

OASIS · AT A GLANCE

Your rights under the Michigan Mental Health Code

A psychiatric crisis strips away the illusion that you're in control of anything. The Mental Health Code says you and your family member still have rights inside that chaos. Almost nobody hands you the list.

BY JIM PALASTY · 11 MIN READ · EIGHT RIGHTS THE CRISIS DOESN'T ERASE

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CORE RIGHTS GUARANTEED DURING A PSYCHIATRIC CRISIS

Adequate treatment, least restrictive setting, informed consent, and five more. Nobody reads them to you during an involuntary hold. All of them still apply.

How it works

THREE STEPS

STEP 1

The crisis starts

Police, mobile crisis, or an ER visit trigger a psychiatric evaluation. Fear takes over before anyone mentions rights.



STEP 2

The Code applies anyway

Michigan's Mental Health Code governs every evaluation and hold in this state, whether or not staff say so out loud.



STEP 3

A patient rights officer exists

Every facility is required to have one. Most families never hear the phrase until they ask for it by name.

Fundamental rights under the Code

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|-----------------------------------|---|
| 1. Adequate treatment | Care that actually addresses the condition, not simply containment |
| 2. Least restrictive setting | The least restrictive option that meets safety needs, not the first bed offered |
| 3. Informed consent | Understanding and agreeing to treatment, with narrow emergency exceptions |
| 4. Confidentiality | Records and information protected, with specific limited exceptions |
| 5. Freedom from abuse and neglect | Applies inside every facility, every time, with no exceptions |

THE MEDICATION ORDER THAT GOT REVERSED

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Denise's adult son was placed on a new medication during an involuntary hold without anyone calling her, despite a valid HIPAA authorization on file. She called the unit and asked, by name, for the patient rights officer. She cited the right to informed consent and asked exactly which emergency exception applied. There wasn't one. The order was reversed within a day.

KNOWING THE PHRASE 'PATIENT RIGHTS OFFICER' CHANGED WHAT HAPPENED NEXT.

What matters, at a glance

MICHIGAN SPECIFIC

Right to the least restrictive setting

The law requires the least restrictive setting that meets safety needs, not simply whatever bed happened to open first.

Right to informed consent

Outside narrow emergency exceptions, you have the right to understand and agree to treatment before it happens to you.

Right to refuse treatment

Refusal rights are real, with limited exceptions for immediate danger. Staff don't always explain the exceptions accurately, or at all.

Patient rights officer

Every facility must have one. Their entire job is investigating the kind of complaint your family is dreading having to make.

File within days, not months

Rights complaints carry more weight with contemporaneous documentation. Write down what happened while the details are still sharp.

Guardianship doesn't erase these rights

Even with a guardian in place, the person retains rights under the Code that a guardian cannot legally sign away.

BRING THESE · CHECK AS YOU GO

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| ☐ A written timeline of what happened and when | ☐ Names of every staff member involved |
| ☐ Any relevant HIPAA authorization or power of attorney documentation | ☐ The patient rights officer's name and contact information |
| ☐ Michigan Protection and Advocacy Service's contact information | |

YOUR MOVE

When you believe a right has been violated, here is what to do

- 1 Ask for the patient rights officer, by name, immediately.
- 2 Write down exactly what happened, with times and names.
- 3 File a written complaint, not only a verbal one.
- 4 Request a copy of your complaint and the facility's response.
- 5 Escalate to Michigan Protection and Advocacy Service if unresolved.
- 6 Keep every document for future advocacy or appeals.

Rights on paper only matter if someone asserts them out loud. You are allowed to be that someone.

RESOURCES NAMED IN THIS POST

mpas.org · <https://www.mpas.org>

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ABOUT THE AUTHOR



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