

POLICY AND PROCEDURE

DARKE COUNTY RECOVERY SERVICES, INC

TITLE: CLIENT RIGHTS

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NUMBER: 1.K

Effective Date: 1/2006

AUTHORIZED BY DCRS Board

Review/Revision Date: 7/2009, 7/2012, 8/2013

CLIENT RIGHTS - Rights of the Person Served

POLICY: Darke County Recovery Services will be responsible for ensuring the implementation and maintenance of the client rights activities for all clients participating in organization services and other activities.

PROCEDURE:

- I. The agency implements policies and procedures to safeguard the rights of the persons served. These policies and procedures address the following:
 - a. Informed consent or referral and expression of choice regarding service delivery, concurrent service, composition of the service delivery team, involvement in research projects, access or referral to legal entities for appropriate representation, access to self-help and advocacy support services, adherence to research guidelines and ethics, and investigation and resolution of alleged infringement of rights;
 - b. The involvement of all persons served in all aspects of their individual plans;
 - c. The provision of services in a manner that is responsive to each person's unique characteristics, needs, and abilities;
 - d. Methods by which the person served may review his or her record;
 - e. Methods for obtaining authorizations for release of information;
 - f. Freedom from physical abuse, sexual abuse, harassment, neglect, and physical punishment;
 - g. Freedom from psychological abuse, including humiliating, threatening, and exploiting actions;
 - h. Freedom from financial or other exploitation or retaliation;
 - i. Mechanisms to facilitate access and referral to guardians, conservators, self-help groups, advocacy services, legal services;
 - j. The right of the person served to be provided with information to facilitate decision making;
 - k. The right of the person served to express his/her preferences regarding choice of case manager, therapist, or other service provider;
 - l. The use of crisis intervention procedures, including seclusion or restraint;
 - m. Written procedures governing the use of special treatment interventions and restrictions of rights;
 - n. The parameters of confidentiality and the right to privacy;
 - o. Mechanisms to communicate these policies in an ongoing manner that is understandable to the persons served.
- II. Upon admission and prior to the beginning of service delivery, each client will be provided with a copy of the client rights.
- III. Upon written request any other person may receive a copy of the policy and procedure regarding client rights. Documentation is maintained with dated signatures by the clients, which is kept in each client's record to indicate receipt.
- IV. Client Rights shall be communicated in a meaningful way to all clients.
- V. The client rights procedure will be posted. This policy and procedure is posted prominently at each agency location where clients and visitors may review them.
- VI. In a crisis or emergency situation the client will at a minimum be advised of their immediate pertinent rights.

- VII. Annually, the Client Rights shall be shared with all clients that spend more than one year in any program.
- VIII. The agency promotes maximum integration and inclusion of the persons served through regular evaluation of the following:
 - a. any restrictions placed on the rights or privileges of the persons served;
 - b. method to reinstate restricted or lost privileges and rights;
 - c. and the purpose or benefit of any type of restriction on rights or privileges.
- IX. Privileges can be lost through violation of program rules or a failure to demonstrate progress in treatment. Should restrictions on privileges occur; the purpose of the restriction will be fully explained to the client and will be documented in the case record. Persons served will also be informed regarding the methods to reinstate restricted or lost privileges. This will also be documented in the case record
- X. The rights of clients are non-negotiable, i.e. they cannot be lost by the patient or taken away by the organization. In contrast, privileges may be extended to patients as a result of exceptional conformance to program rules or due to extraordinary progress. Privileges, unlike client rights, can be lost through violations of program rules or a failure to demonstrate progress in treatment.
- XI. The agency commits to the recognition of diversity in culture, age, gender, sexual orientation, spiritual beliefs, socioeconomic status, and language.
- XII. The agency maintains the rights and dignity of the persons served at all times and makes appropriate arrangements available to persons served to meet their need for privacy and safety.
- XIII. When persons served participate in research the agency adheres to all governmental regulations, professional ethics, and is approved by the Board of Trustees. The agency ensures that the confidentiality of the person served is protected. Written consent from each consumer participating is required. Documentation that the client made an informed choice and that he/she had the right to cease participation with no penalty is required. A written consent from consumers to use, disposition, and release of the data is required.
- XIV. The agency provides policies and procedures governing the rights of the person served that apply to all applicable federal and state regulations. This adherence is demonstrated in its clinical records, code of ethics, and other practices.
- XV. Agency Policy stipulates that clients may review their own record.
 - a. Individuals who currently receive services should request access to view their record from their provider, who, if credentialed to provide services independently, may make the record available for review. Other providers or staff will contact their immediate supervisor or the clinical/associate director, to facilitate the review.
 - b. Individuals served who desire a copy of the record will be advised regarding their shared liability for its contents once it leaves our facility, but do have the right to do so. Individuals previously served may contact the Clinical / Associate Director to make such a request. They will be required to verify their identity. Once this is accomplished, the Clinical / Associate Director will arrange to meet with them as they review the record.
 - c. It is the preference of the agency that clients have access to the Clinical/Associate Director or designee as the clinical record is reviewed should questions arise regarding contents that can be explained.