

Basic Rights of Recipients of Mental Health Services

Before filing a grievance, please review your rights are under the Rights of Recipients of Mental Health Services. The rights listed below are the Rights of Recipients of Mental Health Services:

- Recipients have the same human, civil and legal rights accorded all citizens, including the right to live in a community of their choice without constraints upon their independence, except those constraints to which all citizens are subject.
- Recipients have the right to a humane psychological and physical environment within, the facility or program. Recipients have the right to be treated with courtesy and dignity.
- Recipients are at all times entitled to respect for their individuality and to recognition that their personalities, abilities, needs, and aspirations are not determinable on the basis of a psychiatric diagnosis.
- Recipients have the right to have their privacy assured and protected to the greatest extent possible in light of their treatment needs.
- Recipients shall not be incapacitated nor denied any right, benefit, privilege, franchise, license, authority or capacity of whatever nature that they would otherwise have, simply due to their status as recipients of mental health services.

Discrimination in the provision of services due to race, creed, sex, age, national origin, political belief or handicapping condition shall be prohibited. There shall be no limitation on the freedom of religious belief.

All basic rights shall remain intact unless specifically limited through legal proceedings, as in the case of guardianship or in an emergency or when necessary to protect the rights or safety of the recipient or others, only as outlined in specific sections of these rules.

Services delivered to recipients shall be based on their identified individual needs and shall be delivered according to flexible models that accommodate changes in recipients' needs and the variations in the intensity of their needs. To the extent possible, recipients will not be required to move from one setting to another in order to receive the services appropriate to their changed needs.

Recipients have the right to refuse all or some of the services offered, subject to the exceptions noted below. A person's refusal of a particular mode or course of treatment shall not per se be grounds for refusing a recipient's access to other services that the recipient accepts. Only the following services may be imposed against a recipient's wishes:

- Involuntary hospitalization pursuant to 34-B M.R.S.A. §§ 3863 et seq.;
- Forensic services pursuant to 15 M.R.S.A. § 101-B in a residential or hospital setting;
- Services permitted under applicable law in the case of a person under guardianship, upon the guardian's informed consent and within the limits of the guardian's authority;
- Emergency treatment in a residential or hospital setting during a psychiatric emergency, pursuant to procedures set out in these rules; or
- Treatment in a residential or hospital setting pursuant to the administrative hearing provisions of these rules for individuals who lack capacity to consent to services.

Recipients have the right to exercise their rights pursuant to these rules without reprisal, including reprisal in the form of denial of or termination of services.

Recipients with long term mental illnesses have the following additional rights, to the extent that state and community resources are available

- The right to a service system that employs culturally normative and valued methods and settings,
- The right to coordination of the disparate components of the community service system;
- The right to individualized developmental programming that recognizes that each recipient with long-term mental illness is capable of growth or slowing of deterioration;
- The right to a comprehensive array of services to meet the recipient's needs; and
- The right to the maintenance of natural support systems, such as family and friends of recipients with long-term mental illnesses, individual, formal and informal networks of mutual and self-help.

For a complete copy of the Rights of Recipients of Mental Health Services, please contact:

- **Dept. of Health and Human Services**
- Behavioral Health
- 11 State House Station-41 Anthony Avenue
- Augusta, ME 04333-0011
- (207) (207) 287-2595
- TTY Users: Dial 711 (Maine Relay)

[Full Rights of Recipients Adult Manual \(PDF\)](#)

Rights of Recipients Adult Audio Version – the following chapters are in MP3 format

- [Chapter 1 \(MP3\)](#)
- [Chapter 2 \(MP3\)](#)
- [Chapter 3 \(MP3\)](#)
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- [Chapter 9 \(MP3\)](#)

[Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment \(PDF\)](#)

[Certification of Translation Accuracy \(PDF\)](#)

Rights of Recipients Summary

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- [French \(PDF\)](#)
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