visit our website at bhpcare.com to view a full copy of the Patients' Bill of Rights, or contact BHP by phone if you would like a paper copy mailed to you.

Information about treatment

Patients shall receive from their attending practitioner, complete and current information about diagnosis, treatment, alternatives, risks and prognoses as required by the practitioner's legal duty to disclose. This information shall be in terms and language that patients can reasonably be expected to understand. Patients may be accompanied by a family member or other chosen representative.

This information shall include the likely results of the treatment and its alternatives. This information shall be given to the patient, guardian or person designated by the patient and his or her representative when deemed advisable. Individuals have the right to refuse this information. Patients shall have the right to a candid discussion of the appropriate or medically necessary treatment options for their conditions, regardless of cost or benefit.

Participating in treatment planning

Patients shall have the right to participate in the planning of their mental health or substance abuse care. This right includes the opportunity to discuss treatment and alternatives with the participation of a designated significant other.

Grievances

Patients shall be informed and assisted throughout their course of treatment to understand and exercise their rights as patients. Patients may voice a grievance (complaint, appeal of decision). Patients will be allowed this right free of interference, coercion, discrimination, benefit restrictions or the threat of discontinued care. Members will be informed of the complaint or appeal process, as applicable. This information will include time frames, addresses and telephone numbers for processing a grievance within BHP and external resources, as needed.



Members' responsibilities in care

Members are responsible for providing, to the extent possible, information that BHP and its practitioners need in order to provide the most appropriate and beneficial care. They are responsible to participate, to the degree possible, in understanding their behavioral health problems and developing mutually agreed upon treatment goals. Members are responsible for following the plans and instructions for care that they have agreed upon with their practitioners.

Access to health records practices and rights

A healthcare practitioner or a person who gets health records from a practitioner may not release health records without a signed and dated consent from that patient. Sometimes the law makes exceptions.

Release of health records and confidentiality

Under Minnesota law, patients may review any information in their health records regarding diagnosis, treatment and prognosis. If a patient asks in writing, a practitioner must give the patient copies of the records or copies of a summary of the information in the record unless the provider has determined that the information is detrimental to the physical or mental health of the patient or is likely to cause the patient to inflict self-harm or harm another. If such a determination was made, the information can be given to another practitioner or appropriate third party. Minnesota statute sets a maximum charge for finding and copying records.

Release of health records without patient consent

In circumstances specified in statute, health record information may or must be released without the patient's consent. The following are some, but not all, examples:

- In a medical emergency
- When federal law requires it
- When someone receives a court order or federal grand jury subpoena requiring release of health information
- Under Minnesota law to the following persons or organizations for specific purposes:
 - Department of Health
 - Department of Public Safety
 - Department of Commerce
 - Department of Employee Relations
 - Department of Labor and Industry, insurers and employees in workers' compensation cases
 - Office of Mental Health Practices
 - Ombudsman for Mental Health and Mental Retardation
 - State fire marshal
 - Health boards
 - Community action agencies
 - Health professional licensing boards or agencies
 - Schools and childcare facilities (may transfer immunization records without consent)
 - Law enforcement agencies
 - Public or private post-secondary education institutions
 - Local welfare agencies
 - Medical examiners or coroners
 - Medical or scientific researcher
 - Minnesota Health Data Institute
 - Potential victims of threats of physical violence
 - Guardians or conservators of incompetent persons
 - Patients' legal guardians of a minor being treated where failure to inform could create serious health problems
 - Insurance companies and others paying for independent medical exams
 - Proxies, ombudsmen, attorneys-in-fact

If you have any questions or require information, call the Minnesota Department of Health at 651-201-5100.

Mental health declaration

What is a mental health declaration (also known as an advanced psychiatric directive)?

A mental health declaration is a paper signed by you and two witnesses explaining your wishes about intrusive mental health treatment. It only applies to electroshock therapy and neuroleptic medication. In the mental health declaration you can write down the types of intrusive mental health treatments you want or do not want.

Can I name someone to make a mental health treatment decision for me?

Yes. You can name any competent person age 18 or older to decide about intrusive mental health treatment if you become unable to make decisions for yourself. This person is called a proxy. Your proxy is required by law to follow your wishes.



What must I do to make a mental health declaration?

To make your mental health declaration effective you must do three things:

- You must sign it.
- You must have two witnesses sign it. The witnesses must state that they believe you understand the nature and significance of your declaration.
- You must give your declaration to your doctor or other mental health treatment provider.

You may also appoint a proxy to make decisions about intrusive mental health treatments by using the healthcare power of attorney form. You can appoint the same person to be your agent for intrusive mental health treatments as you do for general healthcare decisions, or you may decide to appoint two different people to make these different decisions.

Do providers have to follow my declaration?

Your provider has to follow your declaration if it is consistent with reasonable medical practice laws and available treatment. If the practitioner is unwilling to follow the declaration, he or she must promptly tell you and note in your record that you have been told. A practitioner cannot require you to make a declaration as a condition of receiving services.

Can I change my mind about my mental health declaration?

You can cancel all parties or declaration at any time if you are competent to do so. You should tell your provider that you do not want any part of it to be followed. If you make changes, you should write another declaration. You should also tell others who know about your declaration that you have changed or cancelled it.

For external resource assistance with either an injury or a grievance, contact:

Office of the Ombudsman for Mental Health and
Developmental Disabilities
127 7th Place, Suite 420
Metro Square Building
St. Paul, MN 55101
651-757-1800, toll-free, 800-657-3506
or MN Relay Service 711
ombudsman.mhdd@state.mn.us

Patients have the right to make recommendations regarding BHP's member rights and responsibilities policy. To make recommendations, inquiries regarding the information provided or, to file a grievance regarding treatment, please contact:

Behavioral Healthcare Providers
Quality Management
1405 North Lilac Drive, Suite 151
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763-525-1746

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