

## **Legal Rights of Voluntary Mental Health Patients in Ohio**

This document provides a summary of the legal rights of individuals who voluntarily admit themselves to a mental health facility in Ohio and later wish to leave or request a refund. It includes citations from the Ohio Revised Code and guidance for next steps.

### **1. Voluntary Admission Means the Patient Can Request to Leave**

Under Ohio Revised Code § 5122.03, an individual admitted voluntarily to a psychiatric facility has the right to request discharge. The facility must release the individual unless, within three court days, the chief clinical officer files an affidavit for emergency detention under § 5122.11.

This means unless the individual is mentally ill and represents a substantial risk of physical harm to self or others, or is gravely disabled, they cannot be legally held.

Sources: <https://codes.ohio.gov/ohio-revised-code/section-5122.03> and <https://codes.ohio.gov/ohio-revised-code/section-5122.11>

### **2. Legal Grounds for Holding a Person Against Their Will**

According to Ohio Revised Code § 5122.10 and § 5122.11, a person may only be held against their will if they are mentally ill and present a substantial risk of physical harm to themselves or others, or cannot provide for their own basic needs.

Legal procedures including filing an affidavit and court involvement are required. The maximum emergency detention period is 72 hours (excluding weekends and holidays).

Sources: <https://codes.ohio.gov/ohio-revised-code/section-5122.10> and <https://codes.ohio.gov/ohio-revised-code/section-5122.11>

### **3. AMA (Against Medical Advice) Forms Are Not Legally Binding**

Facilities may ask patients to sign an AMA form when leaving against medical advice. However, this is not a legal requirement. Refusal to sign does not allow the facility to detain someone who wishes to leave voluntarily.

#### 4. Payment Status Is Irrelevant to Civil Rights

Whether a person uses insurance or pays privately does not affect their civil rights. A facility cannot detain someone based solely on payment or an unfinished program.

#### 5. Ohio Consumer Protection Law and Misrepresentation of Services

Ohio Revised Code § 1345.02 prohibits unfair or deceptive acts in consumer transactions, including misrepresenting services.

A facility may be in violation if they:

- Advertise or promise services (like daily sessions or specific treatments) that are not provided.
- Omit or misrepresent refund policies or billing details.

Key Provision:

ORC § 1345.02(B)(1): It is deceptive to state that a service has characteristics or benefits that it does not.

Source: <https://codes.ohio.gov/ohio-revised-code/section-1345.02>

#### 6. What Patients Can Do

If a person wants to leave or request a refund:

- Submit a written request for discharge.
- Request an itemized bill and refund for undelivered services.

If denied, contact:

- Disability Rights Ohio: <https://www.disabilityrightsohio.org>
- Ohio Attorney General: <https://www.ohioattorneygeneral.gov>
- A legal aid or consumer protection attorney.

#### Sample Discharge Request Letter

[Full Name]

[Facility Name]

[Date]

To Whom It May Concern,

I am writing to request my immediate discharge from [Facility Name], where I was

voluntarily admitted. I am not suicidal, not a danger to others, and I am able to care for myself.

Under Ohio Revised Code § 5122.03, I retain the right to leave unless I meet the legal criteria for involuntary commitment, which I do not.

Please consider this my formal discharge request. I understand the risks of leaving early and take full responsibility. I am open to receiving any aftercare instructions.

I respectfully ask that no delay or additional documentation be required for my release. If not released promptly, I will explore legal remedies.

Sincerely,

[Full Name]

[Signature]

### **Sample Refund Request Letter**

[Full Name]

[Facility Name]

[Date]

To Whom It May Concern,

I am requesting a refund for services not rendered during my recent voluntary stay at your facility. I was admitted on [Admission Date] and left on [Discharge Date]. Promised services were not provided.

I paid [Amount] in advance expecting full program access. This misrepresentation violates Ohio Revised Code § 1345.02(B)(1), which prohibits deceptive consumer practices.

Please issue a full refund. I expect a response within 10 business days before I escalate this to the Ohio Attorney General or seek legal advice.

Sincerely,

[Full Name]

[Signature]