



Right to Refuse Treatment and Medication in a Hospital Setting

All patients have the following rights:

- You have the right to receive age-appropriate treatment.
- The hospital must create and implement an individualized written treatment plan within 30 days of your admission. You or your legally responsible person must be involved in creating that plan.
- You and your legally responsible person will be told **in advance** of all potential risks and alleged benefits of the treatment choices.
- You have the right to be free from unnecessary or excessive medication. This means the hospital cannot give you medication as punishment or for staff convenience.
- The hospital cannot give you medication unless a doctor puts an order in your records for the medication. The medication must be given according to accepted medical standards.
- You or your legally responsible person must give **informed written consent** before you can receive electro-convulsive therapy, experimental drugs or procedures, or non-emergency surgery. You or your legally responsible person can withdraw that consent at any time.

Can the hospital force me to have treatment?

It depends on the situation, the specific treatment, and what type of hospital you are in.

In general, if you were voluntarily admitted – no, it cannot

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If you chose to go the hospital, or your legally responsible person signed you into the hospital, you (or your legally responsible person) have the right to agree to or to refuse treatment.

There are some **exceptions**:

- In an emergency, the hospital can give you treatment or medication, even if you refused that treatment or medication before the emergency happened.
- The hospital can do emergency surgery on you if immediate action is needed to save your life or health, and you or your legally responsible person cannot give consent right away.
- The hospital can use seclusion, restraint or other restrictive interventions without your consent in an emergency situation, meaning your behavior is causing the risk of imminent harm to yourself or others.

Be aware that if the hospital presents you with all the treatment options it feels are appropriate, and you refuse them all, the hospital can discharge you or seek to have you admitted involuntarily.

In general, if you were involuntarily admitted – yes, but only in some situations

If a judge ordered you to be in the hospital, you can be given treatment or medication even if you (or your legally responsible person) refuse it. This can happen:

- In an emergency situation.
- If your doctor and the hospital's clinical director agree that you need the medication or treatment in order to participate in any treatment plan that will give a realistic opportunity for your health to improve.
- If your doctor and the hospital's clinical director agree that there is a significant possibility you will harm yourself or others before your health improves, unless you receive the treatment or medication.

State-operated hospitals (Broughton, Central Regional or Cherry)

Because these hospitals are managed by the State of North Carolina, patients there receive some extra protections.

Psychotropic medications in an emergency

In an emergency, you can be given medication even if you refuse it. This is sometimes called “forced medication.”

- If your behavior is causing a risk of imminent harm to yourself or others, the clinical director must document, **in writing**, that giving you the medication is necessary to prevent you from causing that harm.
- If your behavior is putting your life or the lives of others at risk, a doctor must give a **written or verbal** order for the medication.

If you receive forced medication three times or more during a 30-day period, your treatment team must meet to review your treatment plan. They must also develop a plan to respond to emergency situations in the future. You or your legally responsible person must be involved in creating that plan.

Psychotropic medications in a non-emergency

If you were admitted to the hospital voluntarily, you (or your legally responsible person) have the right to refuse medication.

If you were admitted to the hospital involuntarily, you can only be given forced medication if it is in your “best interest.” This means one of these things:

- Your behavior is causing the risk of imminent harm to yourself or others.
- Your doctor believes that without the medication, you will be unable to participate in any treatment plan that will give a realistic opportunity for your health to improve.
- Your doctor believes that unless you take the medication, there is a significant possibility that you will harm yourself or others before your health improves.

The doctor must consider your reasons for refusing the medication, whether there are other treatments available, and the risks or other side effects of the medication. If your doctor still feels that the medication is in your best interest, the doctor must speak with you or your legally responsible person and explain your condition, the reason for recommending the medication, the risks and benefits of the medication, and the risks and benefits of other treatment options.

If you (or your legally responsible person) refuse the medication, your doctor must invite you to a treatment team meeting to discuss the matter.

If you still refuse the medication after the treatment team meets, your doctor and the hospital's clinical director will review your case. If both doctors agree taking the medication is in your best interest, the hospital can give you the forced medication.

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Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

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