

MENTAL HEALTH ADVOCACY SERVICE

The Mental Health Advocacy Service (MHAS) is an independent state agency which provides free legal services under Louisiana's Mental Health Law for indigent patients who are hospitalized due to mental illness or substance abuse. MHAS also protects patients' rights and provides information on the Mental Health law to consumers, hospitals, and the public.

Established by the state legislature in 1977 as part of its reform of the Mental Health Law, MHAS has six regional offices staffed by eleven attorneys and six legal secretaries.

LEGAL REPRESENTATION

Louisiana's Mental Health Law encourages the voluntary treatment of mental illness and substance abuse and requires medically appropriate treatment in the least restrictive setting possible. Individuals, may not be forced to receive treatment or be confined in a hospital unless certain legal criteria are met. To that end, the law establishes a series of procedures and protections.

Voluntary patient have the right to be discharged after making a valid written request unless the hospital initiates involuntary procedures within 72 hours of the request. Involuntary care for 15 days or less requires the approval of a physician and a coroner after independent examinations of the patient. The patient may request a court hearing to determine if "probably cause" exists for involuntary care and treatment.

Involuntary care for more than 15 days requires a judicial commitment that can be obtained only after a court hearing with all the traditional due process protections usually afforded a citizen in our system of justice. Commitment may not be ordered unless a court finds that there is "clear and convincing" evidence of mental illness or substance abuse causing dangerousness to self, dangerousness to others, and/or grave disability. These commitments are periodically reviewed by the court. A Patient who is judicially committed may appeal the commitment and apply for appropriate writs, including habeas corpus.

It is the primary duty of the Mental Health Advocacy Service to provide legal representation to patients at every state of these proceedings.

Legal representation also includes advice and negotiation on such matters as discharge or transfer, the use of forced medications, the use of ECT and major surgical procedures, admission procedures, and patient rights.

PATIENT RIGHTS

No matter what their legal status, all patients have rights that are guaranteed by state and federal law. If you are a patient, your rights include the following:

1. You will be presumed to be competent
2. You may use the phone, receive mail, and receive visitors daily, unless your doctor has written a sufficient reason to limit this right in your medical records.
3. You may communicate in any manner in private with your attorney at any time.
4. You may not be placed in restraints or in seclusion except in an emergency to protect you or others from physical injury.
5. You may not be give ECT or major surgical procedures without a court hearing, a life-threatening emergency, or your consent.
6. You may wear your own clothes and keep your own possessions, unless your doctor has written a sufficient reason to limit this right in your medical records.
7. You may spend a reasonable sum of your own money at the canteen.
8. You may be employed at a useful occupation, if your condition permits and the facilities are available.
9. You will be discharged from the hospital when your condition has changed to the extent that you do not meet the legal criteria for confinement.
10. You may hire a private attorney. If you cannot afford one, you will provided an attorney by the Mental Health Advocacy Service.
11. You may request an informal court hearing to determine whether you should be transferred to a less restrictive facility or discharged.
12. If you have a private physician, you may be visited by him or her at your own expense.
13. You can only receive medication with a physician's order and it cannot be used as a punishment or for the convenience of staff.
14. You will have an individualized treatment plan and your progress will be reviewed periodically.
15. You will receive medically appropriate treatment for your condition.
16. If you are practicing a well-recognized religious method of healing you cannot be ordered treated unless you are dangerous.

AREA OFFICES:

Call toll free 1-800-428-5432 or the office nearest you:

Baton Rouge Office:

627 North Fourth Street, Suite I-322
Baton Rouge, Louisiana 70802
TEL: (225) 342-6678
FAX: (225) 342-6658

Shreveport Office:

1525 Fairfield Avenue, Room 531
Shreveport, Louisiana 71101
TEL: (318) 676-7332
FAX: (318) 676-7345

New Orleans Office:

1450 Poydras Street, Suite 1105
New Orleans, Louisiana 70112
TEL: (504) 568-8904
FAX: (504) 568-8914

Lafayette Office:

302 Dulles Drive, Room U-47
Lafayette, Louisiana 70506
TEL: (337) 262-2030
FAX: (337) 262-2033

Northshore Office:

P.O. Box 688
Mandeville, Louisiana 70470-0688
TEL: (985) 626-6661
FAX: (985) 626-6662

Lake Charles Office:

1 Lakeshore Drive, Suite 1585
Lake Charles, Louisiana 70629
TEL: (337) 491-2461
FAX: (337) 491-2464

Pineville Office:

Central Louisiana State Hospital
P.O. Box 5031
Pineville, Louisiana 71361-5031
TEL: (318) 484-6348
FAX: (318) 484-6261

Livingston Office:

P.O. Box 1210
Livingston, Louisiana 70754
TEL: (225) 686-2130
FAX: (225) 686-2146

It is the policy of Brentwood Hospital to ensure fair consideration and timely resolution of complaints and grievances.

A **complaint** is a minor issue that can be handled with unit staff or through a Nursing Supervisor.

A **grievance** is an issue that has been addressed by the unit staff and Nursing Supervisor and cannot be resolved, or any allegation of abuse or neglect, and is forwarded to the Patient Advocate to be resolved.

Process:

1. Unit staff/treatment team
2. Nursing Supervisor – will address within 24 hours of receiving complaint.
3. Patient Advocate – will address within 24 hours of receiving complaint with a resolution goal of seven days.

Please be aware that you have the right to lodge a complaint with the Department of Health and Hospitals and Joint Commission without addressing the issue with hospital staff.

Contact Number and Addresses for Complaints

Brentwood Hospital
Patient Advocate
(318) 678-7500
(318) 227-4597

LA Mental Health Advocacy Service
1525 Fairfield Avenue, Room 531
Shreveport, Louisiana 71101
(318) 676-7332

Joint Commission
1 Renaissance Blvd.
Oakbrook Terrace, IL 60181
(800) 994-6610

Department of Health and Hospitals
628 N. 4th Street
Baton Rouge, LA 70802
(225) 342-9500