

Viewpoint: You Have A Right...

by David Gonzalez

To remain silent! If you give up this right, anything you say will be used against you! All your other rights posted on the wall are not legally binding and are therefore privileges dependent on your nonresistant compliance. The "Patients' Bill of Rights" is a patronizing document conveniently framed as "rights" to ensure the institution's continual funding by the City and/or State.

As a consumer of mental health services in New York City, I marvel at the fact that as we enter the 21st Century there are still wholesale violation of rights taking place right here in the mecca of all human rights, the United States.

When will providers stop patronizing consumers by implying that they don't know their rights? In light of the present expansion of the consumer empowerment movement, they ought to give us more credit than that! The problem is not that consumers don't know their rights, the problem is that their so-called "rights" are not legally binding and are therefore useless! (In Hitler's society, the mentally and the physically disabled were the first to lose their rights.)

In a civilized society founded on the legal premise of justice and equality for all (including the physically and mentally disabled), whenever a contract is signed between two parties, there must be a non-partisan "court of law"

authorized to settle any ongoing dispute between the two parties involved. If no such legally binding mediator exists, then any presumed "right" by either party is a moot point of contention.

Whenever a contract is designed to protect only the interests of the party drawing up the contract, then it is not actually a contract, it is a "bill of sale." Whenever the consumer of a product or service has not received the product or service then there is a fraud involved. (To my knowledge, fraud is still a criminal offense). How ironic that whenever I enter the name Freud into my computer, the spell-check feature spits back the word fraud! Is my computer trying to tell me something? Has treatment become the illness, rather than the cure?

When the objectives of recovery and treatment are trampled upon to accommodate the whims of those intoxicated by the raw power of authority, the only alternative of the administration is to justify its policies by labeling their consumers as being non-compliant, or treatment-resistant, when, in reality, the consumer is not resistant to treatment, he is resistant to being treated without dignity.

Consumer advocates must stop buying into the myth that consumers don't know their rights and implement a course of action aimed at making the so-called "rights" of the consumer legally binding. Then, and only then, can they truly be called "rights." I am saddened and disturbed by the proliferation of advocacy groups throughout the United States who have splintered off into pursuing

their own private ideological agendas, when they should be united in the goal of making the "rights" of the consumer legally binding.

This should be the one common goal of every advocacy group across the nation and it should be the rallying cry of the consumer empowerment movement. All public and private, city-or-state-funded agencies should be mandated to have an ombudsman on site at every treatment facility authorized to rectify any legitimate grievances.

These facilities should then be required to recruit Peer Advocates from among their consumers who will be authorized to assist their peers in submitting and presenting grievances. These Peer Advocates should not be bound to any administrative policies which conflict with the "legally binding rights" of the consumer.

These measures are the only way to insure an equitable playing field and these measures must be taken not only to guarantee the rights of the consumer, but to protect the integrity of the institution and the city or state agency funding that institution.

Let us not enter the 21st Century unsure of what lies ahead, but let us proudly and confidently enter the millennium assured in the knowledge that the rights of every American citizen (including the physically and mentally disabled) as set down by the Founding Fathers of this great nation shall not be denied, but shall be upheld. For, as President John F. Kennedy once so eloquently stated: "The rights of man are not granted by the State, but by the hand of God.