

ATS Counseling PC - Focus Institute
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Policy Name: Rights of Persons

Served

Policy Number: 1.13.0

Date Adopted: August 1, 2011 **Updated: February 15, 2015**

Signature of Director:

Rebecca Kroeker, MHR, LPC

Policy: Consumers of mental health or drug or alcohol abuse services shall retain all rights, benefits and privileges guaranteed by the laws and Constitution of the State of Oklahoma and the United States of America, except those specifically lost through due process of law. ATS follows all federal and state laws regarding confidentiality including OAC 450:15-3-20.1 and OAC 450:450:15-3-60 as applicable.

Procedure: The Notice of Privacy Practices and Client Handbook is designed to give client's basic information about receiving services at ATS. It includes confidentiality, rights, scheduling appointments, infection control regarding sick persons, complaints and grievances, statement regarding fees, the mission statement, statement regarding ethics, information about how to contact us, and what to do in an emergency.

All clients and guardians are given an opportunity for questions and discussion regarding the information in the brochure and client rights. Each consumer/client, upon admission to ATS shall be notified of his/her rights. If the consumer cannot understand the language in the synopsis, an oral explanation of the synopsis shall be given in a language the person can understand; and the provision of the Mental Health and Drug or Alcohol Abuse Services Bill of Rights shall be documented in the consumer's record and signed by the person giving the synopsis or explanation; and

If the consumer is a minor, his parent or legal guardian shall also be informed. If the consumer has a court ordered guardian, the guardian shall be informed. The client initials and signs that they have received the handout.

Clients are also provided information for the ODMHSAS office of consumer advocacy. Information is also posted in the waiting rooms.

ATS staff abide by OAC 450:15-3-20.2

ATS FOLLOWS OAC 450:15-3-20.1

Each consumer/client has the right to be treated with respect and dignity: This shall be construed to protect and promote human dignity and respect.

Each consumer/client has the right to a safe, sanitary, and humane living environment.

Each consumer/client has the right to a humane psychological (mental health and treatment) environment protecting them from harm, abuse, and neglect.

Each consumer/client has the right to services suited to his or her conditions and needs for treatment without regard to his or her race, religion, gender, sexual orientation ethnic origin, age, degree of disability, handicapping condition, legal status

with which he or she is expected to comply, and consequences for non-compliance.

Employees and volunteers are oriented regarding consumers' rights and the constraints of this policy and state policy OAC 450:15-3-20.2.

All mental health and drug or alcohol abuse treatment information, whether recorded or not, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential. In addition, the identity of all consumers who have received or are receiving mental health or drug or alcohol abuse treatment services is both confidential and privileged. Such information shall only be available to persons or agencies actively engaged in the treatment of the consumer unless an exception under state or federal law applies. The information available to persons or agencies actively engaged in the treatment of the consumer shall be limited to the minimum amount of information necessary for the person or agency to carry out its function or the purpose for the release. Nothing in this section shall prohibit disclosure of information as required in 22 O.S. § 1175.

(b) A consumer or his or her legally authorized representative shall have the right to request access to the consumer's own mental health and drug or alcohol abuse treatment information as provided for in 450:15-3-60.

(c) All facilities shall have policy and procedures protecting the confidential and privileged nature of mental health and drug or alcohol abuse treatment information in compliance with state and federal law and which contain at a minimum:

(1) an acknowledgment that all mental health and drug or alcohol abuse treatment information, whether recorded or not, and all communications between a physician or psychotherapist and a consumer are both privileged and confidential and will not be released without the written consent of the consumer or the consumer's legally authorized representative;

(2) an acknowledgment that the identity of a consumer who has received or is receiving mental health or drug or alcohol abuse treatment services is both confidential and privileged and will not be released without the written consent of the consumer or the consumer's legally authorized representative except as otherwise permitted by state and federal law;

(3) a procedure to limit access to mental health and drug or alcohol abuse treatment information to only those persons or agencies actively engaged in the treatment of the patient and to the minimum amount of information necessary to carry out the purpose for the release;

(4) a procedure by which a consumer, or the consumer's legally authorized representative, may access the consumer's mental health and drug or alcohol abuse treatment information;

(5) an acknowledgement that certain state and federal law exceptions to disclosure of mental health and drug or alcohol abuse treatment information without the written consent of the consumer or the consumer's legally authorized representative exist and the facility will release information as required by those laws; and

(6) a procedure by which to notify a consumer of his or her right to confidentiality.

(d) A facility disclosing information pursuant to a written consent to release information shall ensure the written consent form complies with all applicable state and federal law and contains at a minimum the following:

(1) the name of the person, program or entity permitted to make the disclosure;

(2) the name or title of the person or the name of the organization to which disclosure is to be made;

(3) the name of the consumer whose records are to be released;

(4) a description of the information to be disclosed;

(5) the purpose for the disclosure;

(6) the signature of the consumer or the consumer's legally authorized representative;

(7) the date the consent to release was signed by the consumer or the consumer's legally authorized representative;

(8) a statement indicating that treatment services are not contingent upon or influenced by the consumer's decision to permit the information release;

(9) an expiration date, event or condition which shall ensure the release will last no longer than reasonably necessary to serve the purpose for which it is given;

(10) a statement of the right of the consumer, or the consumer's legally authorized representative, to revoke the consent to release in writing and a description of how the patient may do so;

(11) a confidentiality notice which complies with state and federal law; and

(12) a statement in bold type stating "The information authorized for release may include records which may indicate the presence of a communicable or non-communicable disease."

(e) Unless an exception applies, all facilities operated by ODMHSAS will provide consumers with a copy of the ODMHSAS Notice of Privacy Practices.

(f) Compliance with 450:15-3-20.1 shall be determined by a review of facility policy and procedures; facility

forms; consumer record reviews; interviews with staff and consumers; and any other supporting facility documentation.

1.13.0 Rights of Persons Served