

**A Rights Guide for  
Individuals in an Inpatient  
Mental Health Facility**

***Know Your Rights!***

A Publication of the Protection & Advocacy for  
Individuals with Mental Illness (PAIMI) Program

**Disability Rights South Dakota (DRSD)**

**1-800-658-4782**

**or 605-224-8294**

**[www.drSDLaw.org](http://www.drSDLaw.org)**

The following informational booklet is for use by individuals 18 years of age or older who are inpatients in any public or private psychiatric facility in South Dakota.

The laws of South Dakota are written to ensure that each person in any psychiatric facility or unit be given privacy, individual dignity, and reasonable protection from harm.

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**If you feel any of your legal rights have been denied as described in this guide, you may contact:**

**Disability Rights South Dakota  
1-800-658-4782 (SD only)  
or 605-224-8294**

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**Handbook written by:**  
DRSD - The Protection and  
Advocacy for Individuals  
with Mental Illness  
(PAIMI) Program

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**Your rights may be limited only to protect you or someone else from harm. Rights cannot be limited for the convenience of staff.**

## ***EACH PERSON HAS THE RIGHT...***

- To **vote** and hold a driver's license
- To have **access** to his/her attorney, advocate, or private physician
- To have **private conversations**
- To **refuse** electroconvulsive therapy (ECT) or other treatments
- To **refuse** to participate in research projects
- To **refuse** to work for the institution.
- To **refuse** being photographed or fingerprinted
- To **control his/her own money and assets** if qualified and competent to do so
- To **personal care** and safe and **sanitary housing**
- To have reasonable use of a **telephone**
- To be given writing supplies and to send and receive **uncensored and unopened mail**

- To get at least **two hours of exercise** each day
- To wear his or her **own clothing**
- To **remain silent and fully clothed**
- To have **visitors** during regular visiting hours
- To have the **facts** of admission and all records kept **confidential** unless disclosure is authorized by the person, guardian, or by law
- To be **fully informed of his/her rights**, both verbally and in writing
- To have limited **access to mental health and medical records**
- To have **storage space** for personal articles
- To have access to **toilet facilities**
- To practice **religion**
- To have a **discharge plan or aftercare plan**
- To actively participate in one's individual **comprehensive psychiatric treatment plan**

# ***RIGHTS CONCERNING MEDICAL CARE***

**1** There must be **written orders** for any emergency physical restraint or seclusion. The person must be monitored by staff who will chart the person's condition.

**2** Each person must have a physical and mental examination **within 48 hours** (not including weekends and holidays) after being admitted to an inpatient psychiatric facility.

**3** Each person and their records shall be examined at **10, 30, and 90 days** to determine whether commitment should be continued.

**4** Each person, at his or her own request and expense, has the right to consult with an **independent mental health professional** or physician prior to a commitment hearing. The person's county of residence must pay for the evaluation if the person does not have money.

5

**ECT** cannot be given to a person who refuses OR is unable to give informed consent, **unless** permission from a court of law, the county board of mental illness, or the person's legal guardian is obtained by the psychiatric facility to give ECT.

6

Each person has the right to **prompt medical treatment**.

7

Each person has the right to be provided **accurate medical information**.

**Psychotropic Medication**, and **ECT**, can be ordered by a physician to be given in an emergency to prevent "significant deterioration of the person's mental illness." This order can be administered for up to 10 days. The doctor may request an additional 10 days of treatment from a court of law.

## ***EACH PERSON IS RESPONSIBLE FOR:***

- Having input in his/her treatment and discharge plan
- Financial obligations of health care
- Consideration of the rights of others
- Respect for the property of others
- Maintaining cleanliness and order

## ***TIMELINES TO CONSIDER***

- Within 90 days after a person is involuntarily committed, a hearing will be held to review whether commitment should continue. If it is to continue, a commitment may last up to 6 months.
- Another hearing will be held within these 6 months to review whether commitment should continue.
- If involuntary commitment is continued again, a commitment may be extended for another 6 months.
- Another hearing will then be held after this second 6 months to review the need for continued commitment for up to 1 year.
- Review hearings will then be held within each year a person remains involuntarily committed.

## ***GRIEVANCES***

A person may file a grievance if he or she feels their rights are being violated.

The facility cannot discriminate or threaten to deny a person treatment, benefits, privileges or other rights if steps are taken to assert a complaint or concern.

For further information, read the patient's handbook and refer to the facility's grievance procedure.

An individual may also contact an advocate to assist through the grievance process.

# ***NOTES***

# Disability *Rights* South Dakota

Protection and Advocacy System for South Dakota

## Disability Rights South Dakota (DRSD)

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or 605-224-8294

**[www.drSDLaw.org](http://www.drSDLaw.org)**

You have a right to access DRSD as your  
Protection & Advocacy (P&A) System.

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