



TO: All Treatment Programs

January 2010

FROM: Mike Yorio
Patient Advocacy

RE: Patient-Rights Reminder

OASAS Patient Advocacy [PA] receives many contacts from patients referred to treatment by criminal justice entities [CJE]. As a result of follow-up, PA notes the gradual erosion of patient rights when providers blur treatment and enforcement responsibilities. This memo reminds providers that treatment is the primary focus with CJE patients and when interacting with CJE personnel, consistent with Local Services Bulletin 2008-02: *Working with Criminal Justice Entities*.

Generally, providers and CJE have different responsibilities with people in treatment. Providers manage clinical needs and CJE monitors legal mandates. While treatment and enforcement responsibilities can be complementary, providers are reminded that, for them, treatment comes first. When providers lose focus or confuse responsibilities, legal mandates take precedence and treatment becomes an extension of enforcement. Such blurring erodes patient rights.

Specific examples of erosion addressed by PA include providers that: admit people with substance-abuse issues far in the past; reveal needless patient/provider details in letters to CJE; seek prior CJE approval to return patient property; omit due process at discharge; transport involuntarily-discharged patients to CJE without contractual agreement; and follow CJE treatment mandates that ill-fit the person, regardless of offering clinical education, as required in the Bulletin.

Of course, providers and CJE can and do work together effectively to help patients recover. Treatment needs and legal mandates can and do overlap without tension. Providers and CJE can and do cooperate to protect patient rights. Nevertheless, in light of recent law reform and increased services for CJE patients, PA reminds providers to distinguish between treatment and enforcement responsibilities, and to keep treatment as the primary focus, especially with CJE patients.

Thank you for your attention to this matter.