

CLIENT BILL OF RIGHTS

A. This section shall apply to all State funded mental health Program Elements. Inpatient Units, including 24-hour Supervised Treatment Homes providing crisis intervention services for children, are also required to comply with laws governing the treatment of persons admitted to inpatient psychiatric facilities, including but not limited to N.J.S.A. 30:4-24, 30:4-24.1, 30:4-24.2 and 30:4-24.3.

B. Each client shall be made aware of the rights and privileges in receiving mental health services. Each agency shall establish a policy statement in this regard.

C. Notice of the client's rights and any rules governing the conduct of clients with respect to an agency shall be given to each client within five days of first in person assessment. Such notice shall be in writing, and shall be supplemented by an offer to discuss or explain the written description. Explanations shall be in a language which the client understands. If the client cannot read the provisions of the notice, it shall be read to him/her.

D. In the case of an adjudicated incompetent client, such procedure in C above shall be followed for the client's guardian. Receipt of the written notice shall be documented in the client's file.

E. If the client or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall document this in the client's file.

F. Subject to any other provisions of law, no client shall be deprived of any civil right solely by reason of his/her receiving mental health services, nor shall such services modify or vary any legal or civil right of any client.

G. No client may be presumed to be incompetent because she/he has been examined or treated for mental illness, regardless of whether such evaluation or treatment was voluntarily or involuntarily received.

H. All funded mental health programs shall provide their clients with the following rights, a list of which shall be prominently posted in all facilities and brought to the attention of clients as described in B above, and by additional means as the Division may require.

1. The right to be free from unnecessary or excessive medication. (See N.J.A.C. 10:37-6.54)

2. The right to not be subjected to non-standard treatment or procedures, experimental procedures or research, psycho-surgery, sterilization, electro-convulsive therapy or provider demonstration programs, without written informed consent, after consultation with counsel or interested party of the client's choice. (See N.J.A.C. 10:37-6, Article XV.)

a. If a client has been adjudicated incompetent, authorization for such procedures may be obtained only pursuant to the requirements of N.J.S.A. 30:4-24.2d(2).

3. The right to treatment in the least restrictive setting, free from physical restraints and isolation, provided, however, that a client in Inpatient Care may be restrained or isolated in an emergency pursuant to the provisions of N.J.S.A. 30:4-24.2d(3). (See N.J.A.C. 10:37-6, Article XV.)

4. The right to be free from corporal punishment.

5. The right to privacy and dignity.

6. The right to the least restrictive conditions necessary to achieve the goals of treatment/services.

I. All eligible individuals have the right to receive service and be treated with dignity and respect regardless of race, ethnicity, nationality, disability, age, religion, marital status sex, sexual orientation, gender identity, and gender expression.