



Disability Law Center's Self-Advocacy Materials

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Rights in Facilities

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

617-723-8455
800-872-9992
mail@dlc-ma.org

Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

The Six Fundamental Rights of People in Psychiatric Units and Hospitals

You Will Learn About:

- Your rights while in a facility
- Using the telephone and writing letters
- Receiving visitors
- Going outside

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

The Six Fundamental Rights of People in Psychiatric Units and Hospitals

What does Six Fundamental Rights mean?

In Massachusetts, when a person is getting mental health treatment in a psychiatric hospital or a psychiatric unit in a regular hospital, the law gives patients some rights that the Department of Mental Health wants to make sure are respected. If you or someone you know is a patient in a psychiatric hospital or unit, this form can help you understand those rights.

Do I have a right to use the telephone when I am in the hospital?

In general, yes. If you use the phone to do something illegal or criminal, then the hospital director can stop you from using the phone or can decide to have staff supervise your phone calls. If you spend too much time on the phone, the staff can ask you to finish your phone calls because you are not letting others use the phone. If your telephone use is very likely to hurt you or others, the hospital can also decide to limit your telephone use for as short of a period of time as possible. Your right to the telephone can only be stopped for enough time to make sure you and others will be safe. It cannot be stopped forever.

Do I have a right to send and receive letters?

Yes. Staff at the hospital can watch you open your mail to make sure there's nothing bad inside, but they cannot read your letters.

Do I have a right to get visitors?

Yes. There can be visiting hours but the hospital can let you have a visitor at a different time if necessary (For example: if your family wants to visit and has to travel far). The hospital can stop you from having a visit or visitor as a way to protect you or others, but they cannot stop all your visits or visitors for a longer time than is necessary to prevent anyone from getting hurt. If the hospital wants to stop a visitor from seeing you, they have to have tried other options first, including a supervised visit.

How safe and private is it supposed to be in the hospital?

You have a right to what is called a 'humane' environment. This means that you should have privacy and you should feel safe when you are resting, sleeping, dressing, taking a shower or using the bathroom, reading and writing. It doesn't mean total privacy in all of these activities, but enough to feel safe. The hospital rooms do not have to be all singles. If you are put in a room with roommates, that is allowed.

Can I talk to my lawyer, pastor, therapist, or doctor?

Yes. Your lawyer, pastor, therapist, and doctor can always visit you or call you. You do not have to see them if you do not want to, but if you do, they cannot stop you from seeing them or talking with them on the phone.

You have a right to call lawyers and advocates like the Disability Law Center, to ask legal questions. Staff can help you to find out the phone numbers for free lawyers.

You have the right to invite your lawyer or legal advocate to your treatment team meetings.

Can I go outside?

Yes, if it is safe for you to do so. The hospitals have to do their best to let patients get fresh air. If the weather is bad, they can cancel fresh air breaks until it is safe. If you are not doing well and it is not safe to let you go outside, they can keep you indoors until it is safe for you to go outside. Your doctor inside the hospital can decide this. If the hospital does not have a safe way of providing fresh air to patients, they should do everything they can to at least come up with a plan to let some safe patients get fresh air. The hospitals can decide that some patients need to go outside with staff and some patients can go outside by themselves.