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| **Subject: CLIENT RIGHTS &** **GRIEVANCE PROCEDURE**  **POLICY** | **Procedure Number: H.S. 02** |
| **Site: 320 E. South St., Akron, OH 44311** |  |
| **Issued By: Executive Director** | **Effective: February 23, 2010** |
| **Approved By: The Board of Directors** | **Revised: September 26,2020** |
| **OHMAS: OAC: 5122-26-18, 5122-29-12** | **Reviewed:**   |
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**Purpose:**

It is the intent of Choices, A Community Social Center, Inc. to provide services in an equitable manner, respectful of all due rights of its membership. There may be times, however, when a Member/Client (“Clients will replace “Members” for the purpose of this policy and all in all matters that relate to client’s rights) feels he/she has been responded to in a way that violates his/her rights as a client. When this occurs, the Client is encouraged to make this complaint known to the Supervisory Staff on duty, ideally at the time it happens\*. Most complaints are resolved at this level; therefore, the complaint would not become a grievance. However, if the issue is not resolved a Client may file a grievance by obtaining a form from one of the Client Advocate, Supervisory Staff or from the Front Desk Receptionist. Forms are also located on the wall outside of the craft room.

 The purpose of this policy is to protect and enhance the rights of Clients applying for or receiving mental health services by establishing specific rights of clients and procedures for responsive and impartial resolution of client grievances.

**Policy/Definitions:**

Your Client Rights and Responsibilities are initially covered in your Membership Orientation. All new Clients will be given a manual so that you may periodically review it/have someone review it with you whenever you wish. Staff is always available for questions that may come up. Your signature will verify that you did receive your orientation & orientation manual. Current clients will also be informed of Client Rights and Responsibilities. Client Rights and Responsibilities are also posted on our Rules and Regulations Board in the front hall of Choices, just beyond the craft room. Also, upon request clients may receive a copy of the Client Rights Policy. In an emergency situation you may quickly obtain copies of this policy at the front desk or request that they be sent to you, if possible. **These are your rights and responsibilities as they pertain to service delivery, specifically as applied by the Ohio Administrative Code, Section 5122-26-18.**

(1) “Client”, is the term we use for the purpose of Client Rights’ matters instead of “member”. “Client” means an individual applying for or receiving mental health services from a board or mental health agency such as Choices.

(2) "Client advocate" means the individual designated by a provider with responsibility for assuring compliance with the client rights and grievance procedure rule as implemented within each provider or board, and shall have the same meaning as client rights officer or client rights specialist.

(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 is subject to the same requirements and standards which are applicable to contract agencies, as specified in rule 5122-24-01of the Administrative Code.

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

(5) “Mental Health Services” means any of the services, programs, or activities named and defined in rule 5122-24-01 of the Administrative Code. Mental Health Services include both direct client services and community services.

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

**Policy Cont.:**

When Supervisory Staff cannot resolve a complaint to the Clients satisfaction; or a Client wishes to proceed directly to a grievance, the Client Advocate/Staff shall explain to Client all aspects of client rights and the grievance procedure. All Administrative, Supervisory and Support Staff at Choices shall receive training in Client Rights and the grievance procedure. Upon request, one of the Client Advocates shall investigate on behalf of the Client. In the event that the grievance involves the Client Advocate or the Client does not wish to work with one of the Client Advocates for any reason, one of the other trained staff, or the Assistant Director will act as and perform all the duties of the Client Advocate.

**Immediately, or at any point in time, the person making the complaint may bypass the Supervisory Staff and proceed directly to the Client Advocate.**

**The Job Responsibilities of the Client Advocate (or staff person acting in the capacity of the Client Advocate) include but are not limited to the following:**

(1) Assisting and advocating for the Client in knowing their client rights and making sure their rights are honored and upheld throughout all/any part of the grievance process;

(2) Answering questions pertaining to the grievance form/help Client with filling out this form;

(3) Answering any questions pertaining to the grievance resolution policy;

(4) Upon request investigating on behalf of the Client.

(5) Records will be maintained for a minimum of two years from the date of resolution.

Records will include:

(a) Copy of the grievance;

(b) Documentation reflecting process used and resolution/remedy of the grievance; and,

(c) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty business days.

(6) Submitting annual summary reports to the ADM Board.

(7) To keep and make agency records available for review by the ADM Board and OHMHAS upon request.

(8) Submitting any substantive changes to the policy or procedures to the ADM Board’s Client Rights Coordinator for approval.

**The Client Advocates for CHOICES are:**

**Kevin Fay and Lea Clark, Client Advocate Choices, A Community Social Center, Inc.**

**320 E. South Street**

**Akron, OH 44311**

**(330) 762-8151**

The Client Advocate has the responsibility of assuring compliance with the client rights including acceptance and overseeing the process of any grievance filed by a Client or other person or agency on behalf of a Client.

\*Please keep in mind it is usually in the best interest of the Client to make complaints or grievances known as promptly as possible. This may lead to a higher probability of satisfactory investigation and resolution.

# **The Grievance Procedure**

1. When a complaint cannot be resolved it becomes a grievance. With full knowledge of the availability of grievance procedures and client rights, an individual may request the Client Advocate to assist in documentation of an issue of a concern.
2. In the event that the Client does not wish to work with one of the Client Advocates, the Client may choose to work with the Assistant Director. In the event that the complaint involves the Client Advocate the Executive Director shall be contacted.
3. If the event that resolution is reached for the Client by the Client Advocate within two (2) working days, the complaint action stops and the individual receives and signs a written copy of that resolution.
4. The Client Advocate receives a copy of all complaints and their resolutions. A copy is also forwarded to the Assistant Director.
5. When resolution is unable to be reached by the Client Advocate; or the complaint alleges violation of an item included in The Client Rights and Grievance Procedures, a formal grievance is filed in consultation with The Client Advocate.
6. The Client Advocate will attempt to resolve the grievance on behalf of the individual within three (3) working days.
7. When the Client Advocate or the individual feels that a further type of intervention is necessary, the Client Advocate and Assistant Director will then investigate the situation and attempt to resolve the grievance within five (5) working days of the filing of the grievance.
8. At the end of the five (5) day period, the resolution must be communicated in writing to the griever, by the Client Advocate.
9. If the grievance is not resolved satisfactorily, the griever may request that this information be submitted within (3) working days to the Executive Director of Choices.
10. The Executive Director, as an impartial party, will meet with the Individual in an attempt to resolve the grievance. If the grievance is resolved at this point, the Individual receives a written copy of the resolution.
11. If the Individual is still not satisfied, the Executive Director will convene a hearing about the grievance. The griever may request agency or legal representation at this hearing and may bring witnesses. The Client Advocate will represent the griever at the hearing as well as throughout the entire grievance process if that is what the griever wishes. The Executive Director or Client Advocate, and either one Client Rights

Assistant, Chief Services, Inc. or the County of Summit Alcohol, Drug Addiction and Mental Health Services Board Client Rights Coordinator will comprise the hearing board. If the griever is someone other than the Individual, the Individual involved in the grievance process must sign a release. At the end of the hearing, the Client Advocate will respond in writing to the Individual served.

1. At whatever point the grievance is resolved, the Client Advocate will respond in writing to the Individual about the resolution of the grievance. The final response must occur within (20) working days of the initial filing of the grievance. A copy shall be forwarded to the Executive Director.
2. At any point in the proceedings, the Individual may ask to meet with those involved in the resolution of the grievance.
3. If at any point, the griever is not satisfied, he or she has the option to register a complaint to the ADM Board Client Rights Coordinator by calling (330) 762- 3500, or by contacting any other appropriate entities on the attached Resource List.

**Client Rights as specified in rule 5122-26-18 of the Administrative Code**

(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, neglect, 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, television, movies, photographs or other audio and visual technology. This right does not prohibit an agency from using closed-circuit monitoring to 5122-26-18 3 observe seclusion rooms or common areas, which does 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 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;

(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.

**** 09/26/2020

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 Executive Director Date