

You Have the Right to be Protected from Inappropriate Sexual Behavior in Maryland Psychiatric Facilities

You have the right to be free from physical assault, sexual assault, sexual harassment, and discrimination. **Any sexual contact without your consent, agreement, or permission is never OK!**

What Kinds of Behavior are Prohibited?

Maryland Health-General § 10-705 and COMAR 10.01.18

- **You have the right to be protected from sexual assault and sexual harassment**, including:
 - Unwelcome sexual advances or requests for sexual favors.
 - Intimidation, bullying, or coercion.
 - Any sexual conduct that creates a hostile or offensive environment.
- **Absolutely no** sexual contact between a patient and a staff person is allowed.
- You have the right to be free from:
 - Threats or pressure to perform sexual acts.
 - Intentional indecent exposure, being shown sexual images, or having another person intentionally looking at your naked body.
 - Having your naked body photographed, drawn, or recorded.
 - Any other intentional physical contact (or attempt) for the purpose of sexual arousal, dominance, or power.

You Have the Right to Individualized Treatment

Maryland Health-General § 10-705 and § 10-706

- When you're admitted to a behavioral health program, the hospital or facility should make sure that you are safe, that your needs are met, and that you are **protected from harm**.
- Within a reasonable time after your admission, usually 5 days, your treatment team should complete a **risk assessment**.
- If needed, they should develop a **protection plan** to keep you safe. Your treatment team should consider your room assignment; activities and programs with others; supervision needs; group or individual counseling; and education on personal safety.

Staff are Required to Respond to Inappropriate Sexual Behavior

Maryland Health-General § 10-705 and COMAR 10.01.18.05

- Programs and facilities **must report** inappropriate sexual behavior involving patients if they see it happen, you tell them it happened, or if staff have reason to believe it may have happened.
- Programs and facilities that must report include State psychiatric facilities, hospitals with psychiatric units, forensic residential centers, intermediate care facilities for people with intellectual disabilities, RTCs, DDA vocational/day programs, RRP, mental health vocational programs, and PRPs.
- Programs and facilities must send reports to the State and DRM.
- Staff cannot ignore a complaint of inappropriate sexual behavior.
- After making a report, the police, facility, DRM, Child Protective Services, or Adult Protective Services may **investigate**.
- Your providers must revisit your treatment plan after an incident has occurred.

Have You Experienced Sexual Abuse or Harassment?

- If so, **you are not alone**.
- If you are in a behavioral health program, your treatment team must review your treatment plan to ensure it meet your needs and protects your safety.
- If the staff have not responded to your complaint appropriately, contact DRM. DRM may be able to investigate your complaint, help your treatment team develop safety measures, advocate for you to receive trauma-informed care, and give you advice and resources to help you advocate for yourself.
- For additional resources and support, please contact DRM or:
 - **The Sexual Assault Legal Institute**
301-565-2277 or 1-877-496-SALI
 - **The Rape, Abuse & Incest National Network**
1-800-656-HOPE or www.rainn.org

About Disability Rights Maryland

Disability Rights Maryland (DRM) is a private non-profit law firm that provides free legal and advocacy services for people with disabilities. As Maryland's protection and advocacy agency, DRM investigates facilities to prevent abuse, neglect, and rights violations.

If you have questions or concerns, please contact us:

www.DisabilityRightsMD.org

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