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Client Rights and Monitored Drug Screens

Summary

This memo provides information about client rights when urine drug screens require in-person or video monitoring. Certified mental health and substance use providers must notify individuals of the limitation or denial of their right to privacy upon implementation of monitored urine drug screens by using a form available on the DHS website.

Background

The guidance in this memo applies to patients as defined in [Wis. Stat. § 51.61\(1\)](#).

Urine drug screens are a treatment tool used in many settings. In some cases, providers have cause to monitor patients during the screening process to ensure that the patient is adhering to the treatment plan and safety and security needs of providers. Live video feed, or video monitoring, is now a common practice among providers. Video monitoring of urine drug screens is allowable; however, patients cannot be recorded during activities of toileting and bathing.

The Division of Care and Treatment Services and Division of Quality Assurance interpret urine drug screens as activities of “toileting and bathing.” [Wisconsin Admin. Code § DHS 94.05](#) states certain client rights may be limited or denied for an individual for treatment, management, or security reasons. The right to privacy during toileting and bathing activities is one of the client rights that may be limited or denied. See [Wis. Stat. § 51.61\(2\)](#).

Client rights limitation or denial procedure

[Wisconsin Admin. Code § DHS 94.05](#) outlines the [process for client rights limitation or denial](#). This process must be followed to implement in-person or video monitoring of urine drug screenings.

Service providers must review limitations and denials regularly. The limitation or denial can only last for as long as necessary to protect treatment, management, or security.

Service providers must document limitations or denials of client rights for an individual using the form [Client Rights Limitation or Denial Documentation, F-26100](#). A patient may request an informal hearing or meeting with the decision-maker to dispute the limitation and/or file a grievance.

Law and code related to client rights

Client rights for patients of mental health and substance use treatment programs are outlined in [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#).

Laws and codes related to privacy, electronic video monitoring, and filming

- Privacy during toileting and bathing activities is a client right. See [Wis. Stat. § 51.61\(1\)\(s\)](#). This right may be limited or denied.
- Patients also have the right to not be filmed or taped (recorded video) without consent. See [Wis. Stat. § 51.61\(1\)\(o\)](#) and [Wis. Admin. Code ch. DHS 94.18](#). This right can't be limited or denied.

Email questions or concerns about this memo to DHSDCTSCRO@dhs.wisconsin.gov.