

CHAPTER V

CLIENT RIGHTS

Section 1. General. Programs shall support and protect the fundamental human, civil, constitutional, and statutory rights of each client. Substance abuse records are additionally protected by 42 CFR, Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.

Section 2. Policies. The program shall have written policies that describe the rights of clients and the means by which these rights are protected and exercised. These rights shall include the following.

(a) Persons shall have impartial access to treatment, regardless of race, religion, sex, ethnicity, age, physical handicap, type of mental health or substance abuse disorder, or sources of financial support.

(b) Each client's personal dignity and privacy shall be recognized and respected in the provision of care and treatment.

(c) Written and verbal communications between clients and staff and the content of clinical records shall be held in confidence by all staff.

(i) Except as limited by 42 CFR, Part 2, for substance abuse clients, the fact of being a consumer of mental health and/or substance abuse services is to be held as confidential information.

(ii) Except as limited by 42 CFR, Part 2, for substance abuse clients, confidential client information shall be revealed or released only with the client's informed and written consent except in cases of imminent life-threatening physical danger to the client or others, instances of legally reportable child or adult abuse and neglect, and to qualified state and federal personnel and to authorized peer reviewers under written oath of confidentiality, per Chapter X, Section 1 (b)(ii) and (iii).

Section 3. Treatment Rights.

(a) Each client shall receive treatment appropriate to his or her needs, which shall include at least the following:

(i) The development of an individualized written treatment plan that is reviewed and updated as frequently as clinically indicated.

(ii) The right to initiate a grievance and a mechanism for requesting a review of the grievance.

(b) Clients shall be allowed access to their own records except as clinically contraindicated or except as information has been provided by a third party on the condition that it will remain confidential.

(c) Each client or, where appropriate, the client's legal guardian, shall be informed orally and in writing of the client's rights. If the client or guardian does not understand written rights, these rights

shall be explained orally in a language that the client or guardian understands.

(d) If a client's rights under this section are limited or denied due to clinical contraindications, such limitations or denials shall be fully documented in the clinical record.

(e) In residential programs, in addition to the rights stated above, each client's personal privacy and dignity shall be assured and protected within the constraints of the individual treatment plan.

(i) The client shall be allowed to have visitors, regardless of their age.

(ii) Suitable areas shall be provided for clients to visit in private.

(iii) Clients shall be allowed to send and receive mail without hindrance.

(iv) Clients shall be allowed to conduct private telephone conversations with family and friends.

(v) Clients shall be provided with an individualized plan of appropriate services, which provides for the least restrictive treatment that may reasonably be expected to benefit the client.

(vi) Clients shall be allowed to wear their own clothing, to keep and use personal possessions, including toilet articles, unless the articles may be used to endanger their own or others' lives, and to keep and be allowed to spend their own money.

(vii) Clients shall be free from physical restraints and isolation except when there is an immediate danger to self or others.

(viii) Each residential program shall have a written policy covering the use of restraint and isolation, which ensures that the dignity and safety of the person are protected and that there is regular, frequent monitoring by trained staff.

(ix) If a residential program limits or denies client's rights because of clinical contraindications, such limitations or denials shall be fully documented in the clinical record.