

§11-94-26 Patients' rights.

(a) Written policies regarding the rights and responsibilities of patients during their stay in the facility shall be established and shall be made available to the patient, to any guardian, next of kin, sponsoring agency or representative payee, and to the public. The facility's policies and procedures shall provide that each individual admitted to the facility shall:

(1) Be fully informed, as evidenced by the patient's written, signed acknowledgment prior to or at the time of admission and during stay, of these rights and of all rules governing patient conduct.

(2) Be fully informed, prior to or at the time of admission and during stay, of services available in or through the facility and of related charges, including any charges for services not covered by the facility's basic per diem rate.

(3) Be advised that patients have a right to have their medical condition and treatment discussed with them by a physician of their choice, unless medically contraindicated, and to be afforded the opportunity to participate in the planning of their medical treatment and to refuse to participate in experimental research.

(4) Have the right to refuse treatment after being informed of the medical benefits of treatment and the consequences of refusal.

(5) Be transferred or discharged only for medical reasons, or for their welfare or that of other patients, or for nonpayment for their stay, and be given reasonable advance notice to ensure orderly transfer or discharge; such actions shall be documented in their health record.

(6) Be encouraged and assisted throughout their period of stay to exercise their rights as patients, and to this extent voice grievances and recommend changes in policies and services to the facility's staff and outside representatives of their choice free from restraint, interference, coercion, discrimination, or reprisal.

(7) Manage their personal financial affairs. In the event the facility agrees to manage the patient's personal funds, the conditions under which the facility will exercise the responsibility shall be explained to the patient, and shall meet the

minimum requirements of section 11-94-24.

(8) Not be humiliated, harassed, injured or threatened and shall be free from chemical and physical restraints. This does not exclude use of medication for treatment as ordered by a physician. Physical restraints may be used in an emergency, when necessary, to protect the patient from injury to the patient's self or others. In such an event, the patient's physician shall be notified as soon as possible and further orders obtained for care of the patient.

(9) Be entitled to have their personal and medical records kept confidential and subject to release only as provided in section 11-94-22.

(10) Be treated with consideration, respect and in full recognition of their dignity and individuality, including privacy in treatment and in care.

(11) Not to be required to perform services for the facility, its licensee or staff that are not included for therapeutic purposes in their plan of care.

(12) Have the right to associate and communicate privately with persons of their choice, and to send and receive their personal mail unopened. At their request to be visited by members of the clergy at any time.

(13) Have the right to meet with and participate in activities of social, religious, and community groups at their discretion.

(14) Retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon the rights of other patients.

(15) Be assured of privacy for visits. If a married couple are both patients in a facility, they are permitted to share a room.

(b) The patient or responsible agent shall sign an acknowledgment of understanding which clearly states the policies of the facility with which the patient must comply.

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