

14 NYCRR Part 815
Patient Rights

(Statutory Authority: Mental Hygiene Law, §§ 19.07(c) and (e), 19.09(b), 19.20, 19.20-a, 19.21(b), 22.03, 22.07, 32.01, 32.07(a), 32.05; Social Services Law § 492; Protection of People with Special Needs Act (Chapter 501 of the Laws of 2012))

§ 815.1 is amended to read as follows:

This Part sets forth minimum standards to protect patient rights. For purposes of this Part, a patient is a person receiving services from a provider certified, **funded or otherwise authorized** [~~authorized, licensed, funded or operated~~] by the Office. The term “patient” as used in this Part includes, but is not limited to, terms such as “client”, “resident”, “consumer”, “customer”, “participant” or such other term which applies to a current or former service recipient.

§815.3 is amended to read as follows:

This Part applies to any provider currently certified, **funded or otherwise authorized** [~~authorized, licensed, operated or funded~~] by OASAS to provide addiction services.

A new subdivision (r) is added to §815.4 to read as follows:

(r) Providers shall develop and implement policies and procedures to ensure the provision of culturally competent and affirming services for patients consistent with their sexual orientation and gender identity or expression.

§ 815.4(a) is amended to read as follows:

The facility or provider agency as program sponsor shall establish policies and procedures **and ensure that staff are adequately trained on the content of such policies and procedures,** to protect patient rights.

New paragraphs (19),(20), and (21) are added to subdivision (a) of § 815.5 to read as follows:

(19) Patients have the right to placement in gender segregated settings based on their gender identity or expression.

(20) Patients have the right to culturally competent and affirming care and to be free from harassment and/or discrimination based on their sexual orientation or their gender identity or expression.

(21) Prohibition against discrimination in admission. No individual that meets the level of care criteria shall be denied admission to any program based solely on the individual's:

- (i) prior treatment history;**
- (ii) referral source;**
- (iii) pregnancy;**
- (iv) history of contact with the criminal justice system;**
- (v) HIV or AIDS status;**
- (vi) physical or mental disability;**
- (vii) lack of cooperation by significant others in the treatment process;**
- (viii) toxicology test results;**
- (ix) use of any illicit or prescribed substance, including but not limited to, benzodiazepines; or**
- (x) use of medications for substance use disorder prescribed and monitored by an appropriate practitioner.**

New subdivision (d) is added to § 815.12 to read as follows:

(d) All staff shall be regularly trained on maintaining appropriate boundaries with clients.