

Sc. 242.501. RESIDENT 'S RIGHTS. (a) The executive commissioner by rule shall adopt a statement of the rights of a resident. The statement must be consistent with Chapter 102, Human Resources Code, but shall reflect the unique circumstances of a resident at an institution. At a minimum, the statement of the rights of a resident must address the resident 's constitutional, civil, and legal rights and the resident 's right:

- (1) to be free from abuse and exploitation;
- (2) to safe, decent, and clean conditions;
- (3) to be treated with courtesy, consideration, and respect;
- (4) to not be subjected to discrimination based on age, race, religion, sex, nationality, or disability and to practice the resident 's own religious beliefs;
- (5) to place in the resident 's room an electronic monitoring device that is owned and operated by the resident or provided by the resident 's guardian or legal representative;
- (6) to privacy, including privacy during visits and telephone calls;
- (7) to complain about the institution and to organize or participate in any program that presents residents ' concerns to the administrator of the institution;
- (8) to have information about the resident in the possession of the institution maintained as confidential;
- (9) to retain the services of a physician the resident chooses, at the resident 's own expense or through a health care plan, and to have a physician explain to the resident, in language that the resident understands, the resident 's complete medical condition, the recommended treatment, and the expected results of the treatment, including reasonably expected effects, side effects, and risks associated with psychoactive medications;
- (10) to participate in developing a plan of care, to refuse treatment, and to refuse to participate in experimental research;
- (11) to a written statement or admission agreement describing the services provided by the institution and the related charges;
- (12) to manage the resident 's own finances or to delegate that responsibility to another person;
- (13) to access money and property that the resident has deposited with the institution and to an accounting of the resident 's money and property that are deposited with the institution and of all financial transactions made with or on behalf of the resident;
- (14) to keep and use personal property, secure from theft or

loss;

(15) to not be relocated within the institution, except in accordance with standards adopted under Section 242.403;

(16) to receive visitors;

(17) to receive unopened mail and to receive assistance in reading or writing correspondence;

(18) to participate in activities inside and outside the institution;

(19) to wear the resident 's own clothes;

(20) to discharge himself or herself from the institution unless the resident is an adjudicated mental incompetent;

(21) to not be discharged from the institution except as provided in the standards adopted under Section 242.403;

(22) to be free from any physical or chemical restraints imposed for the purposes of discipline or convenience,

and not required to treat the resident 's medical symptoms; and

(23) to receive information about prescribed psychoactive medication from the person prescribing the medication or that person 's designee, to have any psychoactive medications prescribed and administered in a responsible manner, as mandated by Section 242.505, and to refuse to consent to the prescription of psychoactive medications.

(b) A right of a resident may be restricted only to the extent necessary to protect:

(1) a right of another resident, particularly a right of the other resident relating to privacy and confidentiality; or

(2) the resident or another person from danger or harm.

(c) The executive commissioner may adopt rights of residents in addition to those required by Subsection (a) and may consider additional rights applicable to residents in other jurisdictions.

Added by Acts 1997, 75th Leg., ch. 1159, Sec. 1.30, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 919, Sec. 1, eff. June 14, 2001; Acts 2001, 77th Leg., ch. 1224, Sec. 2, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 10.004, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0654, eff. April 2, 2015.