

Mental Health and Recovery Board of Union County Administrative Policy	Board Policy Section: COQ Standard(s):
Subject: Client Rights and Grievances Original Adoption Date: Latest Board Approved Revision:	Replaces: Client Rights and Grievances Administration #120

POLICY

Clients receiving mental health or substance abuse treatment services from an Ohio Department of Mental Health and Addiction Services certified agency (regardless of payer source) are protected by specific rights as listed in Attachment 1. A grievance may be filed at any time which will be resolved in a responsive and impartial manner, and in accordance with the following procedure:

PROCEDURE:

1. Any client or parent/guardian of a minor client of a contracting agency may file a grievance with the Board within a reasonable period of time from the date the grievance occurred.
2. The Mental Health & Recovery Board Executive Director shall be the designated Client Rights Officer (CRO) for the Board. The alternate shall be the Chief Fiscal Officer. The location of the CRO is 131 N. Main Street, Marysville, OH 43040 between the hours of 8:00 and 4:30 Monday thru Friday.
3. The Board's listing of rights and grievance procedures shall be available upon request and will be reviewed by the CRO with any clients seeking to file a grievance.
4. Upon receiving a grievance, the Board Client Rights Officer shall determine if an attempt for resolution had been made at the agency level. If this has not been done, the Board Client Rights Officer will contact the Agency Client Rights Officer immediately to see if resolution can occur at the agency level.

If the client or parent/guardian refuses to contact the Agency Client Rights Officer, the Board Client Rights Office will follow the grievance procedures as described in item 5.

5. If the Agency grievance procedures were followed without resolution, the Board Client Rights Office will promptly meet with the client, assist the client in completing a written grievance (if one does not already exist) gather facts from the Client or parent/guardian and request from the agency, the information in the client rights file. All other parties will be contacted and attempts will be made for a quick resolution. If there is a resolution, a written notification and explanation of the resolution will be provided to the agency and the client, or to the griever if other than the client, with the client's permission.

6. Resolution of the grievance shall be attempted within twenty-one 21 calendar days from the date the original grievance was filed.
7. The Client or parent/guardian shall have the option to initiate a complaint with any or all of the following: Ohio Department of Mental Health and Addiction Services; Disability Rights Ohio; U.S. Department of Health and Human Services; Attorney General's Office; and State licensing or regulatory boards. A list of the organizations with proper addresses and telephones shall be given to the Client or parent/guardian upon request. (See Attachment 2)
8. Any relevant information about the grievance shall be made available, upon written request and the client or parent/guardian's permission, to the contacted organizations listed in Item 7.
9. The Board shall keep records of grievances it receives, the type of grievances and the resolution status of the grievance. It shall also assure the availability of these records for review by the Ohio Department of Mental Health and Addiction Services upon request.

IMPLEMENTATION AND MONITORING:

1. The Board shall assure in its community plan that each contract agency has a grievance procedure in place which meets the requirements of this rule. Annually, agencies will be required to submit their grievance policy as part of the Board's allocations process.
2. The Board shall review annually the implementation of the client rights policy and grievance procedures for each of its contract agencies.
3. The Board shall receive annually from each agency the client rights officer's summary of the number of grievances received, type of grievances, and resolution status of grievances. The board will receive this information through the submission of each agency's quality improvement report.
4. The Board shall also keep records of grievances it receives, the subject of the grievances, and the resolution of each, and shall assure the availability of these records for review by the department of mental health upon request.
5. The Board shall annually summarize its records to include the number of grievances received, types of grievances, and the resolution status.

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OAC 5122-26-18 Client rights and grievance procedure, and abuse.

(A) Each agency shall develop policies and procedures regarding staff neglect and abuse of persons served including, but not limited to, the following requirements:

(1) Each allegation of neglect and/or abuse by agency staff of a person served, regardless of the source, shall be investigated. The written results of an investigation into an allegation of neglect and/or abuse of persons served shall be reviewed by the executive director of the agency. The agency shall keep documentation of the findings of the investigation and of actions taken as a result of the investigation.

(2) The agency shall report any allegation of staff neglect or abuse to the community mental health board within twenty-four hours of the event occurring and shall communicate the results of the investigation to the community mental health board.

(3) In situations that involve child abuse or adult abuse, any notification required by law shall be made to the appropriate authorities.

(B) Each agency shall have written policies and procedures that are consistent with state law and with the Ohio department of health's and the department's guidelines regarding rights of persons served, such as persons with human immunodeficiency virus ("HIV").

(C) Each agency shall develop a policy on the rights of persons receiving services and a grievance policy for those persons according to relevant federal, state, and local statutes. The following definitions are in addition to or supersede the definitions in rule [5122-24-01](#) of the Administrative Code:

(1) "Client" means an individual applying for or receiving mental health services from a board or mental health agency.

(2) "Client rights specialist " means the individual designated by a mental health agency or board with responsibility for assuring compliance with the client rights and grievance procedure rule as implemented within each agency or board. For these purposes the individual holds the specific title of client rights officer.

(3) "Contract agency" means a public or private service provider with which a community mental health board enters into a contract for the delivery of mental health services. A board which is itself providing mental health services is subject to the same requirements and standards which are applicable to contract agencies, as specified in rule [5122:2-1-05](#) of the Administrative Code.

(4) "Grievance" means a written complaint initiated either verbally or in writing by a client or by any other person or agency on behalf of a client regarding denial or abuse of any client's rights.

(5) "Reasonable" means a standard for what is fair and appropriate under usual and ordinary circumstances.

(6) "Services" means the complete array of professional interventions designed to help a person achieve improvements in mental health such as counseling, individual or group therapy, education, community psychiatric supportive treatment, assessment, diagnosis, treatment planning and goal setting, clinical review, psychopharmacology, discharge planning, professionally-led support, etc.

(D) Client rights.

Except for clients receiving forensic evaluation service as defined in rule [5122-29-07](#) of the Administrative Code, from a certified forensic center, each client has all of the following twenty-five rights as listed in paragraphs (D)(1) to (D)(15) of

this rule. Rights of clients receiving only a forensic evaluation service from a certified forensic center are specified in paragraph (E) of this rule.

(1) All who access mental health services are informed of these rights:

(a) The right to be informed of the rights described in this rule prior to consent to proceed with services, and the right to request a written copy of these rights;

(b) The right to receive information in language and terms appropriate for the person's understanding; and

(c) The right to be fully informed of the cost of services.

(2) Services are appropriate and respectful of personal liberty:

(a) The right to be treated with consideration, respect for personal dignity, autonomy, and privacy, and within the parameters of relevant sections of the Ohio Revised Code and the Ohio Administrative Code;

(b) The right to receive humane services;

(c) The right to participate in any appropriate and available service that is consistent with an individual service plan (ISP), regardless of the refusal of any other service, unless that service is a necessity for clear treatment reasons and requires the person's participation;

(d) The right to reasonable assistance, in the least restrictive setting; and

(e) The right to reasonable protection from physical, sexual and emotional abuse, inhumane treatment, assault, or battery by any other person.

(3) Development of service plans:

(a) The right to a current ISP that addresses the needs and responsibilities of an individual that specifies the provision of appropriate and adequate services, as available, either directly or by referral; and

(b) The right to actively participate in periodic ISP reviews with the staff including services necessary upon discharge.

(4) Declining or consenting

The right to services:

(a) The right to give full informed consent to any service including medication prior to commencement and the right to decline services including medication absent an emergency;

(b) The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, or photographs, or other audio and visual technology. This right does not prohibit an agency from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms; and

(c) The right to decline any hazardous procedures.

(5) Restraint, seclusion or intrusive procedures:

The right to be free from restraint or seclusion unless there is imminent risk of physical harm to self or others.

(6) Privacy:

The right to reasonable privacy and freedom from excessive intrusion by visitors, guests and non agency surveyors, contractors, construction crews or others.

(7) Confidentiality:

(a) The right to confidentiality unless a release or exchange of information is authorized and the right to request to restrict treatment information being shared; and

(b) The right to be informed of the circumstances under which an agency is authorized or intends to release, or has released, confidential information without written consent for the purposes of continuity of care as permitted by division (A)(7) of section [5122.31](#) of the Revised Code.

(8) Grievances:

The right to have the grievance procedure explained orally and in writing, the right to file a grievance, with assistance if requested; and the right to have a grievance reviewed through a grievance process, including the right to appeal a decision.

(9) Non-discrimination:

The right to receive services and participate in activities free of discrimination on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws.

(10) No reprisal for exercising rights:

The right to exercise rights without reprisal in any form including the ability to continue services with uncompromised access. No right extends so far as to supersede health and safety considerations.

(11) Outside opinions:

The right to have the opportunity to consult with independent specialists or legal counsel, at one's own expense.

(12) No conflicts of interest:

No agency employee may be a person's guardian or representative if the person is currently receiving services from said facility.

(13) The right to have access to one's own psychiatric, medical or other treatment records, unless access to particular identified items of information is specifically restricted for that individual client for clear treatment reasons in the client's treatment plan. If access is restricted, the treatment plan shall also include a goal to remove the restriction.

(14) The right to be informed in advance of the reason (s) for discontinuance of service provision, and to be involved in planning for the consequences of that event.

(15) The right to receive an explanation of the reasons for denial of service.

Effective 03/01/2012

Mental Health and Recovery Board of Union County Administrative Policy	Board Policy Section: Attachment 2 COQ Standard(s):
Subject: Client Rights and Grievances Original Adoption Date: Latest Board Approved Revision:	Replaces: Client Rights and Grievances Administration #120

CLIENT RIGHTS AND GRIEVANCES CONTACTS

Mental Health and Recovery Board of Union County
Philip D. Atkins, PhD, LICDC, OCPSII
131 North Main St.
Marysville, OH 43040

Ohio Department of Mental Health and Addiction Services
Kathryn Remer, Consumer Advocacy and Protection Specialist
30 E. Broad St., 36th Floor
Columbus, OH 43215-3430
614.466.2596
Toll-free bridge line for consumers and families 1.877.275.6364
Text telephone 614.752.9696

Disability Rights Ohio (formerly Ohio Legal Rights Service)
50 W. Broad Street, Suite 1400
Columbus, Ohio 43215-5923
Phone: 614-466-7264 or 1-800-282-9181 (Toll free in Ohio only)
TTY: 614-728-2553 or 1-800-858-3542 (Toll free in Ohio only)
Fax: 614-644-1888

Ohio Attorney General
30 E. Broad St., 14th Floor
Columbus, OH 43215
800.282.0515
614.466.4986

U.S. Department of Health & Human Services
Office for Civil Rights
Region 5
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
800.368.1019
Fax: 312.886.1807
TDD: 800.537.7697

Ohio Counselor, Social Worker, and Marriage and Family Therapist Board
50 West Broad Street, Suite 1075
Columbus, OH 43215-3344
614.466.0912
Fax: 614.728-7790
General email: cswmft.info@cswb.ohio.gov

State Medical Board of Ohio
30 E. Broad St., 3rd Floor
Columbus, Ohio 43215-6127
614.466.3934
Fax: 614.728.5946

State Board of Psychology of Ohio
77 S. High St., Suite 1830
Columbus, OH 43215-6108
614.466.8808
Fax: 614.728-7081