

**Rights and Advocacy for
Persons with Mental
Illness**

Disability Rights Center
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Prepared for Kennebec Valley
Community College

Introduction

- Sources of rights of persons with mental illness
- Discussion of when and how rights are limited
- Discussion of basic principles underlying rights of individuals with mental illness
- Examination of specific rights, their limitations in areas of each of the basic principles.
- The Protection and Advocacy System – Disability Rights Center
- A history of disability rights

**Rights of persons
with mental illness**

- People with mental illness have the same rights as do all other individuals.

Source of Rights

- Federal and State Constitutions
- Federal and State Laws
- Federal and State regulations
- Case law

When are rights limited

- In an emergency
- When an individual is incompetent

How are Rights Limited

- With Due Process of Law
- How much process depends on the nature of the right and exigency of the situation
 - Involuntary commitment to a psychiatric facility
 - Guardianship
 - Forced Medication Order
 - Outpatient commitment

Basic Principles Underlying Rights

- Choice
- Privacy
- Equal Opportunity of Access

Choice

- Right of Informed consent
- Limitations:
 - involuntary hospitalization
 - seclusion and restraint
 - forced medications / PEs

Privacy

- Confidentiality
- Limitations: emergency

Equal Access

- Anti Discrimination Laws
- Limitations: safety, qualifications for the job

The Protection and Advocacy System

Maine's P&A Agency is:

Disability Rights Center

What Is DRC?

- A non-profit corporation
- Governed by a volunteer board of directors
- Largely funded by federal grants and by some additional funding from the state and private donations
- Designated by the governor to provide protection and advocacy services on behalf of people with disabilities
- DRC operates under authority of both federal and state law

What Is DRC's Mission?

DRC's mission is to advance and enforce the rights of individuals with disabilities. Through advocacy and training conducted with and on behalf of people with disabilities, DRC is committed to enhancing the access people with disabilities have to life's choices and to achieving their freedom from discrimination, abuse and neglect.

What Programs Does DRC Operate?

- Protection & advocacy for people with developmental disabilities (PADD)
- Protection & advocacy for individuals with mental illness (PAIMI)
- Protection & advocacy for individual rights (PAIR)
- Protection & advocacy for assistive technology (PAAT)
- Protection & advocacy for children with learning disabilities (state funded)
- Protection and advocacy for individuals with traumatic brain

What Are Priorities and Objectives?

- Development of the priorities and objectives is required by federal law.
- They are statements of goals and the activities the program will engage in toward meeting the goals during the current fiscal year.
- They are developed with input from the public, collected throughout the year.
- They require development of individual representation acceptance criteria that are consistent with the program's goals.
- Copies of each of the priorities and objectives and the individual representation acceptance criteria are available to anyone upon request.

Examples of Individuals Eligible for PAIMI Services

- An individual living in a group home wants to move out on his own, but is being discriminated against by prospective landlords, or is being denied the necessary supportive services.
- An individual in a psychiatric hospital has a complaint that she was admitted improperly, is being denied appropriate treatment, or is being excessively restrained without sufficient cause.
- An individual recently discharged from a hospital found that none of the community services described in the hospital discharge plan are available.

What Services Does DRC Provide to Clients?

The services that DRC attorney and advocate staff may provide include:

- ◆ Information and referral
- ◆ Technical advice to assist a client in self advocacy
- ◆ Representation at meetings
- ◆ Negotiation
- ◆ Mediation
- ◆ Representation at administrative proceedings
- ◆ Representation in court

What Laws and Regulations Does PAIMI Staff Work With?

Some of the laws and regulations that staff work with are --

In hospitals:

- ◆ Rights of recipients of mental health services
- ◆ AMHI consent decree
- ◆ State laws governing hospitals and commitment
- ◆ Federal constitution
- ◆ Americans with Disabilities Act. (ADA)

In the community, staff are additionally working with:

- ◆ State laws, including the Maine Human Rights Act
- ◆ Fair Housing Act

Does DRC Provide Services Other Than Advocacy for Individuals?

Yes. Among some of the other services that DRC provides are:

- + Training to consumers, service providers or the general public on laws and issues affecting people with disabilities
- + Preparation and distribution of informational materials
- + Analysis of current or proposed legislation and public policies that have an impact on people with disabilities
- + Upon request, testifying before the legislature on pending bills
- + Other projects in collaboration with interested individuals, groups or agencies

How Does a Potential Client Contact DRC?

DRC is located at:
24 Stone Street
Suite 204
Augusta, ME 04330

We have both a toll free and a local area telephone number, voice and TTY:

(207) 626-2774
(800) 452-1948

Fax: (207) 621-1419
E-mail: advocate@drcme.org

Disability Rights Timeline

Early

- Warehousing and isolation
- Eradication
- Stigma
- Sterilization
- Discrimination

Civil Rights Movement

- Psychiatric Survivors
- Housing and income
- Progressive treatments
- Rehabilitation models
- The P&A System

Timeline Continued

- Post Civil Rights Movement
 - Deinstitutionalization
 - Least Restrictive Appropriate environment
 - Expansion of existing laws
 - Decline of the medical model

Give Credit Where Credit is Due

- This presentation was adapted from several previous presentations created by:
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