



Consumers Rights and Responsibilities

North Carolina General Statutes (GS 122C 51-67) and the North Carolina Administrative Code (APSM 95-2) outline specific requirements for notification of individuals regarding their rights as well as operational policies and procedures that ensure the protection of rights. These statutes and regulations also outline the policy and operational requirements for the use and follow up of restrictive interventions and protective devices.

The protection and promotion of recipient rights is a crucial component of the service delivery system. All individuals are assured rights by law and it is expected that providers will always respect these rights and provide their service recipients continual education regarding their rights, as well as support them in exercising their rights fully.

In addition to your rights specified by North Carolina General Statutes, as a consumer of Mental Health (MH), Substance Use (SU) or Intellectual/Developmental Disability (I/DD) services, you also have certain rights.

- The right to receive information about Sunpath, LLC, its services, its providers/practitioners, and consumer rights and responsibilities presented in a manner appropriate to your ability to understand.
- The right to be treated with respect and recognition of your dignity and right to privacy.
- The right to participate with providers/practitioners in making decisions regarding health care.
- The right to a candid discussion with service providers/practitioners on appropriate or medically necessary treatment options for your conditions, regardless of cost or benefit coverage. You may need to decide among relevant treatment options including the risks, benefits and consequences. Also, you may discuss your right to refuse treatment, and your preferences about future treatment decisions regardless of benefit coverage limitation.
- The right to voice complaints or appeals about the organization or the care it provides.
- The right to an investigation and resolution of alleged infringements of your rights.
- The right to make recommendations regarding the organization's member rights and responsibilities policy.
- The right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, humiliation, or retaliation.
- The right to be free from any form of abuse including but not limited to neglect, physical, sexual, verbal, and or mental.
- The right to request and receive a copy of your medical record, subject to therapeutic privilege, and to request that the medical record be amended or corrected. If the doctor or therapist determines that this would be detrimental to your physical or mental well-being, you can request that the information be sent to a physician or professional of your choice.



- The right to participate in the development of a written person-centered treatment plan that builds on individual needs, strengths and preferences.
- The right to refuse services.
- The right to take part in the development and periodic review of your treatment plan and to consent to treatment goals in it.
- The right to a second opinion.
- The right to freedom of speech and freedom of religious expression.
- The right to equal employment and educational opportunity.
- The right to treatment in the most normal, age-appropriate and least restrictive environment possible.
- The right to ask questions when you do not understand your care or what you are expected to do.
- The right to ask for a different service provider or team member.
- You have the right to concurrent services if it is not against state guidelines.
- You have the right to request referral information on and access other services such as legal entities, self-help support services, and advocacy support services.

What Are My Responsibilities?

- In addition to your rights as a recipient of services, you can help ensure the best outcomes for yourself by assuming the following responsibilities:
Supplying information (to the extent possible) that Sunpath, LLC need in order to provide you care
- Following the plans and instructions for care that you have agreed to with your providers/practitioners
- Understanding your health problems and participating in developing mutually agreed upon treatment goals, to the degree possible. Telling the doctor or nurse about any changes in your health. Asking questions when you do not understand your care or what you are expected to do
- Inviting people who will be helpful and supportive to you to be included in your treatment planning
- Respecting the rights and property of other consumers and of program staff
- Respecting other consumers' needs for privacy
- Working on the goals of your Person-Centered Plan
- Keeping all the scheduled appointments that you can
- If unable to keep an appointment, canceling it at least 24 hours in advance
- Meeting financial obligations according to your established agreement
- Informing staff of any medical condition that is contagious
- Taking medications as they are prescribed for you
- Telling your doctor if you are having unpleasant side effects from your medications, or if your medications do not seem to be working to help you feel better
- Telling your doctor or therapist if you do not agree with their recommendations



- Telling your doctor or therapist when/if you want to end treatment
- Carrying your Medicaid or other insurance card with you at all times
- Cooperating with those trying to care for you
- Being considerate of other patients and family members
- Seeking out additional support services in your community
- Reading, or having read to you, written notices from Sunpath, LLC about changes in benefits, services or providers
- When you leave a program, requesting a discharge plan, being sure you understand it and being committed to following it

Your Civil Rights

Unless a court has declared a person incompetent, the person is entitled to all civil rights including:

- To register and vote
- To buy or sell property, to own property
- To sign a contract
- To sue others who have wronged them
- To marry or get a divorce
- To procreate and raise children

Persons determined to be incompetent and who are assigned a court appointed guardian retain legal and civil rights, except those rights that are granted to the guardian by the court.

Informed Consent

A person receiving services has the right to be informed in advance of the potential risks and benefits of treatment options, including the right to refuse to take part in research studies. The person has the right to consent to or refuse any treatment unless:

- It is an emergency situation
- The person is not a voluntary patient
- Treatment is ordered by a court of law
- The person is under 18 years of age, has not been emancipated, and the guardian or conservator gives permission

The Rights noted in this Manual are based on North Carolina General Statutes 122C Article 3 and the Client Rights Rules, 10 NCAC 27C, 27D, 27E, 27F (APSM 95-2). Sunpath, LLC reserves the right to have more restrictive policies and procedures than state and federal rules and



regulations.

Your Right to Privacy

You have the right to confidentiality. The law protects the confidentiality of your care and treatment. Except as allowed by law and agency regulations, your records and other information about you will not be released without your written permission. Circumstances under which we may be required to share information with another person or agency about the services you receive include:

- If you give permission, we may share information with any person that you name.
- Your next of kin may be informed that you are a patient, if it is in your best interest.
- With your permission, your next of kin, a family member with a legitimate role in your service, or another person whom you name, may be given other information about your care.
- A consumer advocate may review your record when assigned to work on your behalf.
- The court may order us to release your records.
- Our attorney may need to see your file because of legal proceedings.
- Another public agency may need to receive your files when your care is transferred.
- If you become imprisoned, we may have to share your file with prison officials.
- In an emergency, another professional who is treating you may receive your records.
- A physician or other professional who referred you to our facility may receive your files.
- If we believe that you are a danger to yourself or to others or if we believe that you are likely to commit a crime or that you are abusing or neglecting your children, we are responsible to share this information with law enforcement and DSS.
- Special rules may apply if you have a legal guardian appointed, are a minor, or are receiving treatment for substance use/addiction.

You have the right to request and receive a copy of your medical record unless your provider, doctor or therapist determines that this would be detrimental to your physical or mental wellbeing. This is called therapeutic privilege as set forth in NCGS 122C-53(d). If the doctor or therapist determines that this would be detrimental to the physical or mental well being of the person, the person can request that the information be sent to a physician or professional of his/her choice.

You have the right to request pertinent information within a reasonable timeframe to help you make decisions about your care.

The Network Provider shall ensure that all individuals providing services will maintain the confidentiality of any and all consumers and other information received in the course of providing services hereunder and will not discuss, transmit, or narrate in any form any consumer information of a personal nature, medical or otherwise, except as authorized in writing by the



consumer or his legally responsible person or except as otherwise permitted by applicable federal and state confidentiality laws and regulations including NCGS 122C, Article 3, which addresses confidentiality of all confidential information acquired in attending or treating a consumer, and 42 CFR, Subchapter A, Part 2, which addresses confidentiality of records of drug and alcohol abuse patients.

Rights of Minors

A minor has the right to agree to some treatments without the consent of his/her parent or guardian:

- For treatment of venereal diseases
- For pregnancy
- For abuse of controlled substances or alcohol
- For emotional disturbance

If you are under the age of 18, you have the right to:

- Proper adult supervision and guidance
- Age appropriate activities, special education, and vocational training if needed
- Appropriate structure and treatment separate from adults

Rights In 24-Hour Facilities

If you enter a 24-hour treatment facility, you will be given, and have explained to you, the specific rules for that facility. These rules must be given to you within 72 hours or within your first three visits to the program. These rules will cover hygiene and grooming, your living environment, your personal funds and storage and protection of clothing and possessions. These rules are in Subchapter 27F of the 10A North Carolina Administrative Code, section .0100 through .0105.

Consumer Rights Rules in community mental health, intellectual and other developmental disabilities and substance use/addiction services are available on the Internet at:

<https://www.ncdhhs.gov/client-rights-rules-community-mental-health-developmental-disabilities-and-substance-abuse-services>.

Rights in Jail

Both the North Carolina General Statutes and the North Carolina Administrative Code set standards for jails. Each jail must have a Medical Plan that includes policies for health screening of inmates upon admission, as well as administration, dispensing, and control of prescription and non-prescription medications. Jails must provide privacy during an examination and conferences



with qualified medical personnel. You will be observed twice an hour. If you have a history of making suicide attempts or are displaying erratic behavior, you will be observed four times in an hour. 10A NCAC 14J.0601; 10A NCAC 14J.1001; 1002; 14J.0101 (17); 10A NCASC 14J.0203
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