



Your Rights to Mental Health Services: Frequently Asked Questions about Electroconvulsive Therapy (ECT)

DISABILITIES RIGHTS CENTER

As part of your psychiatric treatment, your doctor may have recommended electroconvulsive therapy (ECT) to help you in your recovery. ECT is a controversial treatment that is used to treat depression, mania, and some kinds of schizophrenia. Because it is controversial, the law offers extra protections to ensure that you do not receive ECT involuntarily.

You have the right to make an informed decision about ECT

You have the right to full information, including the possible benefits, risks, and side effects, before you make a decision. Your doctor should fully inform you about ECT. You can also do your own research to find out more. Then you can consent or refuse to consent to ECT.

Can I decide in advance of a crisis?

You may want to get information and make decisions about psychiatric treatment in advance, when you are not having a crisis. Some people choose to execute a psychiatric advance directive to explain in advance their choices about ECT and other psychiatric treatment. This can be helpful to you and others if you become incapable of making decisions. Some courts have ruled that psychiatric advance directives are legally enforceable, although this has not been tested in New Hampshire.

Can I be forced to have ECT?

No. You have the right to decide whether to have ECT. It cannot be used as an involuntary emergency treatment.



FAQ ABOUT ECT

I have a guardian. Can my guardian make me have ECT against my will?

Your guardian can only authorize ECT with the specific permission of a probate court.

I am being pressured to agree to ECT. What can I do?

Unless a probate court orders you to have ECT, it is your decision. You can consent or refuse to consent. You can “just say no” - or “yes”. If you are having trouble getting your message across, or getting the treatment team to accept your decision, you can ask an advocate to help you.

I was harmed by ECT. What can I do?

You have the right to file a complaint against the mental health center or the hospital. As with any medical treatment, you have the right to file a complaint with the NH State Board of Medicine. You have the right to contact a lawyer to help you protect your rights. As with any legal matter you must act promptly or risk losing the right to file suit.



Disabilities Rights Center
18 Low Avenue
Concord, NH 03301
1-800-834-1721
www.drcnh.org

This brochure is not meant to be legal advice. For specific legal advice, talk to a lawyer.

What can I do if I think my rights have been violated?

If you are not satisfied with any aspect of your treatment or services, you have the right to take steps to improve the situation. There are many things you can do. Here are some of them:

1. Talk informally with your doctor or treatment team, explain what your complaints are, and ask for the changes you want
2. Ask for a treatment team meeting to discuss changes you want to your treatment
3. Ask a friend or advocate to help you resolve the problem
4. Call the Disabilities Rights Center at 228-0432 or 1-800-834-1721
5. Call another lawyer to help you
6. File a complaint against the hospital or mental health center