

# Cornerstone Behavioral Healthcare

## Section 6. Client Rights

### **A. Client Rights and Rights of Recipients of Behavioral Health Services:**

Cornerstone Behavioral Healthcare (CBH) will promote and encourage clients to exercise their rights, and in furtherance thereof, comply with all applicable existing authorities governing client rights, including but not limited to the following:

1. CBH provides mental health services. All staff at CBH will comply with 14-193 CMR Chapter 1, Rights of Recipients of Mental Health Services, and 14-472 CMR Chapter 1, Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment.
2. CBH provides substance use disorder services. CBH will comply with client rights set forth in 5 MRS Chapter 521, Subchapter 3.
3. CBH provides mental health or substance use disorder services to adults with intellectual disabilities, autism, or acquired brain injury. CBH will comply with 34-B MRS §5605 and 14-197 CMR Chapter 5, Regulations Governing Behavioral Support, Modification and Management for in its provision of services for People with Intellectual Disabilities or Autism in Maine

#### **4. Client Rights Policy**

- a. All staff will receive training on client rights upon hire. All alleged violations of client rights will be reported to the staff member's immediate supervisor, who will inform the Clinical Director or designee of the alleged violation. An internal investigation of the alleged violation will occur with a documented report to the Clinical Director. The Clinical Director will determine any disciplinary action should the investigation determine there was a violation of client rights
- b. All substantiated complaints of violations of the Rights of Recipients will be assessed for the seriousness of the violation and actions taken to achieve compliance.
- c. CBH will post, in a location visible to all who enter CBH buildings, a summary of client rights.
- d. All CBH clients and legal guardians will have their rights explained to them at intake. A summary of Client Rights is included in the intake paperwork, and offered to clients. Upon request, CBH will refer the client to the online copy of the Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment and/or the adult version, Rights of Recipients of Mental Health Services.

### **B. Organization Policy:**

CBH will maintain a written policy concerning the rights and responsibilities of clients that, at a minimum, complies with and includes the applicable authorities outlined above (A).

1. CBH does not provide residential services.
2. CBH will provide clients with documentation explaining clients' rights, fee schedule, and program rules and regulations. This information is provided at intake in the Consolidated Demographic, and annually at time of Annual Review.

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3. CBH will maintain specific policies and procedures governing the availability and provision of interpretive services, whether spoken language or sign. See Section 7 for policy for Interpretation Services.
- C. Exceptions, Restrictions, and Limitations:** CBH will not make an exception to its policy on client rights or impose restrictions or limitations on the exercise of a client's rights unless the exception, restriction, or limitation is permitted by, and made in accordance with, the applicable authorities outlined above (A). Any exception, restriction, or limitation of client rights will be documented in the client's record.
- D. Notification of Client Rights:** CBH will inform each client and their legal representative of these rights prior to, or at the time of, admission to the organization.
1. CBH will inform each client and legal representative within 30 calendar days of any changes to the organization's policy and will offer them a copy of the change.
    - a. CBH will post a copy of client rights in a prominent place within each organizational site that is accessible to clients.
    - b. CBH will maintain documentation of notification of changes to client rights in the client record.
  2. CBH will provide accommodation for any communication barriers that exist to ensure that each client is fully informed of their rights.
- E. Mandatory Report of Rights Violations:** CBH will maintain a written policy and procedure to address the reporting of rights violations. The policy will not conflict with 22 MRS §3477 or 22 MRS §4011-A. See Recording and Reporting Adverse Occurrences Section 12F.
1. CBH employees who have reasonable cause to suspect that a client's rights have been violated will immediately report the alleged violation to the Division of Licensing and Certification using their electronic reporting system.
    - a. If the suspected rights violation pertains to an adult client with intellectual disability, autism, or acquired brain injury and the client's rights set forth at 34-B M.R.S. § 5605, an additional report regarding the alleged violation will be made to the Department's electronic reporting system per 14-197 CMR Ch. 12.
    - b. If the subject of a suspected rights violation is a child, an additional report regarding the alleged violation will be made to the Department's electronic reporting system.
  2. CBH acknowledges that the failure of an employee to report as required by § E(1) may be cited as a violation of this rule by CBH.
  3. In all cases, CBH will maintain documentation that a report(s) of a rights violation was made.

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**F. Right to Freedom from Abuse, Neglect, and/or Exploitation:** Clients will be free from neglect and exploitation, and free from mental, verbal, physical, and sexual abuse. Reporting suspected abuse, neglect, or exploitation is mandatory in all cases.

1. As set forth in §5(E) and (F), CBH will immediately report the alleged violation to the Division of Licensing and Certification (DLC) using the electronic reporting system and, if applicable, to one or more of the following:
  - a. Incidents involving adults will also be reported to Adult Protective Services pursuant to 22 MRS §3477; and
  - b. Incidents involving children will also be reported to Child Protective Services pursuant to 22 MRS §4011-A.
2. Critical Incident Reporting forms alleging abuse, neglect, or exploitation of an adult client will be sent to DLC and the Office of Behavioral Health (OBH) through the Department's electronic reporting system.
3. CBH will maintain documentation that all required reports of suspected abuse, neglect, and/or exploitation were made.

**G. An Organization's Internal Rules and Client Non-Compliance:** Clients will be informed about CBH's internal program rules and the consequences of non-compliance. CBH's internal rules will be confined to those matters that ensure the safety and health of clients and employees. These rules will not violate client rights, and will not be applied arbitrarily. CBH's internal rules describe CBH's expectations regarding client compliance with the organization's internal rules.

1. CBH will maintain a written document explaining CBH's program rules, and will offer it to each client and/or legal representative on admission; and
2. CBH will maintain, within the client record, documentation that the client and/or legal representative have been offered a copy of the organization's internal rules.

**H. Right to Information Regarding Licensing Deficiencies:** CBH acknowledges that clients have the right to be fully informed of any non-compliance with this rule identified by licensing survey or complaint investigation.

1. CBH will inform clients and their legal representatives at the time of intake that survey results are public information and are available upon request.
2. Clients and their legal representatives will be notified by CBH, in writing, of any actions proposed or taken against the license of the organization by the Department. This includes, but is not limited to, decisions to issue a Directed Plan of Correction, decisions to issue a conditional license or refusal to renew a license, appointment of a receiver, or decisions to impose fines or other sanctions. This notification will take place within 15 business days from receipt by CBH of notice of action by Department.

**I. Restraints or Aversive Conditioning:** N/A Restraints and/or aversive conditioning are not permitted at CBH.

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- J. Right to Privacy and Consideration:** CBH will treat all clients with respect and consideration with regard to their individual need for privacy when providing care or treatment, and will use their preferred language or mode of communication, if it is consistent with licensing and regulatory requirements.
- K. Right to Confidentiality:** Clients and/or their legal representative have the right to communicate with CBH providers in confidence and to have the confidentiality of their individually identifiable health care information protected, as required by state and federal law.
1. Clients and/or their legal representative have the right to review and receive a copy of their own medical records and request amendments to their records as permitted by state and federal law.
  2. Clients and/or their legal representative will be informed that there may be circumstances where their information may be released without client and/or legal representative consent pursuant to state and federal law.
- L. Right to Freedom from Discrimination:** Treatment will be provided in a fair and impartial manner, regardless of age, race, sex, color, gender, physical or mental impairment, religion or ancestry, familial or marital status, sexual orientation, genetic information, or source of payment. Treatment will be provided in an atmosphere of dignity, respect, and trust.
1. CBH will make reasonable accommodation in regulations, policies, practices, or services, including permitting reasonable supplementary services to be provided, as required by the Americans with Disabilities Act (ADA).
  2. CBH acknowledges that it is not required to make the accommodation if it imposes an undue financial burden or results in a fundamental change in the program, as set forth in the ADA.
- M. Right to Communicate Grievances and Recommend Changes:** All clients will have the right to a fair and efficient process for resolving differences with providers. CBH will assist and encourage clients to exercise their rights as clients and citizens, in accordance with the authorities set forth in §6(A) of this rule. See Grievances §12(F).

*Sharon Jordan*

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Clinical Director

\_\_\_\_05/11/2024\_\_\_\_  
Date