



What are My Rights in a 24-Hour Facility?

This fact sheet outlines the rights of individuals who are receiving treatment in 24-hour facilities such as group homes, adult care homes, psychiatric residential treatment facilities, and treatment facilities for people with intellectual disabilities.

There are three rights that cannot be limited by the facility. You can use these rights at all reasonable times.

Questions	Your Rights
Do I have the right to send and receive mail?	You have the right to send and receive unopened mail and have access to writing materials, postage, and staff assistance if needed (N.C.G.S. § 122C-62).
Do I have the right to consult with an attorney? What about another treatment professional?	You have the right to contact and consult with an attorney, private doctors, and private mental health, developmental disabilities or substance abuse professionals of your choice. You are responsible for paying for these services. (N.C.G.S. § 122C-62).
Do I have the right to consult with a client advocate at my facility?	You have the right to consult with a client advocate if there is one at your facility (N.C.G.S. § 122C-62).

In certain circumstances, some of the rights listed below may be limited by your doctor or other treating professional. You can always ask an advocate if you feel your rights have been violated.

Questions	Your Rights
Do I have the right to access my money?	You have the right to keep and spend a reasonable amount of your own money (N.C.G.S. § 122C-62).

Am I allowed to have visitors?	You have the right to have visitors during visiting hours. The facility must offer a period of visiting hours between 8:00 AM and 9:00 PM, for at least six hours daily. At least two hours must be offered between 6:00 PM and 9:00 PM. However, visitation cannot take priority over therapy (N.C.G.S. § 122C-62).
Can I make private phone calls?	You have the right to make and receive confidential telephone calls. You are responsible for paying for the calls (N.C.G.S. § 122C-62).
Do I have the right to my own clothes? Can I keep and maintain my personal belongings?	You have the right to keep and use personal clothing and possessions unless otherwise prohibited by law (N.C.G.S. § 122C-62).
May I be restrained or secluded against my wishes?	You may be put in seclusion or restraint only if there is an imminent danger of abuse or harm to you or someone else, if substantial property damage is being caused, or if your treatment team determines restraint is necessary as part of therapeutic treatment (N.C.G.S. § 122C-60).
If I signed myself into the facility, am I free to leave?	If you admitted yourself voluntarily to a facility you have the right to be discharged within 72 hours after you make a written request for discharge (N.C.G.S. § 122C-212). If you have a guardian, your guardian can request your discharge. If the facility does not agree that you are ready for discharge, a court will decide. (N.C.G.S. § 122C-233).
Do I have the right to make visits away from the facility?	Most people have the right to visits outside the facility. You may not have the right to visits away from the facility if you have certain criminal charges against you or if a judge sentenced you to the facility (N.C.G.S. § 122C-62).
Do I have the right to be outside on a daily basis and/or have access to facilities and equipment for physical exercise?	You have the right to be out of doors daily and have access to facilities and equipment for physical exercise several times a week (N.C.G.S. § 122C-62).
Do I have the right to participate in religious worship?	Generally, you have the right to worship (N.C.G.S. § 122C-62).

Do I have the right to have a driver's license?	Unless a court has declared you cannot drive, you have the same right to apply for a driver's license as anyone else (N.C.G.S. § 122C-62).
Do I have the right to vote in elections?	Unless a court has specifically said you cannot vote, you have the right to vote (N.C.G.S. § 122C-58).
Do I have to take medication I do not want or feel that I do not need?	Generally, you have the right to refuse medication you do not want to take. In certain situations, the facility can force you to take medication. Contact the Internal Advocate at your facility who will help explain your rights more fully (N.C.G.S. § 122C-57).
Am I entitled to receive the medical treatments I require?	You have the right to receive necessary medical treatment (N.C.G.S. § 122-51).
Am I entitled to treatment that is designed to meet my needs?	You have the right to receive age-appropriate treatment. The facility must develop and implement your individual written treatment plan within 30 days of your admission (N.C.G.S. § 122C-57).
Can I be forced to receive treatment I do not wish to receive?	If you were voluntarily committed, you cannot receive any treatment without your consent. If you were involuntarily committed, you generally have the right to refuse treatment. The facility can force you to receive treatment if you are in imminent danger of causing physical harm to yourself or others. The facility can also force treatment if, without it, you are incapable of participating in the treatment plan that would give you the opportunity to improve, or if without the treatment there is a significant possibility that you may harm yourself or others before you improve (N.C.G.S. §122C-57).
What are my rights when I am discharged from the facility?	You have the right to a treatment plan and an individualized, written discharge plan with recommendations for further services designed so you can live in the community, when appropriate (N.C.G.S. § 122C-51).

If you are concerned about a rights violation in a “24-hour facility,” you can:

- ◆ Contact the Internal Advocate at the facility.
- ◆ File a grievance with the facility.
- ◆ Contact the N.C. Division of Health Service Regulation. The DHSR Complaint Intake Unit will receive and investigate complaints about a violation of client rights: 1-800-624-3004 (within NC) or 919-855-4500.
- ◆ Contact your LME/MCO (Local Management Entity/Managed Care Organization). A list of LME offices and the geographic region they cover can be found at: <http://www.ncdhhs.gov/mhddsas/lmedirectory.htm/>
- ◆ Contact the county Department of Social Services. This website provides contact information for each county’s DSS: <http://www.dhhs.state.nc.us/dss/local/>
- ◆ Contact the accrediting organization if there is one, such as the Joint Commission. Contact the Joint Commission Office of Quality Monitoring by email at complaint@jointcommission.org or call 1-800-994-6610.

This document contains general information for educational purposes and should not be construed as legal advice. It is not intended to be a comprehensive statement of the law and may not reflect recent legal developments. If you have specific questions concerning any matter contained in this document or need legal advice, we encourage you to consult with an attorney. Created in 2012 by Disability Rights NC.