
MENTAL HEALTH:

Your Rights to Refuse Medication in the Hospital

You Have the Right to Get Information about Medication So You Can Decide in an Informed Way If You Want to Take Medication

- Hospital staff must give you information about the medication and other treatments so that your decision about accepting or refusing treatment is an informed decision.

If You Are a Voluntary Patient:

- You have the right to accept or refuse medication, unless you are an immediate and substantial danger to yourself or others.
- If you are an immediate and substantial danger to yourself or others, the hospital staff may give you emergency medication.

If You Are an Involuntary Patient:

- You still have the right to accept or refuse medication, unless you are an immediate and substantial danger to yourself or others.
- If you are an immediate and substantial danger to yourself or others, the hospital staff may give you emergency medication.
- If the hospital staff thinks you should take medication in non-emergency situations and you refuse, the hospital staff can override your decision. But these things must happen first:
 1. First, the hospital must prove that you do not have the “capacity” or ability to make a decision about taking medication.
 2. Second, if the hospital staff decide that you do not have “capacity,” the hospital must get an order from a court before you can be forced to take medication. At this court hearing, you have the right to have an attorney and an independent evaluation of your ability to make decisions about taking medication.

If You Feel Your Rights Are Being Violated:

- If you feel that your right to accept or refuse medication is being violated, you should contact the hospital clients' rights officer and ask to file a grievance.
- You may also want to talk about your concerns with your treating doctor.
- If the hospital takes you to court, you should work with your court appointed attorney.