

Kansas Administrative Regulations

Kansas Department for Aging and Disability Services

Article 52.—Crisis Intervention Centers

26-52-26. Patient rights.

(a) Each administrative director shall establish and implement written policies and procedures concerning the rights of patients. The center's policies and procedures shall provide for patient rights available in state and federal law, including the following:

(1) Freedom from mental, physical, sexual, and verbal abuse; neglect; and exploitation by staff members and volunteers of the center;

(2) freedom from sexual remarks or advances by a staff member or volunteer of the center;

(3) freedom from physical intimacies or sexual activities with a staff member or volunteer of the center;

(4) freedom from undue influence or duress, including promoting sales of goods or services, in a manner that would exploit the patient for the purpose of financial gain, personal gratification, or advantage of a staff member or volunteer of the center, or a third party;

(5) freedom from forced participation in any publicity or promotional activities for the center;

(6) freedom from discrimination based on race, color, ancestry, religion, national origin, sex, or disability, including full and equal access to the programs and services provided by the center;

(7) freedom to participate in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security; and

(8) reasonable accommodations for religious diets.

(b) The center's policies and procedures relating to patient rights shall comply with the requirements pursuant to K.S.A. 59-29c09, and amendments thereto, including the following:

(1) Each patient who has been involuntarily admitted at the crisis intervention center pursuant to K.S.A. 59-29c06 or K.S.A. 59-29c07, and amendments thereto, shall be advised at the time of admission of the patient's right to contact the patient's legal counsel, legal guardian, personal physician or psychologist, minister of religion, including a christian science practitioner, or immediate family, and upon the patient's request, the center shall immediately make reasonable means available for the patient's requested communication. For purposes of this regulation, "immediate family" shall have the meaning as defined in K.S.A. 59-29c09, and amendments thereto.

(2) Each licensee shall submit written notice to the patient's attorney or legal guardian, or both, immediately upon admission for each patient who is admitted to the center pursuant to K.S.A. 59-29c06 or K.S.A. 59-29c07, and amendments thereto, unless the attorney or legal guardian is the person who signed the application for emergency observation and treatment. A copy of the application for emergency observation and treatment shall be sent to the attorney or legal guardian, or both, with the required notice. If the identity and whereabouts of the patient's attorney or legal guardian, or both, is not known at the time of the patient's admission but is later discovered prior to the patient's discharge, the center shall provide the required notice upon discovery of the information. Each patient must provide written authorization pursuant to K.S.A. 65-5601 through 65-5605, and amendments thereto, for the center to provide notice to an immediate family member.

(c) The center's policies and procedures shall provide each patient notice of the rights pursuant to K.S.A. 59-29c12, and amendments thereto, which can be limited or restricted if the right is not consistent with the center's guidelines for order and security or is not consistent with the patient's treatment plan, including the following:

(1) the right to wear the patient's own clothes, and use the patient's own personal possessions, including toilet articles, and to keep and spend the patient's own money; and

(2) subject to paragraph (d)(4) of this regulation, the right to send and receive unopened mail;

(A) Staff members shall not censor mail or written communication, except to check for contraband, unless censorship is clinically indicated.

(B) Each patient's mail addressed to the patient, which is restricted by the clinical director or designee for clinically-indicated reasons or suspected contraband, shall be opened, examined, and read in the presence of the patient.

(C) The reason for each occasion of censorship shall be documented and kept in the patient's record as required by subsection (e) of this regulation.

(D) Each patient's right to send mail shall only be restricted if the mail violates postal regulations, which shall be documented and maintained in the patient's record.

(E) First-class letters and packages that are addressed to each patient shall be promptly forwarded to the patient following their transfer or discharge from the center.

(3) subject to paragraph (d)(5) of this regulation, the right to confidential communications by telephone or other reasonable means; and

(4) subject to paragraph (d)(6) of this regulation, the right to receive visitors.

(d) The center's policies and procedures shall provide patients notice of the rights available pursuant to K.S.A. 59-29c12, and amendments thereto, which shall not be restricted by the center, including the following:

(1) The right to refuse involuntary labor other than housekeeping of each patient's own room and bathroom. This subsection does not prohibit a patient from performing labor as part of a therapeutic program if the following requirements are met:

(A) The patient has provided written consent for participation in the therapeutic program;

(B) the patient is reasonably compensated for the labor performed; and

(C) the patient's written consent and compensation are recorded in the patient's record.

(2) the right not to be subjected to psychosurgery, electroshock therapy, experimental medication, aversion therapy, or hazardous treatment procedures unless the following requirements are met:

(A) A verbal and written explanation of the benefits, risks, and side effects of the proposed psychosurgery, electroshock therapy, administration of experimental medication, aversion therapy, or hazardous treatment procedure is provided to the patient by the clinical director or designee;

(B) the patient consents in writing to the proposed treatment, medication, or procedure; and

(C) the verbal and written explanation of the benefits, risks, and side effects of the proposed treatment, medication, or procedure and the patient's written consent are recorded in the patient's record.

(3) the right to receive an explanation of all medications prescribed, the reason for the prescription, and the most common side effects of the medication. If requested by a patient or their legal guardian, an explanation of the nature of other treatment ordered shall be provided by the ordering physician, physician's assistant, or advanced practice registered nurse. The explanation provided to the patient or legal guardian, or both, shall be recorded in the patient's record;

(4) the right to communicate by letter, without examination by staff, with the secretary for aging and disability services, the clinical director or administrative director of the center, and any court, attorney, physician, psychologist, qualified mental health professional, licensed addiction counselor or minister of religion, including a christian science practitioner. The center shall promptly forward, without examination, all patient communication which is addressed to any person listed in this paragraph, and shall promptly deliver to the patient, without examination, all patient communication received from any person listed in this paragraph;

(5) the right at any time to contact and to confidentially consult with the patient's physician, psychologist, qualified mental health professional, licensed addiction counselor, minister of religion, including a christian science practitioner, legal guardian, or attorney;

(6) the right of visitation at any time by the patient's physician, psychologist, qualified mental health professional, licensed addiction counselor, minister of religion, including a christian science practitioner, legal guardian, or attorney;

(7) the right to be informed orally and in writing of each patient's rights upon admission to the center; and

(8) the right to be treated humanely, consistent with generally accepted ethics and practices.

(e) The center's policies and procedures on patient rights shall meet the following requirements:

(1) The administrative director may establish center guidelines for order and security of the center, which may impose reasonable limitations on each patient's rights provided in subsection (c) of this regulation.

(2) The clinical director or designee may restrict each patient's rights provided in subsection (c) of this regulation in accordance with an order issued by a physician, physician's assistant, or advanced practice registered nurse, and the restriction shall comply with the following requirements:

(A) The clinical director or designee shall write a statement providing the clinically-indicated reasons for a restriction of each patient's rights provided in subsection (c) of this regulation. The statement of the clinical director or designee shall be recorded in the patient's record.

(B) restriction of each patient's rights provided in subsection (c) of this regulation shall be in accordance with an order of a physician, physician's assistant, or advanced practice registered nurse, which order shall identify the specific right that is restricted for the patient, the reason for the restriction, and shall be recorded in the patient's record;

(C) copies of the explanatory statement of the clinical director or designee shall be made available to the patient and the patient's attorney; and

(D) notice of any restriction of each patient's rights in subsection (c) of this regulation shall be timely communicated to the patient in a language the patient can understand.

(Authorized by and implementing K.S.A. 39-2004; effective, T-26-2-16-24, Feb. 16, 2024; effective, T-26-6-10-24, June 10, 2024; effective June 28, 2024.)

***** Authenticated Kansas Administrative Regulation *****