

Individual Rights – Outpatient Behavioral Health (BHS)

309-019-0115 – Behavioral Health Outpatient Individual Rights

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

- a. Choose from services and supports that are consistent with the assessment and 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.
- b. Be treated with dignity and respect.
- c. 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 receive a copy of the written service plan.
- d. Have all services explained, including expected outcomes and possible risks.
- e. 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.
- f. Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law.
- g. Inspect their service record in accordance with ORS 179.505.
- h. Refuse participation in experimentation.
- i. Receive medication specific to the individual's diagnosed clinical needs, including medications used to treat opioid dependence.
- j. Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety.
- k. Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation.

- l. Have religious freedom.
- m. Be free from seclusion and restraint.
- n. Be informed at the start of services and periodically thereafter of the rights guaranteed by this rule.
- o. 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.
- p. Have family and guardian involvement in service planning and delivery. q. Have an opportunity to make a declaration for mental health treatment, when legally an adult.
- r. File grievances, including appealing decisions resulting from the grievance. s. Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules.
- t. Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority.
- u. Exercise all rights described in this rule without any form of reprisal or punishment.

(2) The provider shall give to the individual and, if appropriate, the guardian a document that describes the applicable individual's rights as follows:

- a. Information given to the individual shall be in written form or, upon request, in an alternative format or language appropriate to the individual's need.
- b. The rights and how to exercise them shall be explained to the individual, and if applicable the guardian.
- c. Individual rights shall be posted in writing in a common area.