



R9-20-203. Client Rights

A. A licensee shall ensure that:

1. At the time of admission, a client and, if applicable, the client's parent, guardian, custodian, designated representative, or agent receive a written list and verbal explanation of: a. The client rights listed in subsection (B) and (C); and b. If the client is an individual who is enrolled by the Department or a regional behavioral health authority as an individual who is seriously mentally ill, the rights contained in 9 A.A.C. 21;
2. A client or, if applicable, the client's parent, guardian, custodian, or agent acknowledges, in writing, receipt of the written list and verbal explanation required in subsection (A)(1); and 3. A client who does not speak English or who has a physical or other disability is assisted in becoming aware of client rights. B. A licensee shall ensure that a client is afforded the rights listed in A.R.S. §§ 36-504 through 36-514. C. A client has the following rights: 1. To be treated with dignity, respect, and consideration;
2. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, diagnosis, or source of payment;
3. To receive treatment that: a. Supports and respects the client's individuality, choices, strengths, and abilities; b. Supports the client's personal liberty and only restricts the client's personal liberty according to a court order; by the client's general consent; or as permitted in this Chapter; and c. Is provided in the least restrictive environment that meets the client's treatment needs;
4. Not to be prevented or impeded from exercising the client's civil rights unless the client has been adjudicated incompetent or a court of competent jurisdiction has found that the client is unable to exercise a specific right or category of rights;
5. To submit grievances to agency staff members and complaints to outside entities and other individuals without constraint or retaliation;
6. To have grievances considered by a licensee in a fair, timely, and impartial manner;
7. To seek, speak to, and be assisted by legal counsel of the client's choice, at the client's expense;
8. To receive assistance from a family member, designated representative, or other individual in understanding, protecting, or exercising the client's rights;
9. If enrolled by the Department or a regional behavioral health authority as an individual who is seriously mentally ill, to receive assistance from human rights advocates provided by the Department or the Department's designee in understanding, protecting, or exercising the client's rights;
10. To have the client's information and records kept confidential and released only as permitted under R9-20-211(A)(3) and (B);
11. To privacy in treatment, including the right not to be fingerprinted, photographed, or recorded without general consent, except: a. For photographing for identification and administrative purposes, as provided by A.R.S. § 36-507(2); b. For a client receiving treatment according to A.R.S. Title 36, Chapter 37; c. For video recordings used for security purposes that are maintained only on a temporary basis; or d. As provided in R9-20-602(A)(5);
12. To review, upon written request, the client's own record during the agency's hours of operation or at a time agreed upon by the clinical director, except as described in R9-20-211(A)(6);
13. To review the following at the agency or at the Department: a. This Chapter; b. The report of the most recent inspection of the premises conducted by the Department; c. A plan of correction in effect as required by the Department; d. If the licensee has submitted a report of inspection by a nationally recognized accreditation agency in lieu of having an inspection conducted by the Department, the most recent report of inspection conducted by the nationally recognized accreditation agency; and e. If the licensee has submitted a report of inspection by a nationally recognized accreditation agency in lieu of having an inspection conducted by the Department, a plan of correction in effect as required by the nationally recognized accreditation agency;
14. To be informed of all fees that the client is required to pay and of the agency's refund policies and procedures before receiving a behavioral health service, except for a behavioral health service provided to a client experiencing a crisis situation;
15. To receive a verbal explanation of the client's condition and a proposed treatment, including the intended outcome, the nature of the proposed treatment, procedures involved in the proposed treatment, risks or side effects from the proposed treatment, and alternatives to the proposed treatment;
16. To be offered or referred for the treatment specified in the client's treatment plan;



17. To receive a referral to another agency if the agency is unable to provide a behavioral health service that the client requests or that is indicated in the client's treatment plan;
18. To give general consent and, if applicable, informed consent to treatment, refuse treatment or withdraw general or informed consent to treatment, unless the treatment is ordered by a court according to A.R.S. Title 36, Chapter 5, is necessary to save the client's life or physical health, or is provided according to A.R.S. § 36-512;
19. To be free from: a. Abuse; b. Neglect; c. Exploitation; d. Coercion; e. Manipulation; f. Retaliation for submitting a complaint to the Department or another entity; g. Discharge or transfer, or threat of discharge or transfer, for reasons unrelated to the client's treatment needs, except as established in a fee agreement signed by the client or the client's parent, guardian, custodian, or agent; h. Treatment that involves the denial of: i. Food, ii. The opportunity to sleep, or iii. The opportunity to use the toilet; and i. Restraint or seclusion, of any form, used as a means of coercion, discipline, convenience, or retaliation;
20. To participate or, if applicable, to have the client's parent, guardian, custodian or agent participate in treatment decisions and in the development and periodic review and revision of the client's written treatment plan;
21. To control the client's own finances except as provided by A.R.S. § 36-507(5);
22. To participate or refuse to participate in religious activities;
23. To refuse to perform labor for an agency, except for housekeeping activities and activities to maintain health and personal hygiene;
24. To be compensated according to state and federal law for labor that primarily benefits the agency and that is not part of the client's treatment plan;
25. To participate or refuse to participate in research or experimental treatment;
26. To give informed consent in writing, refuse to give informed consent, or withdraw informed consent to participate in research or in treatment that is not a professionally recognized treatment;
27. To refuse to acknowledge gratitude to the agency through written statements, other media, or speaking engagements at public gatherings;
28. To receive behavioral health services in a smoke-free facility, although smoking may be permitted outside the facility; and
29. If receiving treatment in a residential agency, an inpatient treatment program, a Level 4 transitional agency, or a domestic violence shelter: a. If assigned to share a bedroom, to be assigned according to R9-20-405(F) and, if applicable, R9-20-404(A)(4)(a); b. To associate with individuals of the client's choice, receive visitors, and make telephone calls during the hours established by the licensee and conspicuously posted in the facility, unless: i. The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right; ii. The client is informed of the reason why this right is being restricted; and iii. The client is informed of the client's right to file a grievance and the procedure for filing a grievance; c. To privacy in correspondence, communication, visitation, financial affairs, and personal hygiene, unless: i. The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right; ii. The client is informed of the reason why this right is being restricted; and iii. The client is informed of the client's right to file a grievance and the procedure for filing a grievance; d. To send and receive uncensored and unopened mail, unless restricted by court order or unless: i. The medical director or clinical director determines and documents a specific treatment purpose that justifies restricting this right; ii. The client is informed of the reason why this right is being restricted; and iii. The client is informed of the client's right to file a grievance and the procedure for filing a grievance; e. To maintain, display, and use personal belongings, including clothing, unless restricted by court order or according to A.R.S. § 36507(5) and as documented in the client record; f. To be provided storage space, capable of being locked, on the premises while the client receives treatment; g. To be provided meals to meet the client's nutritional needs, with consideration for client preferences; h. To be assisted in obtaining clean, seasonably appropriate clothing that is in good repair and selected and owned by the client; i. To be provided access to medical services, including family planning, to maintain the client's health, safety, or welfare; j. To have opportunities for social contact and daily social, recreational, or rehabilitative activities; k. To be informed of the requirements necessary for the client's discharge or transfer to a less restrictive physical environment; and l. To receive, at the time of discharge or transfer, recommendations for treatment after the client is discharged.