

**Health Care Bill of Rights**

MN Statue 144.651

**INTENT**

* It is the intent of the legislature and the purpose of this section to promote the interests and well-being of the clients and residents of health care facilities.
* No health care facility may require a client or resident to waive these rights as a condition of admission to the facility.
* Any guardian or conservator of a client or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a client or resident.
* An interested person may also seek enforcement of these rights on behalf of a client or resident who has a guardian or conservator through administrative agencies or in district court having jurisdiction over guardianships and conservatorships.
* Pending the outcome of an enforcement proceeding the health care facility may, in good faith, comply with the instructions of a guardian or conservator.
* It is the intent of this section that every client’s civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

**DEFINITIONS**

* For purposes of this document, "client" also means any person who is receiving mental health treatment on an outpatient basis or in a community support program or other community-based program.
* "Resident" means a person who is admitted to a nonacute care facility including extended care facilities, nursing homes, and boarding care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age.
* "Resident" also means a person who is admitted to a facility licensed as a board and lodging facility, a boarding care home, or a supervised living facility, which operates a rehabilitation.

**PUBLIC POLICY DECLARATION**

* The interests of each client and resident shall be protected by a declaration of a Clients' Bill of Rights.

**INFORMATION ABOUT RIGHTS**

* Clients and residents shall, at admission, be told that there are legal rights for their protection during their stay at the facility or throughout their course of treatment and maintenance in the community and that these are described in an accompanying written statement of the applicable rights and responsibilities set forth in this section.
* Reasonable accommodations shall be made for people who have communication disabilities and those who speak a language other than English.
* Current facility policies, inspection findings of state and local health authorities, and further explanation of the written statement of rights shall be available to client’s residents, their guardians, or their chosen representatives upon reasonable request to the Manger/Supervisor or other designated staff person.

**COURTEOUS TREATMENT**

* Clients and residents have the right to be treated with courtesy and respect for their individuality by employees of or persons providing service in a health care facility.

**APPROPRIATE HEALTH CARE**

* Clients and residents shall have the right to appropriate medical and personal care based on individual needs.
* Appropriate care for residents means care designed to enable residents to achieve their highest level of physical and mental functioning.
* This right is limited to where the service is not reimbursable by public or private resources.

**PHYSICIAN’S, ADVANCED PRACTICE REGISTER NURSES**

* Clients and residents shall have or be given, in writing, the name, business address, telephone number, and specialty, if any, of the licensed provider, responsible for coordination of their care.
* In cases where it is medically inadvisable, as documented by the licensed provider in a client’s or resident's record, the information shall be given to the client's or resident's guardian or another person designated by the client or resident as a representative.

**RELATIONSHIP WITH OTHER HEALTH SERVICES**

* Clients and residents who receive services from an outside provider are entitled, upon request, to be told the identity of the provider.
* Residents shall be informed, in writing, of any health care services which are provided to those residents by individuals, corporations, or organizations other than their facility.
* Information shall include the name of the outside provider, the address, and a description of the service which may be rendered.
* In cases where it is medically inadvisable, as documented by the licensed provider in a client's or resident's record, the information shall be given to the client's or resident's guardian or another person designated by the client or resident as a representative.

**INFORMATION ABOUT TREATMENT**

* Clients and residents shall be given by their provider complete and current information concerning their diagnosis, treatment, alternatives, risks, and prognosis as required by the providers legal duty to disclose.
* This information shall be in terms and language the clients or residents can reasonably be expected to understand.
* Clients and residents may be accompanied by a family member or other chosen representative, or both.
* This information shall include the likely medical or major psychological results of the treatment and its alternatives.
* In cases where it is medically inadvisable, as documented by the provider in a client's or resident's medical record, the information shall be given to the client's or resident's guardian or another person designated by the client or resident as a representative.
* Individuals have the right to refuse this information.

**PARTICIPATION IN PLANNING TREATMNET, NOTIFICATION OF FAMILY MEMBERS**

* Clients and residents shall have the right to participate in the planning of their health care.
* This right includes the opportunity to discuss treatment and alternatives with individual caregivers, the opportunity to request and participate in formal care conferences, and the right to include a family member or other chosen representative, or both.
* In the event that the client or resident cannot be present, a family member or other representative chosen by the client or resident may be included in such conferences.
* If a facility notifies a family member or designated emergency contact or allows a family member to participate in treatment planning, the facility is not liable to the client or resident for damages on the grounds that the notification of the family member or emergency contact or the participation of the family member was improper or violated the client's privacy rights.

**CONTINUITY OF CARE**

* Clients and residents shall have the right to be cared for with reasonable regularity and continuity of staff assignment as far as facility policy allows.

**RIGHT TO REFUSE CARE**

* Competent clients and residents shall have the right to refuse treatment.
* Residents who refuse treatment, medication, or dietary restrictions shall be informed of the likely medical or major psychological results of the refusal, with documentation in the individual medical record.
* In cases where a client or resident is incapable of understanding the circumstances but has not been adjudicated incompetent, or when legal requirements limit the right to refuse treatment, the conditions and circumstances shall be fully documented by provider in the client's or resident's medical record.

**EXPERIMENTAL RESEARCH**

* Written, informed consent must be obtained prior to a client’s or resident's participation in experimental research.
* Clients and residents have the right to refuse participation.
  + Both consent and refusal shall be documented in the individual care record.

**FREEDOM FROM MALTREATMENT**

* Clients and residents shall be free from maltreatment as defined in the Vulnerable Adults Protection Act.
* "Maltreatment" means the intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.
* Every client and resident shall also be free from nontherapeutic chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a client's or provider for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.

**TREATMENT PRIVACY**

* Clients and residents shall have the right to respectfulness and privacy as it relates to their medical and personal care program.
* Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly.
* Privacy shall be respected during toileting, bathing, and other activities of personal hygiene, except as needed for client or resident safety or assistance.

**CONFIDENTIALITY OF RECORDS**

* Clients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility.
* Residents shall be notified when personal records are requested by any individual outside the facility and may select someone to accompany them when the records or information are the subject of a personal interview.
* Copies of records and written information from the records shall be made available in accordance with law.
* This right does not apply to complaint investigations and inspections by the Department of Health, where required by third-party payment contracts, or where otherwise provided by law.

**DISCLOSURE OF SERVICES AVAILABLE**

* Clients and residents shall be informed, prior to or at the time of admission and during their stay, of services which are included in the facility's basic per diem or daily room rate and that other services are available at additional charges.
* Facilities shall make every effort to assist clients and residents in obtaining information regarding whether the Medicare or medical assistance program will pay for any or all of the aforementioned services.

**RESPONSIVE SERVICE**

* Clients and residents shall have the right to a prompt and reasonable response to their questions and requests.

**PERSONAL PRIVACY**

* Clients and residents shall have the right to every consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being.
* Staff shall respect the privacy of a resident's room by knocking on the door and seeking consent before entering, except in an emergency or where clearly inadvisable.

**GRIEVANCES**

* Clients and residents shall be encouraged and assisted, throughout their stay in a facility or their course of treatment, to understand and exercise their rights as clients, residents, and citizens.
* Clients and residents may voice grievances and recommend changes in policies and services to staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge.
* Notice of the grievance procedure of the facility or program, as well as addresses and telephone numbers for the Office of Health Facility Complaints shall be posted in a conspicuous place.
* Every acute care inpatient facility, every residential program, every nonacute care facility, and every facility employing more than two people that provides outpatient mental health services shall have a written internal grievance procedure that, at a minimum, sets forth the process to be followed; specifies time limits, including time limits for facility response; provides for the client or resident to have the assistance of an advocate; requires a written response to written grievances; and provides for a timely decision by an impartial decision maker if the grievance is not otherwise resolved.

**COMMUNCATION PRIVACY**

* Clients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose.
* Clients and residents shall have access, at their expense, to writing instruments, stationery, and postage.
* Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the provider in the medical record.
* There shall be access to a telephone where clients and residents can make and receive calls as well as speak privately.
* Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of clients' or residents' calls.
* Upon admission to a facility where federal law prohibits unauthorized disclosure of client or resident identifying information to callers and visitors, the client or resident, or the legal guardian or conservator of the client or resident, shall be given the opportunity to authorize disclosure of the client's or resident's presence in the facility to callers and visitors who may seek to communicate with the client or resident.
* To the extent possible, the legal guardian or conservator of a client or resident shall consider the opinions of the client or resident regarding the disclosure of the client's or resident's presence in the facility.
* This right is limited where medically inadvisable, as documented by the provider client's or resident's care record.
* Where programmatically limited by a facility abuse prevention plan this right shall also be limited accordingly.

**PERSONAL PROPERTY**

* Clients and residents may retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon rights of other clients or residents, and unless medically or programmatically contraindicated for documented medical, safety, or programmatic reasons.
* The facility must either maintain a central locked depository or provide individual locked storage areas in which residents may store their valuables for safekeeping.
* The facility may, but is not required to, provide compensation for or replacement of lost or stolen items. Northland Counseling Center, Inc. is not responsible for lost or stolen items.

**SERVICES FOR THE FACILITY**

* Clients and residents shall not perform labor or services for the facility unless those activities are included for therapeutic purposes and appropriately goal-related in their individual medical record.

**CHOICE OF SUPPLIER**

* Residents may purchase or rent goods or services not included in the per diem rate from a supplier of their choice unless otherwise provided by law.
* The supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the residents.

**FINANCIAL AFFAIRS**

* Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this to the facility for any period of time.

**RIGHT TO ASSOCIATE**

* Residents may meet with and receive visitors and participate in activities of commercial, religious, political, and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated.
* This includes:
  + The right to join with other individuals within and outside the facility to work for improvements in long-term care;
  + The right to visitation by an individual the client has appointed as the client's health care agent;
  + The right to visitation and health care decision making by an individual designated by the client.
* Upon admission to a facility where federal law prohibits unauthorized disclosure of client or resident identifying information to callers and visitors, the client or resident, or the legal guardian or conservator of the client or resident, shall be given the opportunity to authorize disclosure of the client's or resident's presence in the facility to callers and visitors who may seek to communicate with the client or resident.
* To the extent possible, the legal guardian or conservator of a client or resident shall consider the opinions of the client or resident regarding the disclosure of the client's or resident's presence in the facility.
* Upon admission to a facility, the client or resident, or the legal guardian or conservator of the client or resident, must be given the opportunity to designate a person who is not related who will have the status of the client's next of kin with respect to visitation and making a health care decision.
* A designation must be included in the client's health record.
* With respect to making a health care decision, a health care directive or appointment of a health care agent prevails over a designation made under this paragraph.
* The unrelated person may also be identified as such by the client or by the client's family.

**ADVISORY COUNCIL**

* Residents and their families shall have the right to organize, maintain, and participate in resident advisory and family councils.
* Each facility shall provide assistance and space for meetings.
* Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation.
* A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings.
* Resident and family councils shall be encouraged to make recommendations regarding facility policies.

**MARRIED RESIDENTS**

* Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their provider in the medical records.

**TRANSFERS AND DISCHARGES**

* Residents shall not be arbitrarily transferred or discharged. Residents must be notified, in writing, of the proposed discharge or transfer and its justification no later than 30 days before discharge from the facility and seven days before transfer to another room within the facility.
* This notice shall include the resident's right to contest the proposed action, with the address and telephone number of the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12).
* The resident, informed of this right, may choose to relocate before the notice period ends.
* The notice period may be shortened in situations outside the facility's control, such as a determination by utilization review, the accommodation of newly admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment for stay unless prohibited by the public program or programs paying for the resident's care, as documented in the medical record.
* Facilities shall make a reasonable effort to accommodate new residents without disrupting room assignments.

**PROTECTION AND ADVOCAY**

* Clients and residents shall have the right of reasonable access at reasonable times to any available rights protection services and advocacy services so that the client may receive assistance in understanding, exercising, and protecting the rights described in this section and in other law.
* This right shall include the opportunity for private communication between the client and a representative of the rights protection service or advocacy service.

**ISOLATION**

* These procedures may not be used for disciplinary purposes, to enforce program rules, or for the convenience of staff.
* Isolation or restraint may be used only upon the prior authorization of an advanced practice registered nurse, psychiatrist, or licensed psychologist, only when less restrictive measures are ineffective or not feasible and only for the shortest time necessary.

**TREATMENT PLAN**

* The plan shall also state goals for release to a less restrictive facility and follow-up treatment measures and services, if appropriate.
* To the degree possible, the minor client and the minor client's parents or guardian shall be involved in the development of the treatment and discharge plan.

If concerns and problems continue, contact the Director of Operations at 218-283-3406 or the Chief Compliance Officer/Chief Operations Officer at 218-326-1274 or 1-800-450-1274.

If you feel you have been unfairly denied or excluded from a service program or not given your choice of service, you may appeal for a Fair Hearing. An appeal form may be obtained from the County Human Services Agency or from:

The Minnesota Department of Human Rights

190 E. 5th St.

Suite 700

St. Paul, MN 55101

1-800-657-3704

If you have concerns or grievances that are not taken care of to your satisfaction, or if you would like to speak with someone else, you may call or write:

Mental Health Association of Minnesota

2021 E. Hennepin Ave.

Suite 412

Minneapolis, MN 55413

1-800-862-1799

If you have concerns regarding services for someone who is mentally retarded or developmentally disabled, you may call:

The Itasca Developmental Achievement Center

218-327-0924

Comments and ideas about the program can be directed to the Northland Counseling Center Board. Clients may write to:

Northland Counseling Center, Inc.

Chairperson

215 S. E. 2nd Avenue

Grand Rapids, MN 55744

If you are interested in helping to improve mental health services in our community, you may contact:

Alliance for the Mentally Ill of Minnesota, Inc. (AMI)

970 Raymond Ave.; Suite 105

St. Paul, MN 55114

651-645-2948

**The main office of Northland Counseling is located at:**

Northland Counseling Center, Inc

215 SE Second Avenue

Grand Rapids, MN 55744

**Other locations doing out-patient mental health services are located at:**

Northland Recovery Center Northland Counseling Center, Inc.

1215 SE Seventh Avenue Baudette

Grand Rapids, MN 55744 236 15th Ave. S.W.

P.O. Box 310

Northland Counseling Center, Inc. Baudette, MN 56636

International Falls

Backus Community Center

900 5th Street, Suite 305

International Falls, Mn 56649

Northland Counseling Center, Inc.

Aitkin

20 3rd Street N.E.

Aitkin, MN 56431

Northland Counseling Center, Inc.

Hibbing

301 East Howard Street Suite 1

Hibbing, MN 55744

Kiesler Wellness Center

3130 S.E. 2nd Ave

Grand Rapids, MN 55744

Northland Counseling Center, Inc. – EAGALA Grand Rapids

25682 Alder Driver

Bovey, MN 55709

Northland Counseling Center, Inc. – EAGALA Aitkin

38759 390th Ave

Aitkin, MN 56431