



Psychiatric Medications: What are my rights?

Disability Rights Center - NH

As part of your psychiatric treatment through the mental health center or New Hampshire Hospital, your doctor may prescribe medications to help you in your recovery. You are a part of your treatment team and you have the right to participate in your treatment planning and to make informed decisions about your medications. Your treatment team and doctor cannot make you take medication you do not need or want, except in very limited circumstances.

I have questions about the benefits and the side effects of the medications. Who do I talk to?

You have the right to complete information about your treatment, including medications. You have the right to know about the benefits, the risks, and the side effects. Your doctor and your treatment team should give you this information in a way that you can understand. If you can't read, someone should read it to you. If you do not understand English well, your doctor should use an interpreter in your language to help you understand the information. You should be able to get answers to any questions and talk over any concerns you have. You have the right to get a second opinion.

My medication has side effects that bother me. What can I do?

Most medications have some side effects. Sometimes the side effects are worth the benefits of the medication, and sometimes they aren't. If the side effects of your medication are bothering you, talk to your doctor about the side effects and discuss reducing or eliminating the medication or switching to another medication. You cannot be forced to take medication you don't want, except in very limited circumstances (see below).

What is overmedication? What is chemical restraint?

Overmedication is taking more medication than necessary to successfully treat your symptoms. Sometimes higher doses or combinations of drugs can cause unpleasant and unnecessary symptoms without helping you get better. These medicines carry risks, especially with the use of more than one medication. Chemical restraint is the inappropriate use of medication to control your behavior, restrict your freedom of movement, or to punish you. It is a violation of your rights, unless done during a personal safety emergency.

What are some symptoms of overmedication?

Someone who is being overmedicated may have symptoms such as:

- very groggy or sleepy
- moves very slowly
- uncoordinated, balance problems, falls
- confused
- tremors or repetitive movements

These symptoms may be caused by other reasons as well as overmedication.

What should I do when my doctor and I disagree about what medication is best for me?

Make sure you have complete information about your illness and the medication. Talk to your doctor and make sure you understand why he or she is prescribing this medication and what the benefits and side effects are. Find out what alternative medication or other treatments are available. You should make sure your doctor knows what you think is the



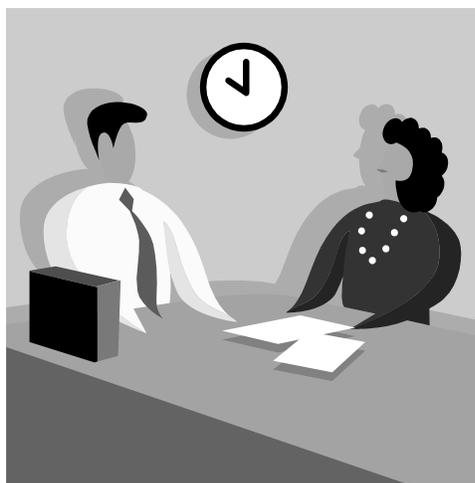
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best treatment for you, and why. You cannot force your doctor to prescribe a medication he or she thinks is not appropriate treatment for you. You do not have to take medication against your will except as explained below. You have the right to make an informed decision about your medications.

Are there times when a hospital or a community mental health center can force me to take medication against my will?

Although you have the right to choose or refuse treatment, including medications, you can be forced to take medication for these reasons:

- If the hospital staff determine you are having a personal safety emergency, and they think you or someone else will get hurt if they do not act, they can medicate you against your will. They can only do this if nothing else would work to keep you and other people safe. You must be offered the choice of taking the medication by mouth or by injection.
- Your guardian can authorize involuntary medication, IF the court has given this power to your guardian.
- If you are under a conditional discharge, and one of the conditions is that you take certain medications, failure to do so may mean you will be readmitted to the hospital. See more about conditional discharge here: <http://www.drcnh.org/CDrights.pdf>
- You are under a 306 order while hospitalized at a state designated facility like New Hampshire Hospital.



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This brochure is not meant to be legal advice. For specific legal advice, talk to an attorney.

What can I do if I think my rights have been violated?

There are lots of things you can do. You can:

- Talk informally with your doctor or treatment team about the problem and what you want to change.
- Ask for a treatment team meeting to discuss specific changes to your treatment plan.
- Ask a friend or advocate to help you resolve the problem.
- File a complaint with the hospital or mental health center.
- File a complaint with the Board of Medicine about a specific doctor.
- Call **DRC at 228-0432 or 1-800-834-1721**.
- Call another lawyer for help.
- If your guardian has authorized the medication, speak to the guardian about the problem and ask that the medication be reduced or stopped. You also have the right to petition the court to ask that the guardianship be limited or revoked, that the guardian be changed, or that the court review the decision of your guardian.
- If your conditional discharge requires you to take medication, you can request that the conditions be revised. The mental health center and the hospital must agree in order to make changes to the conditions of your discharge. See more about conditional discharge here: <http://www.drcnh.org/CDrights.pdf>