



RIGHTS OF RECIPIENT'S SUBSTANCE USE DISORDER PROGRAMS

In accordance with **R 325.1357 Program services** - A licensee shall provide all of the following information to the recipient upon admission: services to be offered and the role of the licensee; services available through referral; costs associated with services, including any costs to be paid by the recipient; recipient rights and responsibilities; hours during which services will be available; general overview of treatment and rehabilitation services to be offered based upon recipient records; copy of the complaint process; copy of the recipients' rights process; and a notice listing the program's policies and procedures that are available to view upon request.

If you have any questions about your rights when you get substance use disorders services, you can contact the program rights advisor or regional rights consultant listed below.

PROGRAM RIGHTS ADVISOR
Name:
Phone Number:
Email:

REGIONAL RIGHTS CONSULTANT
Name:
Phone Number:
Email:

RIGHTS OF RECIPIENT

R 325.1311(ee) "Recipient" means an individual who receives services from a licensed substance use disorder services program in this state.

R 325.1391 Recipient rights - A recipient shall have all of the following rights:

- (a) The right to appropriate services regardless of race, color, national origin, religion, sex, age, mental or physical handicap, marital status, sexual preference, sexual identity, or political beliefs.
- (b) The right to services without being deprived of any rights, privileges, or benefits guaranteed by state or federal law or by the state or federal constitutions.
- (c) The right to file grievances, recommend changes in program policies or services to the program staff, governmental officials, or another person within or outside the program without program interference.
- (d) The right to review, copy, or receive a summary of his or her program records, unless, in the judgment of the program director, this action will be detrimental to the recipient or to others for either of the following reasons:
 - (i) Granting the request for disclosure will cause substantial harm to the relationship between the recipient and the program or to the program's capacity to provide services in general.
 - (ii) Granting the request for disclosure will cause substantial harm to the recipient.
- (e) The right to review nondetrimental portions of the record or a summary of the nondetrimental portions of the record if the program director determines that the action described under subdivision (d) of this subrule would be detrimental. If a recipient is denied the right to review all or part of his or her record, the reason for the denial must be stated to the recipient. An explanation of what portions of the record are detrimental and for what reasons must be stated in the recipient record and signed by the program director.
- (f) The right to receive services free from physical or mental abuse or neglect or sexual abuse from staff, including any of the following:
 - (i) An intentional act by a staff member that inflicts physical injury upon a recipient or results in sexual contact with a recipient that includes the intentional touching of the recipient's intimate parts, such as primary genital area, groin, inner thigh, buttock, or female breast or the intentional touching of the clothing covering the immediate area of the recipient's intimate parts, and if that

intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

(ii) A communication made by a staff member to a recipient, the purpose of which is to curse, vilify, intimidate, or degrade a recipient or to threaten a recipient with physical injury.

(iii) A recipient suffers injury, temporarily or permanently, because the staff member or other person responsible for the recipient's health or welfare has been found negligent.

(g) The right to review a written fee schedule in programs where recipients are charged for services. Policies on fees and revisions of these policies must be approved by the licensee and recorded in the administrative record of the program.

(h) The right to receive an explanation of his or her bill, regardless of the source of payment.

(i) The right to information concerning any experimental or research procedure proposed as a part of his or her treatment or prevention services, and the right to refuse to participate in the experiment or research without jeopardizing his or her continuing services. A program shall comply with state and federal rules and regulations concerning research that involves human subjects.

R 325.1393 Service plan; specific recipient rights.

(1) A recipient shall be allowed to participate in the development of his or her service plan.

(2) A recipient has the right to refuse treatment and to be informed of the consequences of that refusal. When a refusal of treatment prevents a program from providing services according to ethical and professional standards, the relationship with the recipient may be terminated by the licensee upon reasonable notice.

(3) Unless notified in writing before admission, a recipient may utilize medications as prescribed by a physician.

(4) A recipient must be informed if a program has a policy for discharging recipients who fail to comply with program rules and must receive, at admission and thereafter upon request, a notification form that includes written procedures that explain all of the following:

(a) The types of infractions that can lead to discharge.

(b) Who has the authority to discharge recipients.

(c) How and in what situations prior notification is to be given to the recipient who is being considered for discharge.

(d) The mechanism for review or appeal of a discharge decision.

(5) A copy of the notification form signed by the recipient must be maintained in the recipient's case file.

(6) The benefits, side effects, and risks associated with the use of any medications must be fully explained to the recipient in language that is understood by the recipient.

(7) A recipient has the right to give prior informed consent, consistent with federal confidentiality regulations, for the use and future disposition of products of special observation and audiovisual techniques, such as 1-way vision mirrors, tape recorders, televisions, movies, or photographs.

R 325.1395 Residential and residential withdrawal management programs; specific recipient rights.

(1) In a residential and residential withdrawal management program, a recipient has the right to associate and have private communications and consultations with his or her licensed health professional, attorney, or person of his or her choice.

(2) A program shall post its policy concerning visitors in a public place.

(3) Unless contraindicated by program policy or an individual service plan, a recipient is allowed visits from family members, friends, and other persons of his or her choice at reasonable times, as determined by the program director or according to posted visiting hours. A recipient shall be informed in writing of visiting hours upon admission to the program.

(4) To protect the privacy of all other recipients, a program director shall ensure, to the extent reasonable and possible, that the visitors of recipients will see or have contact with only the individual they have reason to visit.

(5) A recipient has the right to be free from physical and chemical restraints, except those authorized in writing by a physician, physician's assistant, or advanced practice registered nurse for a specified and limited time. Written policies and procedures that set forth the circumstances that require the use of restraints and designate the program personnel responsible for applying restraints must be approved in writing by a physician, physician's assistant, or advanced practice registered nurse and shall be adopted by the licensee. Restraints may be applied in an emergency to protect the recipient from injury to self or others. The restraints must be applied by designated staff. This action must be reported immediately to a physician, physician's assistant, or advanced practice registered nurse and reduced to writing in the recipient record within 24 hours.

(6) A recipient has the right to be free from doing work the program would otherwise employ someone else to do unless the work and the rationale for its therapeutic benefit are included in program policy or in the service plan for the recipient.

(7) A recipient has the right to a reasonable amount of personal storage space for clothing and other personal property. All of these items must be returned to the recipient upon discharge from the program.

(8) A recipient has the right to deposit money, earnings, or income in his or her name in an account with a commercial financial institution. A recipient has the right to get money from the account and to spend it or use it as he or she chooses, unless restricted by program policy or by the service plan for the recipient. A recipient has the right to receive all money or other belongings held for him or her by the program within 24 hours of discharge from the program.

The process for filing a complaint in accordance with R 325.1399 can be found here: [Substance Use Disorder](#) website.