

# EMPOWER RECOVERY SERVICES



## CLIENT PRIVACY POLICY

All consumers of outpatient mental health services are guaranteed the following rights under Minnesota State law and the Telephone Consumer Protection Act (TCPA: 47 U.S.C. § 227):

1. The right to be informed of your rights as a patient/client.
2. Nondiscrimination based on race, religion, age, sex, sexual orientation, ethnic origin, physical or mental impairment, financial or social status.
3. The right to the least restrictive treatment conditions necessary.
4. The right to receive prompt and adequate treatment.
5. The right to be informed of your treatment and care and to participate in planning your treatment and care.
6. The right to refuse all medication and treatment unless court-ordered or unless medicines or treatment are necessary to prevent serious physical harm to yourself or others.
7. The right not to be subjected to experimental research without your informed, written consent.
8. The right to confidentiality of all treatment records, to review and copy certain records, and to challenge the accuracy, completeness, timeliness, or relevance of information in your records.
9. The right not to be filmed or taped without your permission.
10. The right to respectful electronic communication practices (see: TCPA)
11. To be informed about the costs of treatment and medications.
12. The right to file a grievance about violating these rights without fear of retribution.
13. The right to court if you believe your rights were violated.
14. The right to be treated with respect, dignity, and individuality by all employees of Empower Recovery Services.
15. Communication and Privacy Rights: As a client of Empower Family Services, you have the right to confidentiality.
16. ERS does not sell your information to 3rd parties. Your records will be released only if you authorize them (see: Exceptions).
17. You retain the right to take legal action at any time.
18. You can coordinate ERS care services with medical and other behavioral health agencies to ensure ongoing services necessary for your recovery and treatment.

### **TCPA applied to Empower Recovery Services and its Clients:**

The Telephone Consumer Protection Act (TCPA: 47 U.S.C. § 227) guidelines require businesses to obtain explicit consent before contacting consumers via telemarketing calls, texts, or faxes, meaning they must not call numbers listed on the National Do Not Call Registry and must adhere to specific time restrictions for calling residences, all while identifying themselves and

keeping records of obtained consent to prevent unwanted telemarketing practices and robocalls.

Empower Recovery Services will do the following:

- Consent to use the given phone number for text messaging and voice mail will be identified during the intake process and can be updated at any time.
- ERS staff will identify themselves and the purpose of the communication when texting, calling, leaving a voice message, or emailing.
- Phone calls will occur during reasonable hours (8:00 am – 9:00 pm) unless otherwise requested or in the case of an emergency.
- Appointment reminder text messages or emails are automated through the client information system.
- Other text messages from ERS staff may apply.

Empower Recovery Services does not:

- Engage in telemarketing.
- Utilize an automated dialing system.
- Deliver pre-recorded voice messages.

Client opt-out methods:

- You can opt out of text messaging by texting “stop,” emailing [empowerrecoveryervices@gmail.com](mailto:empowerrecoveryervices@gmail.com), calling (320) 629-0059, or talking to any ERS staff.
- You can opt out of voice mail or email messaging by emailing [empowerrecoveryervices@gmail.com](mailto:empowerrecoveryervices@gmail.com), calling (320) 629-0059, or talking to any ERS staff.
- Opt-out requests and other communication preferences will be documented for ERS staff reference.
- Your contact information will not be shared outside of ERS unless a release of information is signed or in a “duty to warn” or “duty to protect” circumstance (see: <https://www.hhs.gov/hipaa/for-individuals/index.html>).

**Exceptions to Confidentiality:**

Exceptions to confidentiality include (1) if you pose a danger to yourself or others and (2) by lawful order of the court. In instances where a client’s competency is in question, and there is suspected physical abuse, verbal abuse, financial abuse, neglect, or self-neglect, the agency’s responsibility to the client’s safety and well-being takes precedence over the client’s right to confidentiality.