



151:21 PATIENTS' BILL OF RIGHTS. The policy describing the rights and responsibilities of each patient admitted to the facility shall include, as a minimum, the following:

- I. The patient shall be treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and personal care.
- II. The patient shall be fully informed of a patient's rights and responsibilities and of all procedures governing patient conduct and responsibilities. This information must be provided orally and in writing before or at admission, except for emergency admissions. Receipt of the information must be acknowledged by the patient in writing. When the patient lacks the capacity to make informed judgements the signing must be by the person legally responsible for the patient.
- III. The patient shall be fully informed in writing in language that he can understand, before or at the time of admission and as necessary during his stay, of the facility's basic per diem rate and of those services included and not included in the basic per diem rate. A statement of services that are not normally covered by Medicare for Medicaid shall also be included in this disclosure.
- IV. The patient shall be fully informed by a physician of his health care needs and medical condition, and shall be given the opportunity to participate in the planning of his total care and medical treatment, to refuse treatment, and to be involved in experimental research upon his written consent only.
- V. The patient shall be transferred or discharged after appropriate discharge planning only for medical reasons, for his welfare or that of other patients, if the facility ceases to operate, or for nonpayment for the patient's stay, except as prohibited by title XVIII or XIX of the Social Security Act.
- VI. The patient shall be encouraged and assisted throughout his stay to exercise his rights as a patient and citizen. The patient may voice grievances and recommend changes in policies and services to facility staff or outside representatives free from restraint, interference, coercion, discrimination, or reprisal.
- VII. The patient shall be permitted to manage his personal financial affairs. If the patient authorizes the facility in writing to assist in this management and the facility so consents, the assistance shall be carried out in accordance with the patient's rights under this subdivision and in conformance with state law and rules.

- VIII. The patient shall be free from emotional, psychological, sexual, and physical abuse and from exploitation, neglect, corporal punishment, and involuntary seclusion.
- IX. The patient shall be free from chemical and physical restraints except when a physician authorizes them in writing for a specified and limited time necessary to protect the patient or others from injury. In an emergency, restraints may be authorized by the designated professional staff member to protect the patient or others from injury. The staff member must promptly report such action to the physician and document same in the medical record.
- X. The patient shall be ensured confidential treatment of all information contained in his personal and clinical record, including that stored in an automatic data bank, and his written consent shall be required for the release of information to anyone not otherwise authorized by law to receive it. Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records, for a reasonable cost, upon his request.
- XI. The patient shall not be required to perform services for the facility. Where appropriate for therapeutic or diversional purposes and agreed to by the patient, such services may be included in his plan of care and treatment.
- XII. The patient shall be free to communicate with, associate with, and meet privately with anyone, including family and resident groups, unless to do so would infringe upon the rights of other patients. The patient may send and receive unopened personal mail. The patient has the right to have regular access to the private use of a telephone.
- XIII. The patient shall be free to participate in activities of any social, religious, and community groups, unless to do so would infringe upon the rights of other patients.
- XIV. The patient shall be free to retain and use his personal clothing, and possessions as space permits, provided it does not infringe on the rights of other patients.
- XV. The patient shall be entitled to privacy for visits and, if married, to share a room with his or her spouse if both are patients in the same facility and where both patients consent, unless it is medically contraindicated and so documented by a physician. The patient has the right to reside and receive services in the facility with reasonable accommodation of individual needs and preferences, including choice of room and roommate, except when the health and safety of the individual or other patients would be endangered.
- XVI. The patient shall not be denied appropriate care based on race, religion, color, national origin, sex, age, disability, marital status, sexual preference, or source of payment.
- XVII. The patient shall be entitled to treatment by the physician of his choice subject to reasonable rules and regulations of the facility regarding the facility's credentialing process.

XVIII. The patient shall be entitled to have his parents, if a minor, or his spouse, or next of kin, or his personal representative, if an adult, visit the facility, without restriction, if the patient is considered terminally ill by the physician responsible for his care.

XIX. The patient shall be entitled to receive representatives of approved organizations as provided in RSA 151:28.

SOURCE. 1981, 453:1. 1989, 43:1, eff. Jan. 11, 1989; eff. June 19, 1992.