

OAR 309-019-0110 & OAR 309-019-0115

**COLUMBIA COMMUNITY MENTAL HEALTH
ADMINISTRATIVE POLICIES AND PROCEDURES**

NON-DISCRIMINATION & CLIENT RIGHTS

POLICY:

In Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA); and in accordance with Oregon Administrative Rules (OAR) 309-019-0110: (2)(b)(C)(E) Provider Policies, and OAR 309-019-0115: Individual Rights, Columbia Community Mental Health maintains this policy for the protection of client rights.

In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

1. Not be discriminated against or denied service based on race, color, creed, sex, national origin, duration of residence, age or sexual preference. Furthermore, no qualified person shall, on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity.
2. Not be denied services or be discriminated against on the basis of age, diagnostic or disability category, unless the Columbia Community Mental Health admission criteria for that program restricts the service to a specific age, diagnostic or disability category.
3. Not be denied services from Columbia Community Mental Health based on the ability to pay, if an emergent need.
4. Be treated with dignity and respect throughout the treatment process at Columbia Community Mental Health.
5. Not perform labor as a method of payment for services rendered. Any labor performed as a part of a treatment plan or a standard program expectation shall be agreed to in writing by the client.
6. Choose from available services and supports, those that are consistent with the Service Plan, culturally competent, provided in the most integrated setting in the community and under conditions that are least restrictive to the individual's liberty, that are least intrusive to the individual and that provide for the greatest degree of independence.
7. Be treated with dignity and respect;

8. Participate in the development of a written Service Plan, receive services consistent with that plan and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and to receive a copy of the written Service Plan;
9. Have all services explained, including expected outcomes and possible risks;
10. Confidentiality, and the right to consent to disclosure in accordance with ORS 107.154, 179.505, 179.507, 192.515, 192.507, 42 CFR Part 2 and 45 CFR Part 205.50.
11. Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor children may give informed consent to services in the following circumstances:
 - a. Under age 18 and lawfully married;
 - b. Age 16 or older and legally emancipated by the court; or
 - c. Age 14 or older for outpatient services only. For purposes of informed consent, outpatient service does not include service provided in residential programs or in day or partial hospitalization programs;
12. Inspect their Service Record in accordance with ORS 179.505;
13. Refuse participation in experimentation;
14. Receive medication specific to the individual's diagnosed clinical needs;
15. Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety;
16. Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;
17. Have religious freedom;
18. Be free from seclusion and restraint;
19. Be informed at the start of services, and periodically thereafter, of the rights guaranteed by this rule;
20. Be informed of the policies and procedures, service agreements and fees applicable to the services provided, and to have a custodial parent, guardian, or representative, assist with understanding any information presented;
21. Have family and guardian involvement in service planning and delivery;
22. Make a declaration for mental health treatment, when legally an adult;
23. File grievances, including appealing decisions resulting from the grievance;
24. Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;

25. Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority;
26. Exercise all rights described in this rule without any form of reprisal or punishment.