

FAIRFIELD COUNTY ADAMH BOARD

ADAMH Board Client Rights & Grievances

Section: 02

Procedure: 02.89.01

Signature of Approved: *Rhonda Myles*

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PURPOSE:

To provide procedures by which clients or prospective clients of a contract agency of the Fairfield ADAMH Board can express their dissatisfaction with an action of the contract agency or the ADAMH Board. This procedure also applies to family members, agencies, or interested others who wish to file a grievance on behalf of a client or prospective client.

PROCEDURE:

1. **Client's Rights Defined.** The Fairfield County ADAMH Board acknowledges and advocates the rights of all people to receive adequate and humane mental health services. Any person requesting and/or receiving services is assured that his/her rights, as defined in Ohio Administrative Code (OAC) 5122:2-1-02 and Section 1 of this policy will be respected and protected while the person is a client of any contract agency of the ADAMH Board.
 - A. **Rights of Clients (accept those receiving a forensic evaluation service from a certified forensic center).** See (OAC) 5122:2-1-02 D(1) to D(22).
 - i. "The right to be treated with consideration and respect of personal dignity, autonomy, and privacy;
 - ii. The right to services in a humane setting which is the least restrictive feasible as defined in the treatment plan;
 - iii. The right to be informed of one's own condition, of proposed or current services, treatment or therapies, and of the alternatives;
 - iv. The right to consent to or refuse any services, 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;

- v. 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;
- vi. The right to active and informed participation in the establishment, periodic review, and reassessment of the service plan;
- vii. The right to freedom from unnecessary or excessive medication;
- viii. The right to freedom from unnecessary restraint or seclusion;
- ix. 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;
- x. The right to be informed of and refuse any unusual or hazardous treatment procedures;
- xi. The right to be advised of and refuse observation techniques such as one-way mirrors, tape recorders, televisions, movies, or photographs;
- xii. The right to have the opportunity to consult with independent treatment specialists or legal counsel, at one's own expense;
- xiii. 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 parent or legal guardian of a minor client or court-appointed guardian of the person of an adult client in accordance with Rule 5122:2-3-11 of the Administrative Code;
- xiv. 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 the viewing or obtaining copies of personal records.
- xv. 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;

- xvi. The right to receive an explanation of the reasons for denial of service;
- xvii. The right not to be discriminated against in 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;
- xviii. The right to know the cost of services;
- xix. The right to be fully informed of all rights;
- xx. The right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service;
- xxi. The right to file a grievance; and
- xxii. The right to have oral and written instructions for filing a grievance."

B. Rights of Clients Receiving a Forensic Evaluation Service from a Certified Forensic Center. See (OAC) 5122:2-1-02 (E)(1) to (E)(12).

- i. The right to be treated with consideration and respect for personal dignity;
- ii. The right to be evaluated in a physical environment affording as much privacy as feasible;
- iii. 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;
- iv. The right to be informed of the purpose and procedures of the evaluation service;
- v. The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal;
- vi. The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center;
- vii. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, or photographs, unless ordered by the court, in which case the client must be informed of such technique;
- viii. 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;
- ix. The right to be fully informed of all rights;
- x. The right to exercise any and all rights without reprisal in any form;

- xi. The right to file a grievance;
 - xii. The right to have oral and written instructions for filing a grievance including an explanation that the filing of a grievance is exclusively an administrative proceeding with the mental health system and shall not affect or delay the outcomes of the criminal charges.
2. **Mental Health Services Defined.** “ ‘Mental health services’ means any of the services, programs, or activities named and defined in rule 5122:2-1-01 of the Administrative Code. Mental Health Services include both direct client services and community services. Direct client services are listed and defined in paragraphs (D)(1) to (D)(10) of rule 5122:2-1-01 of the Administrative Code. Community services are listed and defined in paragraphs (D)(11) to (D)(15) of rule 5122:2-1-01 of the Administrative Code.”
 3. **Clients Rights Officer (CRO).** The ADAMH Board Clients Rights Officer will provide assistance in filing a grievance for a griever, will investigate the grievance on behalf of the griever, and will represent the griever at a Board hearing, if requested by the griever. The Board’s CRO is:

Patricia Waits, M.Ed., LPC, ICDC
Consumer and Family Advocate
Fairfield County ADAMH
Hours Available: 8:00 a.m. to 5:00 p.m. Mon.- Fri.
Place: 108 W. Main Street, Suite A Lancaster, Oh 43130
Phone: (740) 687-6771 (740) 475-0402
 4. **Alternate Client Rights Officer.** In the event the ADAMH Board Client Rights Officer (CRO) is unavailable, is the subject of the grievance, or the circumstance presents a conflict of interest for the ADAMH Board CRO, the griever will be referred as follows:
 - A. **Alternate 1 –Lynn Porter 740-654-0829 extension 244**
 - B. **Alternate 2 –Rhonda Myers 740-654-0828 extension 225**
 5. **Grievances Acknowledgement.** The Fairfield County ADAMH Board acknowledges that differences and/or disagreements may arise during the treatment process between a client and a contract agency (herein referred to as “Agency”) of the ADAMH Board (herein referred to as “Board”) or an Agency client and the Board. The process described below is to be followed when the ADAMH Board receives a client or family member grievance.
 6. **Complaint About Agency.** It is the ADAMH Board’s intent that the ADAMH Board investigation will occur after the grievant has filed a grievance at the Agency and the Agency has completed its investigation.
 - A. **Agency Not Yet Received and/or Investigated.** If the Agency has not already received and/or investigated the complaint, the griever will be referred to the Agency. The ADAMH Board CRO will offer to assist the griever in the writing of the grievance which will then be sent to the Agency for investigation. The following information will be included in the written grievance (See Attachment 2 - ADAMH Grievance Form): date, time, and location of incident or complaint; participants involved; a brief narrative of incident or complaint; and date of grievance filing verified by signature of the

griever and the ADAMH Board CRO.

- B. **Agency Investigation Completed.** If the griever is dissatisfied with the Agency resolution of the grievance she/he will file a written grievance with the Board CRO, including the same information as above (See Attachment 2 - ADAMH Grievance Form): plus the written outcome of the Agency's investigation of the grievance.
6. **ADAMH Board CRO Review of Agency Complaint Resolution.** If the griever has already filed a grievance with the Agency, the ADAMH Board CRO will review the documentation of the results of the Agency investigation.
- A. **ADAMH Board CRO Agrees with Agency Findings.** If the ADAMH Board CRO agrees with the results of the Agency investigation, the griever will be advised she/he may appeal to ADAMH Board or an outside entity.
- B. **ADAMH Board CRO Disagrees with Agency Findings.** If the ADAMH Board CRO disagrees with the results of the Agency investigation:
- i. If the issue is one over which the Board does not have authority, the griever will be so advised, given the option to file a grievance with an outside entity, and no action will be taken by the Board.
 - ii. If it is an area where action can be taken, a meeting will be held and a plan of corrective action will be developed and feedback given to the grievant by the Board CRO within 20 working days for ODMH certified agencies or 21 calendar days for ODADAS certified agencies.
7. **Restrictions on ADAMH Board Re-release of Agency Information.** Written notification and explanation of the resolution of the grievance, and consumer-requested information relating to the grievance obtained from any contract Agency by the ADAMH Board subject to the limitations contained in Ohio Administrative Code Section 5122-2-2-03(D)(14) shall be supplied to the consumer and/or consumer's representative at each and all stages of the grievance process. In any event the griever is a representative of the consumer, the ADAMH Board shall only release said written notification, explanation or information to the representative with the consumer's permission.
8. **Complaint Against ADAMH Board.** The focus of the procedure is being responsive to Client, interested others, and family concerns.
- A. When the Board is the focus of the complaint, the griever, with the assistance of the Board CRO, if requested, will state the grievance in written form using Attachment 2 - ADAMH Grievance Form.
- C. The Board CRO will investigate the complaint and report the results to the griever within 20 working days for ODMH certified agencies or 21 calendar days for ODADAS certified agencies of the date of the filing of the grievance. A written summary of the Board's investigation will be supplied to the griever if requested by the griever.
- D. If the griever is dissatisfied with the Board CRO resolution of the grievance the griever will be advised she/he may appeal to the ADAMH Board and/or an outside entity.

8. **Outside Entities Who Take Complaints.** Any person has the option to initiate a complaint with any outside entities at any time during the grievance process. All relevant information about the grievance will be provided to one or more of the organizations with whom the grievor has initiated a complaint, upon written request of the grievor. See Attachment 1 for a list of names, addresses, and telephone numbers of outside entities who take complaints.

6. **Availability of ADAMH Board Client Rights & Grievances Procedure.** A copy of the ADAMH Board Client Rights and Grievances policy and procedure will be posted in the lobby of the ADAMH Board office and a copy will be provided on request.

7. **Educating All Staff about Client Rights & Grievances.** ADAMH staff members, including administrative, clerical, and support, will receive instruction in the Board's Client Rights and Grievance policies and procedures at the start of employment. Additional training will be provided as needed. Staff is responsible to advise any client or any other person who is articulating a concern, complaint or grievance about the complainant's right to file a grievance and to provide the complainant with the name and availability of the ADAMH Board CRO.

8. **Monitoring.** The ADAMH Board will monitor the implementation of the Client Rights & Grievances at the ADAMH Board and at each of its contract agencies.
 - A. **Agency Client Rights & Grievances Policy & Procedure.** The ADAMH Board shall review each contract Agency Client Rights and Grievance Policy/Procedure as part of the annual contracting process and when the Agency makes changes to the documents. Agencies will include a copy of the Agency's Client Rights and Grievance Policies and Procedures to the ADAMH Board each year with the Agency Profile information as part of the contracting process.

 - B. **Agency Reports.**
 - i. The Quality Initiative Committee will review all client complaints and grievances presented to the CRO each month.

 - ii. **Agency Annual Report.** The Agency will send an annual summary of the types of grievances, subject of grievances, and number of each type received, and resolution status of each grievance at the end of each state fiscal year to the ADAMH Board CRO no later than July 31 of each year.

 - C. **ADAMH Board and System Annual Report.**
Annual Report. The ADAMH Board CRO will prepare an annual summary (See Attachment 3) of the types of grievances and number of each type received, and resolution status of each grievance received by the ADAMH Board and Agencies for the preceding fiscal year.
 - i. The ADAMH Board CRO will forward the above described report (18)(C)(ii) to ODMH in the timeframe prescribed by ODMH or no later than September 1 of each year.

- ii. This report will be provided to the ADAMH Board Executive Director and Associate Director no later than September 1 of each year.
- iii. ADAMH Board Staff will prepare a synopsis of the Client Rights and Grievances activity for the past fiscal year and forward to the ADAMH Board no later than December 31 of each year.

RESPONSIBILITY:

Executive Director: The Executive Director is responsible for the communication and the implementation of this policy.

Attachments:

Attachment 1 – ADAMH Board Client Rights & Grievances Resource Agencies – Outside Entities

Attachment 2 – ADAMH Board Grievance Form

Attachment 3 – ODMH Client Rights and Grievances Report Form

See Also:

02.89 ***ADAMH Client Rights and Grievances***
02.51 ***Board Complaints***
05 ***HIPAA***