

GEAUGA COUNTY BOARD OF MENTAL HEALTH AND RECOVERY SERVICES

**TITLE: CLIENT RIGHTS AND
GRIEVANCE PROCEDURE**

SECTION: III-C

ORIGINAL APPROVAL DATE: OCTOBER 23, 1991

APPROVAL DATE FOR REVISED POLICY: APRIL 19, 2023

PURPOSE

The Geauga County Board of Mental Health and Recovery Services believes that those who apply for or receive mental health, alcohol, or drug addiction services in Geauga County possess fundamental human, civil, and constitutional rights, as outlined in the Client Rights Policy and according to Rule 5122:26 of the Administrative Code. To protect and enhance the rights of persons applying for or receiving mental health, alcohol, or drug addiction services in Geauga County.

POLICY

The Board's policy is that the Board and all agencies funded by the Board notify clients of their rights and provide a mechanism for grievance resolution that meets the criteria established by the Ohio Department of Mental Health and Addiction Services.

RESPONSIBILITIES

1. A statement of "Client Rights" (Attachment A) and the Board's "Client Grievance Procedure" (Attachment B) will be posted in a conspicuous place in the office and distributed upon request.
2. A Client Rights Officer and an alternate will be appointed to administer this policy and explain it to clients and other members of the community as needed.
3. The Client Rights Officer will keep records of all grievances filed, including a grievance log that briefly summarizes each grievance and its outcome, written grievance forms that detail the subject matter of the grievance, actions taken on the grievance, its resolution, and minutes of meetings held regarding the grievance for two years. This information will be made available to the Ohio Department of Mental Health and Addiction Services upon request.
4. The Board will ensure all staff are fully informed of client rights and grievance procedures.
5. The Board will ensure that each contracting agency has a grievance procedure in place that meets the requirements of Section 5122-26-18 of the Administrative Code and will annually monitor the implementation of the client rights policy and grievance procedure of each contracting agency, using the "Agency Client Rights and Grievance Procedure Review Checklist" (Attachment C). The Board shall receive, quarterly and annually, from each contracting agency, a summary of the number of grievances received, the type of grievances, and the resolution status of the grievances.

Attachment A

CLIENT RIGHTS

As defined in Section 5122-26-18 of the Administrative Code, each client has all of the following twenty-one (21) rights. An exception to these twenty-one (21) rights applies only to those who receive forensic evaluation services, which is addressed later in this policy.

1. The right to be treated with consideration and respect for personal dignity, autonomy and privacy;
2. The right to reasonable protection from physical, sexual, or emotional abuse and inhumane treatment;
3. The right to receive services in the least restrictive, feasible environment;
4. 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;
5. The right to give informed consent to or to refuse any service, treatment, or therapy, including medication, absent an emergency;
6. The right to participate in the development, review, and revision of one's own individualized treatment plan and receive a copy of it;
7. The right to freedom from unnecessary or excessive medication and to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others;
8. The right to be informed and the right to refuse any unusual or hazardous treatment procedures;
9. The right to be advised and the right to refuse observation by others and by techniques such as one-way vision mirrors, tape recorders, video recorders, televisions, movies, 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 do not include bathrooms or sleeping areas;
10. The right to confidentiality of communications and personal identifying information within the limitations and requirements for disclosure of client information under state and federal laws and regulations;
11. The right to have access to one's own client record unless access to certain information is restricted for clear treatment reasons. If access is restricted, the treatment plan shall include the reason for the restriction, a goal to remove the restriction, and the treatment being offered to remove the restriction;
12. The right to be informed a reasonable amount of time in advance of the reason for terminating participation in a service and to be provided a referral unless the service is unavailable or not necessary;
13. The right to be informed of the reason for denial of a service;
14. The right not to be discriminated against for receiving services based on 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;
15. The right to know the cost of services;
 16. The right to be verbally informed of all client rights and to receive a written copy upon request;
 17. The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations;
 18. The right to file a grievance;
 19. The right to have oral and written instructions concerning the procedure for filing a grievance and to assistance in filing a grievance if requested;
 20. The right to be informed of one's own condition; and
 21. The right to consult with an independent treatment specialist or legal counsel at one's own expense.

September 26, 2016 – Updated Client Rights effective April 1, 2016.
December 28, 2015 – Client Rights updated.

CLIENT RIGHTS
Forensic Evaluations
(continued)

Those who are receiving a forensic evaluation service from a certified forensic center [as defined in paragraph (F) of Section 5122-26-18 (F)], possess the following twelve (12) rights:

1. The right to be treated with consideration and respect for personal dignity;
2. The right to be evaluated in a physical environment affording as much privacy as feasible;
3. The right to service in a humane setting, which is the least restrictive feasible, if such setting is under the control of the forensic center;
4. The right to be informed of the purpose and procedures of the evaluation service;
5. The right to consent to, or refuse, the forensic evaluation services and to be informed of the probable consequences of refusal;
6. The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center;
7. The right to be advised of and refuse observation by techniques, such as one-way vision mirrors, tape recordings, televisions, movies, photographs, or other audio and visual technology, unless ordered by the court, in which case, the client must be informed of such technique. This right does not prohibit an agency from using closed-circuit monitoring to observe seclusion rooms or common areas that do not include bathrooms;
8. The right not to be discriminated against in the provision of service 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;
9. The right to be fully informed of all rights;
10. The right to exercise any and all rights without reprisal in any form;
11. The right to file a grievance; and
12. The right to have oral and written instructions for filing a grievance, including an explanation that filing a grievance is exclusively an administrative proceeding within the mental health system and will not affect or delay the outcome of the criminal charges.

Attachment B

CLIENT GRIEVANCE PROCEDURE

As part of our commitment to client rights, the Geauga County Board of Mental Health and Recovery Services has developed procedures to address incidents when rights may have been denied or abused. A Client Rights Officer and an alternate Client Rights Officer have been appointed to ensure compliance with the Client Rights Policy and Grievance Procedure. The Client Rights Officer is available to explain rights and assist clients with filing a grievance (a grievance may be filed by someone other than the client, on the client's behalf, if the client has given permission).

CLIENT RIGHTS OFFICER: Michelle Maneage

TITLE: Clinical and Compliance Manager

ALTERNATE CLIENT RIGHTS OFFICER: Danette Richards

TITLE: Accounting and Grants Specialist

LOCATION: Geauga County Board of Mental Health and Recovery Services
13244 Ravenna Road
Chardon, Ohio 44024

TELEPHONE NUMBER: (440) 285-2282

HOURS OF AVAILABILITY: 8:30 am to 4:30 pm
Monday through Friday

Although the grievance may be filed any time after the alleged abuse or denial of rights, the Board recommends the grievance be filed as soon as possible to achieve a complete resolution that is not altered or unattainable because of the passage of time. Grievances against an agency may be filed with the Board without using the agency's grievance procedure; however, the Board recommends considering the use of the agency's grievance procedure as this may provide for a more efficient investigation and resolution.

Grievances regarding the alleged abuse or neglect of a child or senior adult shall be immediately reported to the Geauga County Department of Job and Family Services. Any grievance that alleges abuse of other adults may be sent to the prosecuting attorney for their review.

The following procedures should not exceed twenty (20) business days from when the grievance was filed or the client will receive an explanation of any extenuating circumstances needing to extend this timeframe. The client or others wishing to grieve on behalf of the client (with the client's permission) should first contact the Client Rights Officer to file the grievance. The grievant will be asked to place the grievance in written form, including the following information: name of client; name of grievant; subject of

grievance; information about grievance, including contacts with other staff to resolve the problem; and signature. If assistance is needed in writing the grievance, the Client Rights Officer will assist in preparing a written summary of the grievance. The written grievance will be date-stamped. The client may be asked to sign a release of information form (Attachment D), thus allowing the Client Rights Officer to obtain copies of the sections of the case record needed to investigate the grievance and to reach a resolution. The client will be asked to sign a release of information if someone is grieving on behalf of the client so that information relevant to the grievance may be shared with the grievant. The Client Rights Officer or designee will investigate the grievance and oversee the grievance process to resolution.

1. The Client Rights Officer will contact the client or grievant within three (3) working days of the original filing to obtain all necessary information.
2. The Client Rights Officer will investigate the grievance and speak with all parties involved in an attempt to achieve a timely resolution.
3. The Client Rights Officer will contact the client or grievant to obtain all necessary information.
4. The Client Rights Officer will investigate the grievance and speak with all parties involved in an attempt to achieve a timely resolution.
5. With the client's permission, the Client Rights Officer will give a written statement and explanation of the results to the client or grievant.
6. The grievant has the option to further grieve with an outside entity, which is listed at the end of this procedure. Upon request, the Client Rights Officer may assist the client in contacting any resource.

RESOURCE AGENCIES

The following is a list of entities and resources that may be contacted by clients wishing to file a grievance or by others who wish to file a grievance on behalf of a client with the client's permission. Upon request, the Geauga County Board of Mental Health and Recovery Services Client Rights Officer will help to access these resources.

Ohio Dept. of Mental Health and Addiction Services 30 E. Broad St., 36 th Floor Columbus, OH 43215-3430 (614) 466-2596 http://mha.ohio.gov	Attorney General's Office 30 E. Broad Street, 14 th Floor Columbus, OH 43215 Help Center: (800) 282-0515 www.ohioattorneygeneral.gov
Disability Rights Ohio 200 Civic Center Drive, Suite 300 Columbus, OH 43215 (614) 466-7264 (800) 282-9181 www.disabilityrightsohio.org	U.S. Department of Health & Human Services Office for Civil Rights – Midwest Region 233 N. Michigan Ave., Suite 240 Chicago, IL 60601 (800) 368-1019 http://www.hhs.gov/ocr/about-us/contact-us/index.html
Opportunities for Ohioans with Disabilities 150 E. Campus View Blvd. Columbus, OH 43235 (800) 282-4536 https://ood.ohio.gov	Ohio Board of Nursing 17 S. High St., Suite 660 Columbus, OH 43215 (614) 466-3947 https://nursing.ohio.gov
State Medical Board of Ohio 30 E. Broad Street, 3 rd Floor Columbus, OH 43215 (614) 466-3934 https://www.med.ohio.gov	

Attachment C

AGENCY CLIENT RIGHTS AND GRIEVANCE PROCEDURES REVIEW CHECKLIST Geauga County Board of Mental Health and Recovery Services

Name of Agency: _____

Date of Review: _____

Name of Person conducting review: _____

Items with an asterisk (*) must be included in the agency's written policy and procedure. Other items are required and must be available for review by the Board and/or the Ohio Department of Mental Health and Addiction Services.

Rights/Policy

YES NO

*All client rights listed _____

*Name, title, location, hours of availability, and phone number of Clients Rights Officer (CRO) _____

*Statement of CRO's responsibilities _____

*Statement of Assurance that staff will explain all aspects of client rights and grievance procedure upon request _____

*Rights policy distributed to each client at intake or the next subsequent appointment, in writing and orally _____

*Policy stating how rights are distributed in crisis situations or during emergencies _____

**"Community services" clients may receive a copy of the policy upon request _____

Client rights policy is posted in a conspicuous location in **the** agency Office _____

All staff are familiar with specific rights and the grievance procedure _____

Grievance Procedure

YES NO

*Statement that agency will assist in areas of:

1. Filing a grievance, if needed
2. Investigate on behalf of the grievant
3. Agency representation for the grievant at the agency hearing, if desired by grievant

*Clear statement of who to grieve to?

1. Name
2. Title of person
3. Location (where the client goes to grieve)
4. _____
Hours of availability
5. Phone number

*There is a reasonable opportunity for the grievant and/or designated representative to be heard by an impartial decision maker

*Timelines for resolving grievance, not to exceed 20 working days from filing date

*The agency provides written notification and explanation of the resolution to the client, or grievant, if other than client

*There is a "reasonable period of time" for filing a grievance from date grievance occurred

*There is a current list of outside entities to grieve to

*There is a provision to provide, upon request, information about grievance to one or more outside entities

Grievance procedure posted and copies distributed upon request

There are provisions for prompt accessibility to CRO

Are there provisions for filing a grievance against/or involving a CRO?

There are provisions for all staff to immediately advise any client about the Client Rights Officer and the right to file a grievance

Agency CRO assures compliance with grievance procedure

Comments:

Board Procedure

YES NO

A. Does the procedure for addressing grievance include:

1. Provision for accessing agency information relevant to grievance
2. Written copy of the Board's grievance procedure available on request

Attachment D

**GEAUGA COUNTY BOARD OF MENTAL HEALTH
AND RECOVERY SERVICES
CLIENT GRIEVANCE PROCEDURE RELEASE OF INFORMATION**

I, _____, **authorize** to release information contained in my clinical record or any other records kept by the agency, that may be pertinent to an investigation of a grievance by the Geauga County Board of Mental Health and Recovery Services.

Information to be released:

This information may/may not also be released to _____ who is grieving on my behalf.

Signed: _____

Date: _____

Signature of Legal Guardian or Parent
(where required)

Signature of Person Authorized to Sign in
Lieu of the Patient (where required)

Witnessed by:

This consent is subject to revocation at any time except to the extent that the program which is to make the disclosure has already acted in reliance on it. If not previously revoked, this consent will terminate upon: _____
(Specific date, event, or condition)

"This information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client."