

# Diversus Health

## Rights and Responsibilities

### Responsibilities

As a client of Diversus Health, you have the following responsibilities:

#### **Client Responsibilities Include:**

- Understanding their behavioral health benefits.
- Participating in their treatment and service planning.
- Giving providers the information needed to provide good care.
- Arriving to their appointments on time or call if late or need to reschedule.
- Taking medications agreed upon by client and prescriber.
- Following the treatment plan that was developed with his/her team.
- Telling providers if they want to change their treatment plan or don't agree with it or do not understand it.
- Updating their address and phone information
- Treating others with courtesy and respect.

### Rights

As a client of Diversus Health, you have the following rights:

#### **Client Rights Include:**

- Be informed of, at a minimum, the first names and credentials of the individuals that are providing services to them. Full names and experience of the service providers shall be provided upon request to the client or the client's designated representative.
- Receive services in a manner, which ensures the protection of all client rights, including those legal rights mandated by the Care and Treatment of the Mentally Ill Act and the Alcoholism and Intoxication Treatment Act.
- Be treated with respect, dignity, and regard for their privacy.
- Receive medically necessary behavioral health care services according to federal law.
- Receive continuing care from the same provider whenever possible.
- Receive information on treatment options and the information is presented in such a way that is easy to understand.
- Be included in decisions about their health care and have the right to refuse treatment, except if required by law.
- Receive care in a safe setting.
- Be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
- Services provided in the least restrictive, clinically appropriate setting.
- Be free from mental, physical, sexual, and verbal abuse, neglect, and exploitation. Clients are free from sexual intimacy with a provider.
- Have a denial of a person's right made on a case by case basis and have the reason for denying the right documented in the clinical record. Restrictions on rights in shall be evaluated for therapeutic necessity on an ongoing basis and the rationale for continuing the restriction shall be documented at least every seven (7) calendar days.
- Be treated equally without discrimination based on race, religion, gender, age, disability, health status, or sexual orientation.
- Be free to use all of their rights without it affecting how they are treated.
- See his or her attorney, clergy or physician. Advance notice will be given to the unit so such visits can be adequately staffed for the private visit.
- To request a copy of their medical records and ask that the records be changed or corrected.
- To access to an independent advocate.
- To receive a second opinion.
- To receive culturally competent services.
- To receive care in accordance with their needs.
- To receive interpreter services if they have disabilities or do not speak English.
- To receive coordination of care to include medical, vision and dental services.
- Formulate advance directives and have the facility comply with such directive, as applicable, and in compliance with applicable state statute.
- To be informed if there are changes in services or if the client's provider stops seeing clients.
- Be allowed to give their opinion about services to other people and to do this without affecting the services they are provided.
- To be informed about the level of emergency services offered and how to access those services.
- Receive upon request; 1) prior to initiation of non-emergent care or treatment, the estimated average charge to the client. This information shall be presented to the client in a manner that is consistent with all state and federal laws and regulations. 2) The facility's general billing procedures. And 3) An itemized bill that identifies treatment and services by date.
- Disclosure as to whether referrals to other providers are to entities in which the facility has a financial interest.
- Confidentiality of all client records.
- Request that an in-network healthcare provider provide services at an in-network facility or agency if available.

### Acute Treatment Rights

- Clients are informed about Diversus Health's policies regarding the handling of medical emergencies.
- If a client is disoriented or in any state that impairs cognition at the time of entry, he or she is informed of his or her rights at an appropriate time during care, treatment, and services.
- Clients are informed of the program rules.
- Clients have the right to receive and send sealed correspondence. No incoming or outgoing correspondence shall be opened, delayed, held or censored by the personnel of the facility.

- Clients have the right to have access to letter writing materials, including postage, and to have staff members of the facility assist him/her if unable to write, prepare and mail correspondence.
- To have reasonable and frequent access to use the telephone, both to make and receive calls in privacy.
- Full use of the facility common areas, in compliance with the documented house rules.
- Expectation of cooperation of the facility in achieving the maximum degree of benefit from those services which are made available by the facility.
- To have frequent and convenient opportunities to meet with visitors. The facility may not deny visits by the client's attorney, religious representative or physician, at any reasonable time and to have privacy to maintain confidentiality of communication between a patient and spouse or significant other, family member(s), staff member(s), attorney, physician, certified public accountant and/or religious representative.
- To wear his/her own clothing, keep and use his/her own personal possessions within reason and keep and be allowed to spend a reasonable sum of his/her own money.
- To refuse to take psychiatric medications, unless the person is an imminent danger to self or others or the court has ordered such medications.
- To not be fingerprinted unless required by law.
- To refuse to be photographed except for facility identification purposes.
- For persons who are under certification for care and treatment, to receive twenty-four (24) hour notice before being transferred to another designated or placement facility unless an emergency exists, the right to protest any transfer to the court, and the right to have the transferring facility notify someone chosen by the client about the transfer.
- To be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience, or retaliation.
- To privacy and confidentiality of treatment records except as required by law.
- To accept treatment voluntarily, unless reasonable grounds exist to believe the person will not remain in treatment on this basis.
- To receive medical and psychiatric care and treatment in the least restrictive treatment setting possible, suited to meet the person's individual needs and subject to available resources.
- To request to see their medical records, to see the records at reasonable times, and if denied access, to be given the legal reasons upon which the request was denied and have documentation of such placed in the clinical record.
- To retain and consult with an attorney at any reasonable time.
- Every person who is eighteen (18) years of age or older shall be given the opportunity to exercise his/her right to vote in primary and general elections. The staff of the designated or placement facility shall assist each person in obtaining voter registration forms and applications for absentee or mail ballots, and in complying with any other prerequisite for voting.

#### **Acute Treatment Rights Restrictions**

- Except as otherwise provided, each denial of a person's right shall be made on a case by case basis and the reason for denying the right shall be documented in the clinical record and shall be made available, upon request, to the person or his/her attorney.
- No safety or security policy may limit a patient's ability to send or receive sealed correspondence. However, to prevent the introduction of contraband into the secure facility, the policy may provide that the patient open the correspondence in the presence of unit staff.
- No safety or security policy may limit a patient's right to see his or her attorney, clergy, or physician. However, the safety and security policy may provide that advance notice be given to the secure facility for such visits so that the secure facility can adequately staff for the private visit.
- A person's rights may be limited or denied under court order by an imposition of legal disability or deprivation of a right.
- Information pertaining to the denial of any right shall be made available, upon request, to the person or his/her attorney.

#### **Short-Term and Long-Term Care Treatment Rights**

- To meet with or call a personal clinician, spiritual advisor, counselor, crisis hotline, family member, workplace, childcare provider or school at all reasonable times.
- To receive and send sealed correspondence, as well as be given the assistance of facility staff if the individual is unable to write, prepare, or mail correspondence. Facility staff shall not open, delay, intercept, read, or censor mail or other communications or use mail or other communications as a method to enforce compliance with facility staff.
- To have the individual's behavioral health orders for scope of treatment or psychiatric advance directive reviewed and considered by the court as the preferred treatment option for involuntary administration of medications unless, by clear and convincing evidence, the individual's directive does not qualify as effective participation in behavioral health decision making.
- To have frequent and convenient opportunities to meet with visitors and to see the individual's attorney, clergy person, or physician at any time. (i) The facility may not deny visits by the individual's attorney, religious representative or physician at any reasonable time. (ii) The facility will provide privacy to maintain confidentiality of communication between an individual and spouse or significant other, family member(s), staff member(s), attorney, physician, certified public accountant and religious representative, except that if disclosure is required by law, then such privacy may be terminated.
- To have personal privacy to the extent possible during the course of treatment
- To have access to a representative within the facility who provides assistance to file a grievance.
- An individual may be photographed upon admission for identification and the administrative purposed of the facility. The photographs are confidential and must not be released by the facility except pursuant to court order. (i) Nonmedical photographs shall not be taken or used without appropriate consent or authorization.
- To request a change to voluntary status. A change to voluntary status may be denied by the supervising professional person or APRN with training in psychiatric nursing responsible for the individual's treatment if the professional person or APRN determines reasonable grounds exist to believe that the individual will not remain in a voluntary treatment program.

- To be treated fairly, with respect and recognition of the individual's dignity and individuality, by all employees of the treatment facility with whom the individual comes in contact.
- To appropriate treatment, which must be administered skillfully, safely, and humanely. An individual shall receive treatment suited to the individual's needs that must be determined in collaboration with the individual.
- To not be discriminated against on the basis of age, race, ethnicity, religion, culture, spoken language, physical or mental disability, socioeconomic status, sex, sexual orientation, gender identity, or gender expression.
- To retain and consult with an attorney at any time.
- Within 48 hours after the individual's request to see and receive the services of a 4-patient representative, including a peer specialist, who has no direct or indirect clinical, administrative, or financial responsibility for the individual.
- To have the individual's information and records disclosed to adult family members and a lay person.
- To have the right to file a motion with the court at any time to contest the certification.

**Short-Term and Long Term Rights Restrictions**

- Rights may be limited or denied if access to the item, program, or service would endanger the safety of the individual or another individual in close proximity and may only be denied by an individual involved in the individual's care.
- Any individual whose rights are denied or violated has the right to file a complaint against the facility with the BHA and the Department of Public Health and Environment.
- Except as otherwise provided in rule, each denial of an individual's right shall be made on a case-by-case basis and the reason for denying the right shall be documented in the individual record and shall be made available, upon request, to the individual, the individual's legal guardian, or the individual's attorney.
- Except as otherwise provided in rule, restrictions on rights shall be evaluated for therapeutic necessity on an ongoing basis and the rationale for continuing the restriction shall be documented at least every seven (7) calendar days.
- A facility shall not intentionally retaliate or discriminate against an individual or employee for contacting or providing information to any official or to an employee or any state protection and advocacy facility, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized in rule.

**Foster Care Only**

- The child's rights are respected.
- The rights of the family of origin are respected.
- The foster family's rights are respected.
- Clients are given information about their responsibilities while receiving care, treatment, and services.

Mental health professionals are required to maintain records of the people they serve, 18 years of age and older, for a period of seven (7) years from the date of termination of services. Under Colorado law (C.R.S. 12-43-224), if you feel we have violated the law regarding maintenance of records for an individual 18 years of age and older, you must file your complaint or other notice with the Division of Professions and Occupations within seven (7) years after you discover or reasonably should have discovered the violation. All records will be maintained as required under Colorado law. Please be advised that records for an individual 18 years of age and older may not be maintained after the seven-year period.

Colorado Department of Human Services (main information)	303-866-5700
Colorado Department of Human Services Office of Behavioral Health	303-866-7400
Colorado Legal Services	719-471-0380
District Attorney Neighborhood Justice Center	719-520-6016
Colorado Department of Human Services Office of Behavioral Health—Drug and Alcohol	303-866-7480