

A  
**BILL OF RIGHTS**



**FOR PEOPLE WITH  
A DIAGNOSIS OF  
MENTAL ILLNESS**

**PAIMI:  
THE PROTECTION AND ADVOCACY  
FOR INDIVIDUALS WITH MENTAL ILLNESS ACT**

The Protection and Advocacy for Individuals with Mental Illness Act (PAIMI) was first passed by the Congress of the United States in 1986. The purpose of this law is to protect the human, civil, and legal rights of individuals who have a diagnosis of mental illness. You will qualify for protection under this law if:

1. you have a diagnosis of mental illness or emotional impairment; and
2. you are an in-patient or resident of a hospital or facility which provides care or treatment; or
3. the incident or problem happened within 90 days of your discharge from a facility; or
4. the incident or problem happened while you were being transported or admitted to a hospital or facility or;
5. you are involuntarily confined in a municipal jail for reasons other than for serving a criminal sentence.

**The Governor of the State of Hawaii has designated the Hawaii Disability Rights Center (HDRC) to implement and enforce the PAIMI Act. A staff of professional advocates will explain and help you to understand your rights. Negotiation, mediation, administrative and legal remedies are available to assist you in problem resolution. Investigation of neglect and abuse can be conducted if it is reported or there is probable cause to believe the neglect or abuse has occurred.**

**We hope this booklet will help you to understand some of the rights you have when you are participating in a hospital or treatment program. You have the right to be treated fairly, with dignity and respect while you are receiving services.**

**1. You have a right to appropriate treatment and related services.**

The services and treatment you receive must meet your particular needs. This includes medical services, therapeutic and rehabilitative programs.

- a. The services must be provided in a way which supports your personal freedom.
- b. Your freedom can be limited only if a court finds it necessary for your treatment, or in emergencies.

**2. You have a right to an individualized treatment plan.**

Your individualized treatment plan must be developed specifically for you. The plan will define the goals of your treatment and state how they will be reached.

- a. The plan must be written down so that you can read it.
- b. Your treatment must be based on this plan.
- c. The plan must be reviewed from time to time and any necessary and appropriate changes made.
- d. It must also be revised to include plans for services and housing after you are discharged from the facility or program.

e. You have a right to participate in the planning of the mental health services you receive.

**3. You have a right to have your treatment explained to you in language and terms you understand.**

a. The explanation must define the nature and goal of your treatment and why it is appropriate for you.

b. The explanation must also include:

- diagnosis of your mental condition
- any physical conditions you may have
- possible negative side effects of the treatment
- other possible treatments
- the names of providers of other mental health services

**4. You have a right to the least restrictive environment unless you are committed after being charged with a crime of violence.**

**5. You have a right to refuse treatment and medication except in an emergency or when court orders for medication have been issued.**

a. You cannot be treated or given medication unless you understand the reasons for treatment and have voluntarily given your consent in writing.

b. You may, however, be given the treatment or medication in case of an emergency or when there are court orders specifying medication.

- 6. You have a right not to participate in experimentation.**
  - a. If you do decide to participate in experimentation you must fully understand what it involves and your consent must be voluntary and in writing.
  - b. You may also change your mind at any time and withdraw consent.
- 7. You have a right to choose your doctor so long as that doctor agrees to treat you.**
- 8. You have a right to a qualified, competent staff.**
- 9. You have a right to know the names and titles of staff.**
- 10. You have a right not to be restrained or secluded.**
  - a. You can only be secluded or restrained during an emergency situation and then the seclusion or restraint can be for no more than one hour without an order from a doctor.
- 11. You have a right to a humane treatment environment.**
  - a. The facility must ensure your physical safety and provide privacy for your personal needs.
  - b. The facility must allow you to have personal belongings in your room.
  - c. The facility must allow you physical exercise and recreation.
  - d. The facility must provide an adequate diet.