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Having a Problem with your Psychiatrist or Psychiatric Medication?

Mental health patients often have complaints regarding their medication and their outpatient psychiatrist. The most common complaints are that the doctor is not responsive to concerns about side effects, or that the patient wants to take a different type of medication.

What are my rights regarding my mental health treatment? ¹

Right to Informed Consent

You have the right to the following information concerning your medication:

- A description of the *nature and seriousness of your mental condition*, disorder or behavior.
- An explanation of the *reason for the medication*.
- The *name and type, frequency, amount, and method of dispensing the medications*, and the probable length of time that the medications will be taken.
- The description of the *likelihood of improvement* and the probable degree and duration of improvement (temporary or permanent) or remission expected with (and without) the medication.
- An explanation of the *nature, degree, duration, and the probability of the side effects and interactions* (with other medications you are taking and medical conditions you have), the risks and how and to what extent they may be controlled, if at all.
- An explanation of the *reasonable alternative treatments* available (including other medications and nonmedication-oriented treatment) and why the doctor is recommending this particular medication.

See MHAP's information sheet "Informed Consent and Psychiatric Medication" for more information regarding your legal rights concerning medication.

¹ Welf. & Inst. Code §5600 et. sec.

What should I do if I have a complaint about my medication?

1. Express your concern to your doctor.

You should tell your doctor the problems you are having with your medication.

Prepare for your doctor's appointment by writing down any side effects you are experiencing, and any questions you have about the medication. If you feel the medication is not effective, write down your symptoms and how often you have them. This way, you can make the most use of the short time you have during the appointment.

You can also write a letter to your doctor in advance of the appointment listing your concerns to make the best use of the time during the appointment. If you want a medication change, be specific and list your reasons.

If you want to stop taking a certain medication and you do not have a conservator, you have the right to refuse medication even if it is prescribed for you. (Some exceptions apply if you are in the hospital). If you want to stop taking the medication, you can ask your doctor to give you information on how to stop the medications safely. Your psychiatrist may disagree with discontinuing the medication or may suggest alternative medications with you. Remember, it is your decision, but before deciding, listen to what your doctor has to say.

2. Ask your case manager for help.

If your doctor doesn't respond to your concerns, ask your case manager to help you communicate with your doctor. You can request that your case manager attend your doctor's appointment with you.

Contact the director of the clinic.

Keeping in mind that, generally, the director of the clinic is not a doctor and thus cannot tell a doctor what to prescribe, you can contact the clinical director if you believe your doctor is not listening to you or taking your concerns seriously.

3. File a grievance.

You always have the right to file a grievance with the Santa Clara County Department of Mental Health's Quality Improvement Department. The forms for filing a grievance are attached. The Quality Improvement Department will contact you to discuss and investigate your grievance and try to work towards a solution. You can contact the Quality Improvement office by calling 1-800-704-0900.

You do not have to go through steps 1-3 before filing a grievance, but MHAP recommends you attempt the informal resolution before filing a grievance.

What if I want to change my doctor or move to a different clinic?

If you feel the problem with your doctor cannot be resolved, you can request a new doctor depending on whether your clinic has more than one doctor. If you change your doctor, there is a good chance that you will also get a new case manager because most clinics operate in treatment teams that have only one doctor.

You can request a new doctor by first writing a letter to your case manager stating why you want to change doctors. If this does not work, you should try to contact the Director of the clinic or file a grievance with the County (see steps 1-3 above).

You can also request a transfer to a new clinic, which should also be in writing to your case manager. However, a transfer can take several months, can be a hassle, and many clinics are closed to transfers or have long wait lists. See MHAP's information sheet "Having a Problem with your Mental Health Services or Case Manager?" for additional information.

MHAP generally does not assist clients with general complaints about their mental health service provider.

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights for your particular case.