

Client Rights and Responsibilities

North Dakota Century Code (25-03.1-40) articulates the following rights clients of treatment facilities retain:

- Receive appropriate treatment for mental and physical ailments and for the prevention of illness or disability.
- Least restrictive conditions necessary to achieve the purposes of treatment.
- Treated with dignity and respect.
- Free from unnecessary restraint and isolation.
- Visitation and telephone communications.
- Send and receive sealed mail.
- Keep and use personal clothing and possessions.
- Regular opportunities for outdoor physical exercise.
- Free to exercise religious faith of choice.
- Free from unnecessary medication.
- Exercise all civil rights, including the right of habeas corpus.
- Not to be subjected to experimental research without the express and informed written consent of the patient or of the patient's guardian.
- Not to be subjected to psychosurgery, electroconvulsive treatment, or aversive reinforcement conditioning, without the express and informed written consent of the patient or of the patient's guardian.
- In a manner appropriate to the patient's capabilities, to ongoing participation in the planning of services.
- Not to be required to participate in the development of an individual treatment plan.

The above mentioned rights can only be limited/restricted (NDAC 25-03.1-41) if...

the treating physician, psychiatrist, or psychologist trained in a clinical program, if in that person's professional judgment to do so would be in the best interests of the patient and the rights are restricted or limited in the manner authorized by the rules adopted pursuant to section 25-03.1-46. Whenever a physician, psychiatrist, or psychologist trained in a clinical program responsible for treatment of a particular patient imposes a special restriction on the rights of the patient as authorized by the rules, a written order specifying the restriction and the reasons for the restriction must be signed by the physician, psychiatrist, or psychologist trained in a clinical program and attached to the patient's chart. These restrictions must be reviewed at intervals of not more than fourteen days and may be renewed by following the procedure set out in this section.

North Dakota Administrative Rule *(Chapter 75-09.1-01-23)* articulates the following:

A program must assure the right of each client to:

- Be treated with respect and dignity;
- Be treated without discrimination based on physical or mental disability;
- Be treated without regard to race, creed, national origin, sex, or sexual preference;
- Have all information handled confidentially in accord with applicable laws, regulations, and standards;
- Receive notice of federal confidentiality requirements;
- Not be subject to physical, emotional, or sexual abuse or harassment by employees or another client;
- Have services for male or female clients redirecting the special needs of each gender and to be provided equivalent, clearly defined, and well-supervised sleeping quarters and bath accommodations for male and female clients;
- Be provided a reasonable opportunity to practice the religion of the client's choice insofar as the practice does not interfere with the rights of other clients or the treatment program;
- Have the right to be excused from any religious practice;
- Have access to an established client grievance procedure; and
- Be informed of client rights in a language the client understands.

A program shall protect the fundamental human, civil, constitutional, and statutory rights of each client.

A program shall implement a written policy that describes the rights of clients and the means by which these rights are protected and exercised.

As appropriate, the client, the client's family, or the client's legal guardian shall be informed of the client's status if authorized by a client who is fourteen years of age or older.

A program shall evaluate for appropriateness any restrictions placed on the rights of individual clients. The program shall document in the client's clinical record the clinical rationale for such restrictions.

A program shall implement a written policy stating the form and manner in which a client may file a grievance or an appeal of a program decision. The procedure must be written in language that is understandable to the client and must be provided to the client in a timely manner.

