

# Partners in Recovery

POLICY AND  
STANDARDS

*Applicable Arizona Department of Health Services Behavioral Health Licensing Rule(s):  
R9-20-203*

**Policy Name: Consumer Rights**

**Policy Number: RI - 0001**

---

H.M. Gilbert Jr., Executive Director, PIR

---

Date

***Cross Reference(s)***

*none*

***Policy Statement***

Partners in Recovery will support and protect the fundamental human, civil, constitutional and statutory rights of each consumer served at the Direct Care Clinics (DCC).

***Purpose***

This policy outlines the steps taken at the DCC to protect consumer rights.

***Scope***

Partners in Recovery Direct Care Clinics.

***Key Terms***

Should the reader need to inquire as to the definition of a term used in this policy, the Partners in Recovery Key Term Glossary can be found in the back of the Policy and Procedure Manual.

***Standards***

- I. At the time of admission for outpatient or inpatient services, a consumer (or the consumer's parent, guardian, custodian, designated representative, or agent if applicable) receives the following documents:
  - A. Consumer Information Handbook;
  - B. Consumer Rights Statement; and
  - C. If the consumer has been enrolled by the department or a RBHA as an individual that is seriously mentally ill, they also receive the Notice of Rights for Persons with Serious Mental Illness.
  - D. Notice of Privacy Practices
  - E. Consumer Grievance and Appeal Procedure
  - F. Notice of Confidentiality of Alcohol and Drug Abuse Information
  - G. Consent to Release Protected Health Information (copy)
  - H. In addition to I.A. through I.G, DCC consumers also receive a Refund Policy and Procedure
- II. DCC staff will explain the rights to the consumer and ask if they have any questions regarding the handouts. The DCC staff member will answer any questions the consumer may have, or contact a staff member if further clarification is needed.
- III. A consumer (or the consumer's parent, guardian, custodian, designated representative, or agent if applicable) signs a statement acknowledging receipt of the handouts and the verbal explanation.

- IV. If a consumer does not speak English or has a disability, the consumer is assisted in becoming aware of their consumer rights in their preferred language or through an accommodation of their disability.
- V. If the consumer is disoriented or in any state that impairs cognition at the time of admission, the staff member will inform the Nurse or Clinical Director who will be responsible for documenting on the Multidisciplinary Treatment Plan a treatment goal indicating that the consumer will need to be informed of his or her rights when the consumer's capacity to understand is no longer impaired.
- VI. All staff receive mandatory training on consumer rights.
- VII. Protection of consumer rights and compliance with this policy is monitored by the Quality Management and Customer Service Department through ongoing review of customer complaints, Incident/Accident/Death reports, grievance and appeals, consumer surveys, and individualized program and services key indicator reports.
- VIII. A consumer has the following rights:
  - A. To be treated with dignity, respect, and consideration
  - B. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, diagnosis, or source of payment
  - C. To receive treatment that:
    - 1. Supports and respects the consumer's individuality, choices, strengths, and abilities;
    - 2. Supports the consumer's personal liberty and only restricts the consumer's personal liberty according to a court order; by the consumer's general consent; or as permitted in this Chapter; and
    - 3. Is provided in the least restrictive environment that meets the consumer's treatment needs
  - D. Not to be prevented or impeded from exercising the consumer's civil rights unless the consumer has been adjudicated incompetent or a court of competent jurisdiction has found that the consumer is unable to exercise a specific right or category of rights
  - E. To submit grievances to agency staff members and complaints to outside entities and other individuals without constraint or retaliation
  - F. To have grievances considered by a licensee in a fair, timely, and impartial manner
  - G. To seek, speak to, and be assisted by legal counsel of the consumer's choice, at the consumer's expense
  - H. To receive assistance from a family member, designated representative, or other individual in understanding, protecting, or exercising the consumer's rights
  - I. If enrolled by the Department or a regional behavioral health authority as an individual who is seriously mentally ill, to receive assistance from human rights advocates provided by the Department or the Department's designee in understanding,

- protecting, or exercising the consumer's rights
- J. To have the consumer's information and records kept confidential and released only as permitted under R9-20-211(A)(3) and (B)
  - K. To privacy in treatment, including the right not to be fingerprinted, photographed, or recorded without general consent, except:
    - 1. For photographing for identification and administrative purposes, as provided by A.R.S. § 36-507(2)
    - 2. For a consumer receiving treatment according to A.R.S. Title 36, Chapter 37
    - 3. For video recordings used for security purposes that are maintained only on a temporary basis; or
    - 4. As provided in R9-20-602(A)(5)
  - L. To review, upon written request, the consumer's own record during the agency's hours of operation or at a time agreed upon by the clinical director, except as described in R9-20-211(A)(6)
  - M. To review the following at the agency or at the Department:
    - 1. The report of the most recent inspection of the premises conducted by the Department
    - 2. A plan of correction in effect as required by the Department
    - 3. If the licensee has submitted a report of inspection by a nationally recognized accreditation agency in lieu of having an inspection conducted by the Department, the most recent report of inspection conducted by the nationally recognized accreditation agency; and
    - 4. If the licensee has submitted a report of inspection by a nationally recognized accreditation agency in lieu of having an inspection conducted by the Department, a plan of correction in effect as required by the nationally recognized accreditation agency
  - N. To be informed of all fees that the consumer is required to pay and of the agency's refund policies and procedures before receiving a behavioral health service, except for a behavioral health service provided to a consumer experiencing a crisis situation
  - O. To receive a verbal explanation of the consumer's condition and a proposed treatment, including the intended outcome, the nature of the proposed treatment, procedures involved in the proposed treatment, risks or side effects from the proposed treatment, and alternatives to the proposed treatment
  - P. To be offered or referred for the treatment specified in the consumer's treatment plan
  - Q. To receive a referral to another agency if the agency is unable to provide a behavioral health service that the consumer requests or that is indicated in the consumer's treatment plan

- R. To give general consent and, if applicable, informed consent to treatment, refuse treatment or withdraw general or informed consent to treatment, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5, is necessary to save the consumer's life or physical health, or is provided according to A.R.S. § 36-512
- S. To be free from:
  - 1. Abuse
  - 2. Neglect
  - 3. Exploitation
  - 4. Coercion
  - 5. Manipulation
  - 6. Retaliation for submitting a complaint to the Department or another entity
  - 7. Discharge or transfer, or threat of discharge or transfer, for reasons unrelated to the consumer's treatment needs, except as established in a fee agreement signed by the consumer or the consumer's parent, guardian, custodian, or agent
  - 8. Treatment that involves the denial of:
    - a) Food
    - b) The opportunity to sleep
    - c) The opportunity to use the toilet
    - d) Restraint or seclusion, of any form, used as a means of coercion, discipline, convenience, or retaliation
- T. To participate or, if applicable, to have the consumer's parent, guardian, custodian or agent participate in treatment decisions and in the development and periodic review and revision of the consumer's written treatment plan
- U. To control the consumer's own finances except as provided by A.R.S. § 36-507(5)
- V. To participate or refuse to participate in religious activities
- W. To refuse to perform labor for an agency, except for housekeeping activities and activities to maintain health and personal hygiene
- X. To be compensated according to state and federal law for labor that primarily benefits the agency and that is not part of the consumer's treatment plan
- Y. To participate or refuse to participate in research or experimental treatment
- Z. To give informed consent in writing, refuse to give informed consent, or withdraw informed consent to participate in research or in treatment that is not a professionally recognized treatment
- Z1. To refuse to acknowledge gratitude to the agency through written statements, other media, or speaking engagements at public gatherings

- 
- Z2. To receive behavioral health services in a smoke-free facility, although smoking may be permitted outside the facility
  - Z3. If receiving treatment in a residential agency, an inpatient treatment program, a Level 4 transitional agency, or a domestic violence shelter:
    1. If assigned to share a bedroom, to be assigned according to R9-20-405(F) and, if applicable, R9-20-404(A)(4)(a).
    2. To associate with individuals of the consumer's choice, receive visitors, and make telephone calls during the hours established by the licensee and conspicuously posted in the facility, unless:
      - a) The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right
      - b) The consumer is informed of the reason why this right is being restricted; and
      - c) The consumer is informed of the consumer's right to file a grievance and the procedure for filing a grievance
    3. To privacy in correspondence, communication, visitation, financial affairs, and personal hygiene, unless:
      - a) The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right;
      - b) The consumer is informed of the reason why this right is being restricted; and
      - c) The consumer is informed of the consumer's right to file a grievance and the procedure for filing a grievance
    4. To send and receive uncensored and unopened mail, unless restricted by court order or unless:
      - a) The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right;
      - b) The consumer is informed of the reason why this right is being restricted; and
      - c) The consumer is informed of the consumer's right to file a grievance and the procedure for filing a grievance
    5. To maintain, display, and use personal belongings, including clothing, unless restricted by court order or according to A.R.S. § 36-507(5) and as documented in the consumer record.
    6. To be provided storage space, capable of being locked, on the premises while the consumer receives treatment.
    7. To be provided meals to meet the consumer's nutritional needs, with

consideration for consumer preferences.

8. To be assisted in obtaining clean, seasonably appropriate clothing that is in good repair and selected and owned by the consumer.
9. To be provided access to medical services, including family planning, to maintain the consumer's health, safety, or welfare.
10. To have opportunities for social contact and daily social, recreational, or rehabilitative activities.
11. To be informed of the requirements necessary for the consumer's discharge or transfer to a less restrictive physical environment.
12. To receive, at the time of discharge or transfer, recommendations for treatment after the consumer is discharged.

***Associated Partners in Recovery Direct Care Clinics (DCC) Forms & Attachments***

*Consumer Information Handbook*

*Consumer Rights Statement*

*Notice of Rights for Persons with Serious Mental Illness*

*Notice of Privacy Practices*

*Notice of Confidentiality of Alcohol and Drug Abuse Information*

*Consent to Release Protected Health Information*

# # #