

Services provided by residential addiction recovery facility (12HDC01582, 18 December 2014)

Counsellor ~ Addiction recovery programme ~ Residential facility ~ Treatment plan ~ Documentation ~ Professional boundaries ~ Exploitation ~ Rights 2, 4(1), 4(2), 4(3)

A man who was suffering from alcohol addiction issues and depression entered an addiction recovery programme at a residential facility (the facility) for treatment. A counsellor is the programme director of the facility.

The man was resident in the facility for 16 weeks. During this time, he had no written individual recovery plan and received only three one-to-one counselling sessions with the counsellor. The counsellor retained no clinical records of the counselling he provided to the man. The counselling sessions stopped because the counsellor was double booked, but the man continued paying for counselling. The man was taking prescribed antidepressants, and the counsellor encouraged him to stop taking his medication.

Following payment for the programme from his WINZ benefit, the man was left with only \$7.00 per week. The counsellor arranged work for the man doing jobs for people from the counsellor's church, and charged the man out at \$21.00 per hour but gave the man only \$15.00 per hour. The counsellor also assisted the man to incorporate a company to avoid ramifications with regard to his benefit from being paid. The facility paid for the incorporation of the company, which resulted in the man owing a debt to the facility in excess of \$300. He was expected to repay or work off the debt. In addition, the counsellor provided residents with knives, and they had access to air rifles.

It was held that the facility failed to provide criteria for entry to or exclusion from the facility, and did not provide a treatment programme or a plan that was generally adhered to. Accordingly, the facility breached Right 4(3).

It was held that the counsellor failed to provide the agreed individual counselling services to the man that he required to assist with his recovery, breaching Right 4(1). The counsellor also kept no records of any treatment or counselling sessions with the man during the time he was a resident, breaching Right 4(2).

The counsellor abused his position of trust and exploited the man's vulnerabilities for the financial gain of the facility and himself and, accordingly, breached Right 2. He failed to maintain appropriate professional boundaries and breached Right 4(2). By providing access to knives and air rifles, the counsellor failed to provide addiction treatment services to the man with reasonable care and skill and, accordingly, breached Right 4(1).

The counsellor was referred to the Director of Proceedings. The Director filed a claim at the Human Rights Review Tribunal which proceeded by agreement. The Human Rights Review Tribunal made a declaration that the providers had breached Rights 4(1) and (2) of the Code.