



*Educate, Advocate and Serve*

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## **RIGHTS OF PATIENTS**

THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF PUBLIC ADVOCACY, PROTECTION AND ADVOCACY DIVISION PROTECTS AND ADVOCATES HUMAN AND LEGAL RIGHTS OF KENTUCKIANS WITH DEVELOPMENTAL DISABILITIES OR MENTAL ILLNESSES. THEIR TOLL FREE PHONE NUMBER IS 1-800-372-2988.

Pursuant to Kentucky Revised Statutes and Kentucky Administrative Regulations, **if you are here on your own:**

You may refuse treatment. However, if you do, it is likely you will be discharged from the hospital.

You may sign yourself out of the hospital at any time. However, if your physician feels that you present a danger or a threat of danger to yourself or others, your physician has the right to hold you for up to 72 hours (excluding weekends and holidays) and to start court action against you to force you to stay in the hospital. If this court action is started, you have the right to an attorney. If you have no money, the court will appoint an attorney to represent you. You have the right to a hearing to present your side of the case.

**If you are here against your will**, you may be held for up to 48-72 hours (excluding weekends and holidays) depending on who caused you to be brought here, in which case:

You have the right to be examined by a physician before you are admitted to the hospital. This examination will be conducted within 24 hours of the time you are brought to the hospital. If your physician feels that you present a danger or a threat of danger to yourself or others, your physician has the right to hold you up to 48-72 hours (excluding weekends and holidays) and to start court action against you to force you to stay in the hospital. If this court action is started, you have the right to an attorney to represent you. You have the right to a hearing to present your side of the case.

**While you are here at the hospital, either on your own or against your will, you** have certain rights. The following rights cannot be taken away by your physician or the hospital.

- You have the right to have an attorney ask the court for your release at any time. At the discretion of the court, the physician or hospital must show reasons why you are still being held.
- You the have the right to assist in the planning of your treatment plan and to be adequately informed about your treatment plan. Your comments about your treatment plan will be considered by the physician and hospital. You have the right to seek relief from participating in your treatment plan, to have the treatment plan reviewed by a review committee and to meet with the committee to discuss its recommendations. If you cannot agree with the committee and still wish to challenge the plan, the treatment plan will not be imposed on you unless a court order is obtained or an emergency situation exists. An emergency situation is defined as: a situation posing a threat of danger to yourself or others.
- You have the right to refuse to perform any and all work except activities of immediate and direct benefit to you and your personal comfort. You also have the right to receive payment for work performed by you at the hospital's request if such work provides an economic benefit to the hospital.
- You have the right to confidentiality concerning your treatment and medical records. All records and information about your treatment will be kept confidential and will not be released to anyone without your permission except in very limited circumstances. Exceptions include release to another medical care provider that is treating your for an emergency condition, release in accordance with a court order and legally required reports such as threats of harm against another person or cases of suspected child or adult abuse.
- You have additional rights, but they can be taken away if the physician feels that your exercise of the rights presents a danger or threat of danger to yourself or others. The existence of a danger or threat of danger to yourself or others is considered an emergency under the law.
- You have the right to keep and use your personal effects, including money, clothes and other items, unless keeping any such item is contrary to your treatment plan, poses a risk of loss, theft or destruction or is likely to interfere with the treatment of other patients.
- You have the right to receive or refuse visitors, subject to your treatment plan or the existence of an emergency.

- You have the right to be free of unreasonable use of seclusion and restraint, subject to your treatment plan or the existence of an emergency. If seclusion or restraint is used in your treatment, it must be ordered by a physician and the reason must be written in your medical record. If you are placed in seclusion or restraint, it cannot be for more than 24 hours at a time without a new physician's order being written, except where seclusion or restraint is prescribed to prevent or treat self-inflicted injury or a related medical or surgical disorder.
- You have the right to have the possible benefits and risks of any treatment plan explained to you.

If any of this information is not clear to you as a hospitalized patient, or to your guardian, spouse or other close relative who is responsible for you, you can request an explanation to your full satisfaction. We want you to be aware of what your rights are under the law. You should feel free to ask us for assistance in obtaining the rights and privileges to which the law entitles you.

***IF PATIENTS HAVE A COMPLAINT ABOUT THEIR PHYSICIAN WE ENCOURAGE THEM TO DISCUSS IT FIRST WITH THEIR M.D. IF THEY CANNOT GET A SATISFACTORY ANSWER, WE ASK THEM TO PUT IT IN WRITING OR TO CALL MEDICAL AFFAIRS AND DISCUSS THEIR CONCERNS. WE ALWAYS TRY TO DEAL WITH ISSUES FIRST HAND.***