

DEPARTMENT OF VETERANS AFFAIRS

Support And Family Education



Session Fifteen - Rights and Responsibilities of Consumers, Family Members, and Professionals

Materials Needed:

Handout BB: Rights and Responsibilities of Consumers, Family Members, and Professionals

Consumers, family members, and professionals all have certain rights and responsibilities. The roles and extent of involvement of these three groups vary, depending upon the level of functioning of the consumer at the time. Consumers and family members often feel overwhelmed by “the system” and unsure how to navigate the sometimes confusing channels. Consequently, knowledge of these rights can be very helpful.

Consumers and family members also have numerous important responsibilities. Although these tasks may not seem like “responsibilities,” they are choices individuals can make that maximize the wellness of the consumer and family unit.

Distribute Handout BB: Rights and Responsibilities of Consumers, Family Members, and Professionals.

I. Rights and responsibilities of consumers (parts adapted from Bisbee, 1991)

A. Rights of consumers

1. To be protected from abuse (from family members and professionals).
As consumers are often in somewhat vulnerable positions, safeguards are important to ensure their protection and humane treatment.
2. Not to be blamed for the mental illness.

3. To be educated about the illness and treatment options. Seeking out information about symptoms and treatment options can be therapeutic. Consumers may wish to solicit information in a variety of formats (e.g., discussions with providers, videos, pamphlets) and on repeated occasions.
4. To be given timely and appropriate treatment in a safe, therapeutic environment.
5. To participate (to the fullest extent possible) in treatment planning and decision-making. To be able to consent to or refuse treatment. As consumers often feel somewhat out of control of their lives, professionals should actively empower them to be involved in healthcare decisions.
6. To communicate with family members, friends, clergy and attorneys.
7. To have their treatment information and medical records kept confidential (except in specific situations when the information needs to be released).
8. To have copies of treatment and medical records if requested (unless deemed inappropriate at the time by the professional).

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Discussion Questions:

- Would anyone wish to share an experience in which your loved one stood up for his/her rights?
- Or you stood up for his/her rights?

B. Responsibilities of consumers

1. To learn about and accept the illness.
2. To obtain appropriate treatment.
3. To cooperate with professionals' directions (e.g., medication compliance, attending and participating in other treatment options).
 - a. Due to a variety of reasons (see Session 13, "What to Do When Help is Turned Away"), consumers may fail to uphold these responsibilities, resulting in frustration for families and professionals. Discussing the reasons for these choices may increase the family's understanding and the consumer's acceptance of the responsibilities.
 - b. For example, a consumer may dislike the decreased libido side-effect of an anti-depressant so may just discontinue the medication. If this reason

could be addressed openly, perhaps another medication could be used that would not have this adverse side-effect.

II. Rights and responsibilities of family members (parts adapted from Bisbee, 1991)

A. Rights of family members

1. To be protected from abuse (from consumers and professionals).
2. To be free from blame for the mental illness. Family members often assume too much responsibility for having “caused” the consumer’s mental illness. Professionals need to combat this misperception by explaining the multiple causes of the illness.
3. To be educated about the illness and treatment options.
4. To access information on advocacy and support (such as through the SAFE Program, the local NAMI affiliate, etc.).
5. To visit the consumer if he/she is in the hospital (during defined visiting hours).
6. To call the police or sheriff at any time if your loved one is an imminent danger to him-/herself or others. The professionals will make the decision whether or not the consumer can be detained against his/her will, but family members can always make the report when concerned about their loved one’s safety.

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Discussion Question: Can you think of other rights you as family members have?

B. Responsibilities of family members

1. To learn about and accept the illness.
2. To share your experiences and observations of your loved one with the professionals. See more details for interacting effectively with providers in Session 16: “Empowering Your Loved One on the Journey of Recovery.”
3. To have your loved one sign a release-of-information form (if he/she agrees), allowing the provider to speak freely with you as family. If your

loved one refuses, you can still convey your concerns to the doctors (e.g., call them on the telephone, leave a message, write a letter). However, the doctor cannot tell you any specific information about your loved one without a signed release.

4. To encourage your family member to comply with the professionals' treatment plans. Your loved one likely values your opinion (even if he or she doesn't show it), so your encouragement to follow doctors' directions can be very influential. Your loved one can sense if you don't believe in the treatment plan, so educate yourself so you can support the doctors' recommendations.
5. To take good care of your own physical and emotional health.
6. To monitor your loved one for signs of dangerousness (to him/herself or others).

III. Rights and responsibilities of professionals (parts adapted from Bisbee, 1991)

Mental health professionals also have important rights and responsibilities.

A. Rights of professionals

1. To be protected from abuse (from consumers and family members).
2. To not have a cure or a "quick fix." As much as consumers, families and professionals would like an easy cure for mental illness, all parties must struggle with the existence of these disorders. Our science has made significant advances in understanding the causes of mental illnesses and discovering new treatments. Research and learning will continue to improve the quality of life for individuals with a mental illness.
3. To be given timely and honest information about the consumer's functioning.
 - a. Intentionally withholding important information from professionals severely impairs their ability to effectively help. Only when doctors are given honest information about consumers are they able to use their skills effectively.

- b. Example: Your 28-year-old son has been struggling with depression for 4 years. The psychiatrist has been trying him on several different antidepressants and group therapies, but none seems to be helping. You know that your son is drinking six to eight beers per night (and more on weekends), but he tells the psychiatrist that he just drinks “socially.” What could you do? (Talk to your son about your concerns; tell the psychiatrist, etc.)
- 4. To make honest mistakes. Although doctors are often seen as “super-human,” they, too, make honest mistakes and poor decisions and have their own “bad days.” None of these factors, however, should excuse poor care.
- 5. To have a personal life that consumers and family members respect, while always providing back-up coverage (colleague, emergency room, etc.). Although consumers may want their provider to be available to them 24 hours a day, professionals have the right to boundaries on their personal lives. Some movies (e.g., *What About Bob?* with Bill Murray and Richard Dreyfuss) portray consumers’ failures to respect these boundaries (e.g., going to the doctor’s home, following the doctor on vacation, befriending family members).

B. Responsibilities of professionals

- 1. To do no harm. Sadly, the media often portray mental health professionals doing significant emotional damage to their consumers (e.g., being friends with them, sexualizing the therapeutic relationship, taking advantage of vulnerable individuals, etc.). However, all mental health professions have strict codes of ethics (e.g., American Psychological Association’s *Ethical Principles of Psychologists and Code of Conduct*) that mandate appropriate behavior. Stringent consequences are enforced for violations of the standards (e.g., lose license to practice, be placed on probationary status).
- 2. To provide consumers with an accurate diagnosis of their condition (as well as information about prognosis).
- 3. To prescribe appropriate medications (if indicated) and educate consumers about possible side-effects (this is most commonly done by psychiatrists).
- 4. To protect the confidentiality of the consumer and family members, as mandated by state law.
- 5. To stay informed of current research on treatment options (new medications or therapies) and use this information to guide their clinical practice. Given the rapid pace at which progress is being made in the understanding and treatment of mental illness, providers need to keep current (via research, workshops, reading journals, etc.)

6. To treat all consumers and family members with respect.
7. To acknowledge and foster strengths in the consumer and family
8. To direct consumers and family members to opportunities for education, support, and advocacy.

Treatment is most effective when consumers, family members, and professionals work together to understand, monitor, and treat the consumers.

IV. What to do if you believe your family member's rights are being violated

- A. Talk to the provider. Perhaps a misunderstanding has occurred, and a frank discussion with the professional would allow clarification of the situation.
- B. Consider requesting a change of provider.
- C. Request an appointment with the management of the agency or medical center.
- D. Ask for a listing of patient rights at the facility.
- E. Contact your local NAMI affiliate for support and guidance. A major priority of NAMI is to advocate for improved services for consumers with mental illness.
- F. Learn the laws in your state.