

Clients have rights that are protected by various state and federal laws. Among the most highly protected rights are the rights to privacy and confidentiality. Violating client privacy and confidential laws is a criminal offense and carries very significant financial penalties and may result in imprisonment.

In accordance with state and federal laws, Ark Counseling prohibits creating photos, videos, motion pictures or images of clients, except for those that are required for and included in the client's permanent record. In addition, no audio recordings may be made of a client without their written consent. These images and recordings (whether analog or electronic) may not be transmitted or shared, except as provided by law or with a client's written permission. All authorizations to release information must be made on Ark's approved Release Forms. Notwithstanding the above, by law, security recordings generated by the treatment facility or property owner are exempt from these laws.

While clients are inside the facility, Ark Counseling is required to have and to enforce a policy that prohibits and prevents clients from operating or accessing telephones (or other means of recording or transmitting information), because each has the *potential* to violate another client's rights of privacy and confidentiality. In addition, each facility is required to inform each client, orally and in writing, of this policy.

At the beginning of each group session, it is Ark Counseling's policy and procedure to require all clients to power off their electronic devices and to place them inside a metal box that is located in the group room. The electronic device(s) shall remain inside this metal box until the group session ends. At that time, the therapist shall supervise clients as they re-claim their personal electronic property. A client may not handle another client's electronic devices.

Under the legal authority of MN 245A.04, subdivision 3, a treatment facility make take physical possession of a client's personal property. Specifically, facility license holders:

- (1) may establish policies regarding the use of personal property to ensure that treatment activities and the rights of other clients are not infringed upon;
- (2) may take temporary custody of a client's property when they violate a facility policy.
 - a. As soon as is possible the property will be placed in the custody of the Clinical Director.
 - b. Prior to returning the property, the Clinical Director may elect to: i) place the client on Contract or ii) discharge the client from treatment.
- (3) must retain the client's property for a minimum of seven days after the client's service termination if the client does not reclaim property upon service termination; and
- (4) must return all property held in trust for the client, at service termination, regardless of the client's service termination status, except that:
 - a. a drug, drug paraphernalia, or drug container that is subject to forfeiture under MN law, must be given to the custody of a local law enforcement agency. If giving the property to the custody of a local law enforcement agency violates 42 CFR 2, sections 2.1 to 2.67, or title 45, parts 160 to 164, a drug, drug paraphernalia, or drug container must be destroyed by a staff member designated by the Program Director; and
 - b. a weapon, explosive, and other property that can cause serious harm to the client or others must be given to the custody of a local law enforcement agency, and the client must be notified of the transfer and of the client's right to reclaim any lawful property transferred; and
 - c. a medication that was determined by a physician to be harmful after examining the client must be destroyed, except when the client's personal physician approves the medication for continued use.

Client's Signature: _____ Date: _____
Team Member Signature: _____