

ADAMHS BOARD OF ERIE COUNTY

TITLE: 5-3 Mission and Program: Client
NUMBER: Rights

EFFECTIVE DATE:
SUPERSEDES DATE:

PURPOSE

To establish a policy, which ensures the client or his/her family member/guardian a procedure for impartial resolution of grievances.

POLICY

It is the policy of the ADAMHS Board to ensure that client rights will be protected through the development of a Client Rights procedure that provides for impartial resolution of grievances. It is the policy of the ADAMHS Board to assure that all staff members are informed of and are familiar with this client grievance policy. Each staff member shall sign an acknowledgment statement documenting that they have been oriented to these policies and procedures and have received such policies and procedures in written form. The signed acknowledgment shall become part of the staff person's personnel file. Each staff member shall be able to explain any and all aspects of the Client Rights and Grievance Procedure to a client or a parent/guardian, upon request.

ACCOUNTABILITY

Client Rights Officer, Executive Director, Administrative Committee

CLIENT RIGHTS

1. The Right to be treated with consideration and respect for personal dignity, autonomy, and privacy;
2. The Right to service in a humane setting which is the least restrictive feasible as defined in the treatment plan;
3. The Right to be informed of one's own condition, of proposed or current services, treatment, or therapies, and of the alternatives;
4. The Right to consent to or refuse any service, treatment, or therapy upon full explanation of the expected consequences of such consent or refusal. A parent or legal guardian may consent to or refuse any service, treatment, or therapy on behalf of a minor client;
5. The Right to a current, written, individualized service plan that addresses one's own mental health, physical health, social and economic needs, and that specifies the provision of appropriate and adequate services, as available, either directly or by referral;
6. The Right to active and informed participation in the establishment, periodic review, and reassessment of the service plan;
7. The Right to freedom from unnecessary or excessive medication;
8. The Right to freedom from unnecessary restraint or seclusion;
9. The Right to participate in any appropriate and available agency service, regardless of refusal of one or more other services, treatments, or therapies, or regardless of relapse from earlier treatment in that or another service, unless there is a valid and specific necessity which precludes and/or requires the client's participation in other services. This necessity shall be explained to the client and written in the client's current service plan;

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10. The Right to be informed of and refuse any unusual or hazardous treatment procedure;
11. The Right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, television, movies, or photographs;
12. The Right to have the opportunity to consult with independent treatment specialists or legal counsel; at one's own expense;
13. The Right to confidentiality of communications and of all personally identifying information within the limitations and requirements for disclosure of various funding and/or certifying sources, state or federal statutes, unless release of information is specifically authorized by the client or legal guardian of a minor client or court-appointed guardian of the person of an adult client;
14. 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. "Clear treatment reasons" shall be understood to mean only severe emotional damage to the client such that dangerous or self-injurious behavior is an imminent risk. The person restricting the information shall explain to the client and other persons authorized by the client the factual information about the individual client that necessitates the restriction. The restriction must be renewed at least annually to retain validity. Any person authorized by the client has unrestricted access to all information. Clients shall be informed in writing of agency policies and procedures for viewing or obtaining copies of personal records;
15. 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;
16. The Right to receive an explanation of the reasons for denial of service;
17. The Right not to be discriminated against in the provision of service on the basis of religion, race, color, creed, sex, national origin, age, lifestyle, physical or mental handicap, developmental disability, or inability to pay;
18. The Right to know the cost of service;
19. The Right to be fully informed of all rights;
20. The Right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service;
21. The Right to file a grievance; and
22. The Right to have oral and written instruction, for filing a grievance.

PROCEDURE

1. Each contract agency of the Board is required to establish a client rights policy, which meets the requirements of Administrative Rule 5122-26-18; Client Rights and Grievance Procedures.

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2. A copy of the policy is to be posted in a conspicuous location at each agency, and a copy of such policy is to be filed at the ADAMHS Board office.
3. A copy of the Client Rights Policy shall be distributed to each client or parent/guardian at the intake session or next subsequent appointment.
4. Each employee of a contract agency of the ADAMHS Board shall receive a copy of the Client Rights Policy. Each employee shall be able to explain any and all aspects of the Client Rights and Grievance Procedure to a client or a parent/guardian, upon request.
5. In case of a crisis or emergency situation, the client or parent/guardian shall be verbally advised of at least the immediate pertinent rights including, but not limited to, the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. A printed copy and full verbal explanation of the Client Rights Policy may be delayed to the next appropriate meeting.
6. Each contract agency of the ADAMHS Board shall ensure that a client or recipient of the type of mental health services specified as "Community services" (information and referral service, consultation service, mental health education service, prevention service, training service, etc.) may receive a copy and explanation of the Client Rights Policy upon request.

Each contract agency of the ADAMHS Board is required to notify the Executive Director in writing within 24 hours of any verbal or written complaint alleging client rights violation. The notification will include the action taken to resolve the complaint. The resolution of the grievance shall not exceed twenty (20) working days from the date of filing the grievance, unless a specific timeline is agreed to by all parties.

Should no satisfactory resolution of the grievance be reached at the agency level, the client or his representative may initiate a written complaint with the Client Rights Officer designated by the Board following notification of the results of the agency. Provisions for redress shall be made available to assist clients who cannot write or who may have difficulty in filing an appeal.

The Executive Director or his/her designee shall serve as the Board Client Rights Officer.

The Clients Rights Officer shall:

1. Be responsible to accept and oversee the process of any grievance filed by a client or other person or agency on behalf of a client;
2. Meet personally with the client and/or his/her representative and Agency Client Rights officer at a mutually agreeable time within a reasonable time;
3. Provide written documentation to the Executive Director of the Board within a reasonable time following the meeting regarding the grievance that was filed, identification of specific section of policy cited in alleged violation, agency efforts to resolve the grievance, and recommendations of the Client Rights Officer for resolving the grievance; and
4. If the Client Rights Officer is unavailable, his/her designee shall oversee the process of the grievance. If the grievance is against the Client Right Officer, his/her designee will be available to oversee the process of the grievance.
5. Provide to the Agency and the Grieving party following approval of the Executive Director of the Board written notification of the recommendation for resolution. The Grieving party will also be provided with

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the names, addresses, and telephone numbers of the Ohio Department of Mental Health and Addiction Services, Ohio Legal Rights Services, U. S. Department of Health and Human Services, and other appropriate professional or licensing Boards.

Director Ohio Mental Health and Addiction Services 30 East Broad Street Columbus, Oh 43215 614-466-2337	Executive Director ADAMHS of Erie County 2900 Columbus Avenue Sandusky, Ohio 44870 419-627-1908
Ohio Legal Rights Service 8 East Long Street, 5 th Floor Columbus, OH 43215 614-466-7264 1-800-282-9181 Fax: 614-644-1888 TTY: 614-728-2553	State Medical Board 77 S. High St., 17th Floor Columbus, OH 43266-0315 (614) 466-3934 Fax: 614-728-5946
State Board of Psychology 77 S. High St., 17th Floor Columbus, OH 43266-0321 614-466-8808 Fax: 614-728-7081	Counselor & Social Work Board 77 S. High St., 16th Floor Columbus, OH 43266-0340 614-466-0912 Fax: 614-728-7790
Nursing Education & Registration Board 17 S. High St., Suite 400 Columbus, OH 43215-3413 614-466-3947 Fax: 614-466-0388	Ohio Psychiatric Association 1350 5 th Lane Ave., Suite 218 Columbus, OH 43212-2907 614-481-7555 Fax: 614-481-7559
Attorney General's Office Health Care Fraud Unit 101 E. Town St., 5th Floor Columbus, OH 43215-9987 614-466-0722 Fax: 614-644-9973 TTY: 614-466-1393	Client Assistance Program (Vocational Rehabilitation) 8 E. Long Street Columbus, OH 43215-2999 614-466-7264 1-800-282-9181 Fax: 614-644-1888
U. S. Dept. of Health & Human Services Office for Civil Rights - Region V 105 West Adams St. Chicago, IL 60603 312-886-5078	Client Advocacy Coordinator Ohio Dept. of Mental Health 30 E. Broad St., 8th Floor Columbus, OH 43266-0414 (614) 466-2333 Fax: (614) 466-1571 TTY: (614) 752-9696

Should no satisfactory resolution of the grievance be reached with the Client Rights Officer, the client and/or his/her representative may appeal to the ADAMHS Board's Administrative Committee through the Chairperson of the Committee, whose name is available upon request. Such an appeal must be requested in writing within a reasonable time following notification of the recommendation by the Client Rights Officer.

The Executive Director shall report the status of all grievances filed with the ADAMHS Board to the Administrative Committee to determine whether further action needs to be taken by the ADAMHS Board. The Administrative Committee will hear any appeals regarding the recommendations for resolution of the complaint. The Administrative Committee will hear the grievance within twenty (20) working days of the appeal. The Administrative Committee's decision is final. The process is the same as for the Board Client Rights Officer.

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Failure of the Agency or the ADAMHS Board staff to observe timelines will result in the procedure advancing to the next step.

MONITORING

The ADAMHS Board shall review annually the implementation of the Client Rights Policy and Grievance procedures for each of its providers and shall receive annually from each provider the Client Rights officer's summary of the number of grievances received, type of grievances, and resolution status of grievances.

The ADAMHS Board shall keep records of grievances it receives, the subject of the grievances and resolution of each; and it shall ensure through the Community Plan the availability of the records for review by the Ohio Mental Health and Addiction Services upon request. The ADAMHS Board's Client Rights Officer shall summarize annually its records to include number of grievances received, types of grievances, and resolution status.

Limited access to confidential records shall be maintained. A release form will need to be signed.

APPROVED:

Board Chairperson

Date

Executive Director

Date

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TITLE: 5-4 Mission and Civil Rights Program: **EFFECTIVE DATE:**

NUMBER: **SUPERSEDES DATE:**

PURPOSE

To establish a policy that complies with Annual Notification of Civil Rights Responsibilities and designates a Civil Rights Coordinator and a Section 504 Coordinator. To establish a Civil Rights Compliance policy to assure that all programs, services and benefits administered, supervised, authorized and/or participated in by the ADAMHS Board and its providers are operated in accordance with nondiscriminatory requirements or on the basis of race, color, national origin, military status, disability or contagious disease, age, sex, or religion, or inability to pay in accordance with Section 504 Grievance Procedures; i.e., Civil Rights and Discrimination.

POLICY

It is the policy of the ADAMHS Board of Erie County to comply with Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; where applicable, the Omnibus Budget Reconciliation Act of 1981, the Fair Housing Amendments of 1988; and the Americans with Disabilities Act of 1990; all of which prohibit discrimination. In accordance with Section 504 Regulation, any program participant (consumer or resident.), participant representative, prospective participant or staff member who has reason to believe that she/he has been mistreated, denied services or discriminated against in any aspect of services or employment because of handicap may file a grievance.

ACCOUNTABILITY

Civil Rights Coordinator, Section 504 Coordinator, Executive Director, and Administrative Committee

PROCEDURE

1. The ADAMHS Board designates the Executive Director as the Civil Rights and 504 Coordinator with the responsibilities and duties as outlined below
2. No person(s) shall, on the grounds of race, color, national origin, military status, disability or contagious disease, age, sex, or religion, or inability to pay, be excluded from participation in, be denied the benefits of, or be otherwise subjected to, discrimination under any program, service, or benefit advocated, authorized, funded, or otherwise provided by the ADAMHS Board of Erie County. Furthermore, neither a person's sex, nor a woman's pregnancy, shall be grounds for exclusion from participation in, denial of benefits of, nor discrimination under, any program or service activity, funded in whole or in part with funds made available through the ADAMHS Board of Erie County.
3. All service providers funded by the ADAMHS Board shall operate in accordance with the nondiscriminatory requirements pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; where applicable, the Omnibus Budget Reconciliation Act of 1981, the Fair Housing Amendments of 1988; and the Americans with Disabilities Act of 1990. Furthermore, all Board-funded service providers will be required to meet their obligations pertinent to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; where applicable, the Omnibus Budget Reconciliation Act of 1981, the Fair Housing Amendments of 1988; and the Americans with Disabilities Act of 1990.
4. A grievance must be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by the regulations. The grievance must be filed in the office of the Section 504 Coordinator within 15 days after the person filing the grievance became aware of the action alleged to be prohibited by the regulations. This time frame may be waived by the Coordinator if extenuating circumstances existed, which justifies an extension.

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5. The Section 504 Coordinator, or designee, shall conduct such investigation of a grievance as may be appropriate to determine its validity. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the grievance. Under Section 504 of the Rehabilitation Act, 45 CFR 84.7(b), the Board/Facility need not process complaints from applicants for employment.
6. The Section 504 Coordinator shall issue a written decision determining the validity of the grievance no later than 45 days after its filing.
7. If the grievance has not been resolved at this point, the Section 504 Coordinator should forward it to the Executive Director who shall have an additional 45 days to resolve the grievance. The Executive Director shall notify the grievant in writing of the decision and list the evidence on which the decision is based.
8. If the complaint is still unresolved, the grievant may request that the Executive Director submit the grievance to the Administrative Committee. The Administrative Committee shall have 60 days to resolve the grievance, which takes into consideration the Administrative Committee's recommendation for Board action. If the grievance is then unresolved, the grievant will be advised in writing of the right to file a complaint with the appropriate local, state and federal civil rights offices and will be provided with the names and addresses of such offices.

ADAMHS Board of Erie County

Civil Rights Coordinator
2900 Columbus Avenue
Sandusky, Ohio 44870
Telephone: 419-627-1908

Ohio Mental Health and Addiction Services
Civil Rights Office
State Office Tower
30 East Broad Street, 11th Floor
Columbus, Ohio 43215
Telephone: 614-466-9918
TDD: 614-752-9696

Office of Civil Rights
Dept. of Health & Human Services
233 N. Michigan Avenue, Suite 240
Chicago, Illinois 60601
Telephone: 312-886-2359
TDD/TTY: 312-353-5693

APPROVED:

Board Chairperson

Date

Executive Director

Date