

Your help is needed!

A PROJECT OF M-POWER AND
THE DISABILITY LAW CENTER

Have you recently been at a Mass. psychiatric unit, and feel your rights were violated?

Currently, the ONLY law protecting basic civil rights in psych. hospitals – the “Five Fundamental Rights” – is being ignored. We need YOUR stories of violations (**anonymous or not**) to help pass new legislation to PROPERLY enforce this critical safeguard. The new legislation creates a fair way (which doesn’t exist now) to appeal violations. It will be heard soon at the Mass. State House, and we desperately need you to prove these violations exist. The bill also calls for access to fresh air and the outdoors to become the sixth fundamental right.

This flyer is designed to make it easy to tell your story and learn about these rights, which many people are unaware they have. This massive, wholesale disregard for our civil liberties MUST be stopped!

The Five Fundamental Rights

(Massachusetts General Laws, Chapter 123, Section 23)

Here are the five rights, and what violations look like:

(Legal language is paraphrased).

Check these boxes if you have experienced these violations, then go to the next page to provide more details.



Fundamental Right #1: Access to telephones

(a) The right to reasonable access to a telephone to make and receive confidential phone calls, in private.

Violations include:

- Patients aren’t allowed to make important calls.
- If only pay phones are available, a reasonable sum of money is not provided.
- Telephones are located in hallways or common areas.
- Telephones are located near or next to nursing stations, so staff can hear your conversations.
- Staff listens to phone calls.
- Telephones are shut off for long periods.

Fundamental Right #2: To send/receive unopened mail

(b) The right to send & receive sealed, uncensored mail. Writing materials and stamps shall be available for use in reasonable quantities, and assistance should be provided in writing, addressing and posting letters.

Violations include:

- Not being allowed to send or open mail; only being able to send/open mail that is inspected by staff. However, staff can open, BUT NOT READ mail, only for “good cause”. Good Cause is defined as ONLY the suspected transmission of contraband.
- Staff opens your mail without you present.
- Writing implements, paper, and a reasonable amount of postage are not provided on request.

Fundamental Right #3:

(c) The right to receive visitors of your own choosing daily - in private, and at reasonable times.

Violations include:

- You aren’t provided with a private space to meet with visitors.
- Visits are restricted to public areas (i.e., dining rooms, dayrooms, hallways, etc.)
- Staff is present during visits, so they can overhear conversations with visitors.
- Visiting hours are limited to one to two hours a day, or short, non-consecutive periods.

Fundamental Right #4:

(d) The right to a humane psychological and physical environment. Each person will have accommodations allowing privacy and security in resting, sleeping, dressing, bathing, toileting, and personal hygiene, as well as reading and writing.

Violations include:

- Denial of a safe and reasonably private environment for resting and sleep.
- Observation by staff, esp. of the opposite sex, while bathing, toileting, dressing or undressing.

- At residential facilities, being placed with roommates who trigger you or endanger your health.
- Staff is insensitive to trauma histories.

Fundamental Right #5:

(e) The right to receive or refuse visits and calls from an attorney or legal advocate, outside physician, psychologist, clergy member or social worker, at reasonable times or otherwise.

Violations include:

- Not being allowed to call or meet with an attorney, legal advocate, doctor, psychologist, clergy member or social worker, at reasonable times.
- If meetings are only possible outside of regular visiting hours, staff won't not allow them.
- If lawyers, with client consent, are not allowed access to: client's medical record; staff responsible for his/her treatment; or they're not allowed to attend treatment and/or discharge planning meetings with the client present.
- Representatives of free legal services are not allowed reasonable access to the facility.
- A list of free legal agencies, with names, addresses and phone numbers, is not provided on admission or upon request.
- Clients aren't provided reasonable help contacting legal help, if requested.

[Proposed] Fundamental Right #6:

(f) The right to daily access to fresh air & the outdoors, after clinical evaluation. This right can be temporarily denied (see first bullet below), and signing a 'three-day notice' may not be used as a reason to suspend it.

(Please report denial of fresh air rights also!)

Additional Provisions of the law:

- Rights (a) [phones] and (c) [visitors] may be **temporarily** suspended, but **ONLY** by an administrator. Suspension may last no longer than the time needed to prevent harm to self/others. Reason for suspension must be written in the client's record.
- These rights **must** be posted in a conspicuous place, and available to anyone upon request. They shall be interpreted if a client can't read or understand English.
- In addition to the five fundamental rights, a consumer/survivor shall have the following legal and civil rights:
 - To wear his/her own clothes; to keep his/her own personal possessions including toiletries; to keep and be allowed to spend a reasonable sum of his/her own money for small purchases; and to have access to private storage space.
 - To refuse shock treatment (ECT) or lobotomy.

If you checked any of the boxes, please specify which one(s):

- | | |
|---|---|
| <input type="checkbox"/> FR#1: Access to telephones | <input type="checkbox"/> FR#5: Access to lawyers, etc. |
| <input type="checkbox"/> FR#2: Access to mail | <input type="checkbox"/> Access to fresh air & outdoors |
| <input type="checkbox"/> FR#3: Access to visitors | <input type="checkbox"/> Additional provisions of law |
| <input type="checkbox"/> FR#4: Humane environment | |

WHEN did you experience the violation(s)?

(Please, ONLY recent experiences - within last 2-3 years) _____

WHERE did you experience the violation(s)?

Hospital/facility: _____ Location: _____

Please describe the violation(s), with as much detail as you feel comfortable:

If you need more room, please attach another sheet, or email/phone your stories.)

Would you be willing to:

- ____ Share your story with the media?
- ____ Have your story told to the Committee hearing the bill?
- ____ Testify at the bill hearing?

If so, are you willing to disclose your name?

YES NO

Name: _____

Phone/email: _____

If not, we understand. We can still use anonymous stories!

CONTACT:

Jonathan Dosick, Coordinator
 Fundamental rights/fresh air effort
 C/O M-POWER
 98 Magazine Street
 Roxbury, MA 02119
 Email: ambient871@hotmail.com
 (617) 947-6624

Thank You!!!