

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

This is basic information and does not constitute legal advice

## Regional Center Client Rights

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175 NAC 19

#### 19-006.04B

The client must have the right:

1. To be informed in advance about care and treatment and of any changes in care and treatment that may affect the client's well-being;
2. To self-direct activities and participate in decisions regarding care and treatment;
3. To confidentiality of all records, communications, and personal information;
4. To voice complaints and file grievances without discrimination or reprisal and to have those complaints and grievances addressed;
5. To examine the results of the most recent survey of the facility conducted by representatives of the Department;
6. To privacy in written communication including sending and receiving mail consistent with individualized service plans;
7. To receive visitors as long as this does not infringe on the rights and safety of other clients and is consistent with individualized service plans;
8. To have access to a telephone where calls can be made without being overheard when consistent with individualized service plans;
9. To retain and use personal possessions, including furnishings and clothing as space permits, unless to do so would infringe upon the rights and safety of other clients;
10. To be free of restraints except when provided as in 175 NAC 19-006.12;
11. To be free of seclusion in a locked room, except as provided in 175 NAC 19-006.12;
12. To be free of physical punishment;
13. To exercise his or her rights as a client of the facility and as a citizen of the United States;
14. To be free from arbitrary transfer or discharge;
15. To be free from involuntary treatment, unless the client has been involuntarily committed by appropriate court order;
16. To be free from abuse and neglect and misappropriation of their money and personal property; and
17. To be informed prior to or at the time of admission and during stay at the facility of charges for care, treatment, or related charges.

## State of Nebraska Statutes

### Section 71-959

#### Subject in custody or receiving treatment; rights; enumerated.

A subject in custody or receiving treatment under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act has the right:

(1) To be considered legally competent for all purposes unless he or she has been declared legally incompetent. The mental health board shall not have the power to declare an individual incompetent;

(2) To receive prompt and adequate evaluation and treatment for mental illness, personality disorders and physical ailments and to participate in his or her treatment planning activities to the extent determined to be appropriate by the mental health professional in charge of the subject's treatment;

(3) To refuse treatment medication, except (a) in an emergency, such treatment medication as is essential in the judgment of the mental health professional in charge of such treatment to prevent the subject from causing injury to himself, herself, or others or (b) following a hearing and order of a mental health board, such treatment medication as will substantially improve his or her mental illness or personality disorder, or reduce the risk posed to the public by a dangerous sex offender;

(4) To communicate freely with any other person by sealed mail, personal visitation, and private telephone conversations;

(5) To have reasonably private living conditions, including private storage space for personal belongings;

(6) To engage or refuse to engage in religious worship and political activity;

(7) To be compensated for his or her labor in accordance with the federal Fair Labor Standards Act, 29 U.S.C. 206, as such section existed on January 1, 2004;

(8) To have access to a patient grievance procedure; and

(9) To file, either personally or by counsel, petitions or applications for writs of habeas corpus for the purpose of challenging the legality of his or her custody or treatment.

#### Source:

Laws 1976, LB 806, § 76  
Laws 2000, LB 884, § 21  
R.S.Supp.,2002, § 83-1066

Laws 2004, LB 1083, § 79  
Revised Statutes Cumulative Supplement 2004  
Laws 2006, LB 1199, § 50

## **Medication Issues**

With regard to your medication concerns, current research indicates that under

### **Neb. Rev. Stat. §71-959 (2004).**

#### **Subject in custody or receiving treatment; rights; enumerated.**

The state statute states in relevant part the following:

“A subject in custody or receiving treatment under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act has the right:

(3) To refuse treatment medication, except:

(a) in an emergency, such treatment medication as is essential in the judgment of the mental health professional in charge of such treatment to prevent the subject from causing injury to himself, herself, or others; or

(b) following a hearing and order of a mental health board, such treatment medication as will substantially improve his or her mental illness or personality disorder, or reduce the risk posed to the public by a dangerous sex offender;

(4) To communicate freely with any other person by sealed mail, personal visitation, and private telephone conversations;

(8) To have access to a patient grievance procedure; and

(9) To file, either personally or by counsel, petitions or applications for writs of habeas corpus for the purpose of challenging the legality of his or her custody or treatment.”