



## **PERSON SERVED RIGHTS STATEMENT**

**As a person served of Pretera Health Services you have the following basic rights:**

1. The right to treatment and services under conditions that support the persons served personal liberty and results in positive outcomes to the maximum extent possible.
2. The right to participate in an individualized written treatment plan and the right to agree or disagree with any part of the plan. The right to treatment based on the plan with periodic review and assessment of needs and the right to appropriate revision of the plan including a description of the services that may be needed for follow up.
3. The right to ongoing informed participation in the planning of services to be provided and in the development and periodic revision of the treatment plan. The right to be provided with a reasonable explanation of all aspects of one's own condition and treatment.
4. The right to refuse treatment except during emergency situations where harm to self or others is likely and/or as permitted under law as in the case of a person committed for treatment.
5. The right not to have to participate in experimentation or research in the absence of the persons served informed voluntary written consent. The right to appropriate protection associated with such participation and the right and opportunity to revoke such consent.
6. The right to freedom from restraints or seclusion. Restraint or seclusion may only be used in situations where there is imminent danger that the person served shall injure him/herself or others and all other restrictive methods of control have been exhausted.
7. The right to a legal representative when unable to act on his or her own behalf.
8. The right to a humane treatment environment in which personal dignity and self-esteem are promoted.
9. The right to confidentiality of records.
10. The right to be informed in appropriate language and terms of the rights described in this section.
11. The right to access, upon request, his or her own person served records in accordance with State law.
12. The right to register complaints and grievances with respect to infringement of these rights, including the right to have such complaints and/or grievances considered in a fair, timely, and impartial procedure.
13. The right of access to a qualified advocate in order to understand exercise and protect his or her rights.
14. The right to be informed in advance of charges for and changes in services.
15. The right to all available services without discrimination on the basis of age, race, color, religion, marital status, blindness, national origin, ethnicity, disability, sex, gender identity, genetic information, ancestry, veteran status, sexual orientation, or ability to pay.
16. The right to exercise his or her civil rights including, but not limited to, the right to register to vote in elections, the right to acquire and dispose of property, the right to execute instruments, the right to enter into contractual relationships, the right to marry and obtain divorce, the right to hold professional, occupational or motor vehicle or operator's license; unless he/she has been adjudicated incompetent in a separate proceeding pursuant to Article 11, Chapter 27 of the West Virginia Code and the County Commission has made such finding that the individual is incompetent to exercise this specific right or category of rights.
17. The right to referral, as appropriate, to other providers of behavioral health services or social services, including self-help groups.

18. The right to be free from neglect, physical, verbal, sexual or psychological abuse or punishment, including humiliating, threatening and exploiting actions.
19. In cases where an individual is adjudicated incompetent according to West Virginia Law, assertion of the rights may be transferred to the guardian or legal representative if so specified by the court or County Commission.
20. The right to be free from unnecessary or excessive medication. Medication shall not be used as punishment, for convenience of the staff, as a substitute for program, or in quantities that interfere with the persons served treatment program.
21. The right to exercise his or her own rights.
22. The right of not being exploited for financial gain of any kind.
23. The right to the provision of service that is responsive to each person's age, sex, race, gender, social supports, cultural orientation, psychological characteristics, sexual orientation, physical situation, and spiritual beliefs.

**Your rights in residential programs (24 hour a day programs) include:**

1. The right to a humane treatment environment that affords reasonable protection from harm, and appropriate privacy and freedom from neglect, verbal, and physical abuse.
2. The right to be housed with persons served of the same approximate ages, developmental levels and social needs, as much as possible.
3. The right to unimpeded access to his or her attorney or religious advisor.
4. The right to constant access to his or her personal possessions unless contraindicated by treatment needs.
5. The right to private communication with others by mail, in person and by telephone. While the written contents of mail is private, residents in addictions programs may be asked to open mail and or packages in the presence of staff.
6. The rights and personal liberties may be limited by established policies and procedures when the limitation of the right is clinically appropriate and clearly justified in writing.
7. The right to as much privacy as the area shall allow and the right to move about freely, unless safety is threatened.
8. The right to wear personal clothing and keep personal belongings, unless such are determined to be harmful in the area. Clothing with sexual, alcohol, or drug messages are prohibited.
9. The right to make a reasonable number of phone calls.
10. The right to send and receive mail. In those instances when residents have not left a forwarding address when leaving the program, mail received shall be returned to the post office as undeliverable.
11. The right to see religious advisor at any time.
12. The rights to, at personal expense, receive the services of a private physician who may visit at a reasonable time.

**As a person served, you also have certain responsibilities regarding your care. These include:**

1. Respecting others regardless of their age, race, color, ethnicity, religion, national origin, culture, language, disability, socioeconomic status, sex, sexual orientation, and gender identity or expression.
2. Keeping all personal and clinical information communicated to him/her, personally or in groups confidential;
3. Providing accurate and complete personal information (clinical or financial) that is needed;
4. Participating in his/her treatment by participating in the development of, following the plan of care;
5. Being familiar and respectful of Center guidelines and rules for person served care and conduct; and,
6. Assuming responsibility for financial obligations.

**If there is a complaint about these rights, please contact:**

**Joyel Finley, Risk Manager**

**4020 US Route 60 East  
Huntington, WV 25705  
Telephone: 304-525-7851, ext. 2012**

If you feel as though you need additional assistance communicating your concerns, you may contact a Behavioral Health Advocate. Their contact information is:

**Disability Rights of WV  
1207 Quarrier Street, Suite 400  
Charleston, WV 25301  
1-800-950-5250**

Moreover, Pretera Health Services receives federal funds. If you have any questions or complaints regarding discrimination on the basis of race, color, religion, sex, national origin, disability, age, or genetic information, you may contact the following for information or to file a complaint:

**Office for Civil Rights, Office of Justice Programs  
US Department of Justice  
810 7<sup>th</sup> Street, NW, 8<sup>th</sup> Floor  
Washington, DC 20531  
Telephone: 202-307-0703  
Website: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>**