

Effective Date: 3/1/2020

Topic: Client Rights and Grievance Procedure

Applicable

Standards: OAC 5122-26-18

Policy: Peter James Development & Independent Living, Inc. shall insure that client rights are maintained in accordance with all relevant laws and standards. These rights shall be understood by agency staff and communicated to clients in an understandable manner. Each client has all of the following rights (except for clients receiving forensic evaluation service as defined in rule 5122-29-07 or attending a driver intervention program as defined in rule 5122-29-12 of the Administrative Code)

A) The purpose of this rule is to state the minimum client rights and grievances requirements for a provider certified pursuant to Chapter 5122-25 of the Administrative Code.

(B) The following definitions are in addition to or supersede the definitions in rule [5122-24-01](#) of the Administrative Code:

(1) "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.

(2) "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.

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

(C) Each provider shall have the following:

(1) Written client rights policy that lists all of the client rights identified in this rule;

(2) Written client grievance procedure;

(3) Policy for maintaining for at least two years from resolution, records of client grievances that include, at a minimum, the following:

(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.

(D) Posting of client rights

(1) The client rights policy and grievance procedure shall be posted in each location in which services are provided, unless the certified agency location is not under the control of the provider, i.e. a shared location such as a school, jail, etc. and it is not feasible for the provider to do so.

(2) The client rights policy and grievance procedure shall be posted in a conspicuous location that is accessible to persons served, their family or significant others and the public.

(3) When a location is not under the control of the provider and it is not feasible for the provider to post the client rights policy and grievance procedure, the provider shall assure that copies are available at the location for each person that may request a written copy.

(E) Except for clients receiving forensic evaluation service as defined in rule [5122-29-07](#) of the Administrative Code from a certified forensic center, or attending a driver intervention program as defined in rule [5122-29-12](#) of the Administrative Code, each client has all of the following rights:

(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 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.

(H) Provision of client rights

(1) The provider shall explain and maintain documentation in the ICR of explanation of rights to each person served prior to or when beginning assessment or treatment services.

(2) In a crisis or emergency situation, or when the client does not present for services in person such as through a hotline; the provider may verbally advise the client of at least the immediately pertinent rights only, such as the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. Full verbal explanation of the client rights policy shall be provided at the first subsequent meeting.

(3) Clients or recipients of referral and information service, consultation service, and prevention service as described in Chapter 5122-29 of the Administrative Code may have a copy and explanation of the client rights policy upon request.

(4) Explanations of rights shall be in a manner appropriate for the person's understanding.

(I) All staff shall be required to follow the client rights policy and client grievance procedure. There shall be documentation in each employee's personnel file, including contract staff, volunteers and student interns that each staff member has received a copy of the client rights policy and the client grievance procedure and has agreed to abide by them.

(J) The client grievance procedure shall have provisions for at least the following:

(1) Statement to whom the client is to give the grievance;

(2) Designation of a client advocate who will be available to assist a client in filing of a grievance, the client advocate shall have their name, title, location, hours of availability, and telephone number included with the posting of client rights as required by paragraph (D) of this rule;

(3) Requirement that the grievance must be put into writing; the grievance may be made verbally and the client advocate shall be responsible for preparing a written text of the grievance;

(4) Requirement that the written grievance must be dated and signed by the client, the individual filing the grievance on behalf of the client, or have an attestation by the client advocate that the written grievance is a true and accurate representation of the client's grievance;

(5) Requirement that the grievance include, if available, the date, approximate time, description of the incident and names of individuals involved in the incident or situation being grieved;

(6) Statement that the provider will make a resolution decision on the grievance within twenty business days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended must be documented in the grievance file and written notification given to the client;

(7) Statement that a client has the option to file a grievance with outside organizations, that include, but are not limited to, the following, with the mailing address and telephone numbers for each stated:

(a) Applicable board of alcohol, drug addiction, and mental health services;

- (b) Ohio department of mental health and addiction services;
 - (c) Disability rights Ohio; or,
 - (d) U.S. department of health and human services, civil rights regional office in Chicago.
- (8) Requirement that a written acknowledgment of receipt of the grievance be provided to each grievant. Such acknowledgment shall be provided within three business days from receipt of the grievance. The written acknowledgment shall include, but not be limited to, the following:
- (a) Date grievance was received;
 - (b) Summary of grievance;
 - (c) Overview of grievance investigation process;
 - (d) Timetable for completion of investigation and notification of resolution; and,
 - (e) Treatment provider contact name, address and telephone number.

The Clients Rights Officer is:
Darius Twyman, MBA.
Peter James Development & Independent Living, Inc.,
17325 Euclid Avenue, Suite 4103
Cleveland, OH 44112
Telephone: 216-232-5455
Hours: 9am -6pm

Mr. Twyman can be reached between the hours of 9:00 a.m. and 6:00 p.m. Monday through Friday. You may contact him via telephone to talk about your concerns or to schedule an appointment. You are also welcome to walk in to talk with him; however, he may not always be immediately available to meet with walkins as he is sometimes meeting with clients off site. If you stop in and he is not available, you may complete a complaint form and leave your contact information so that Mr. Twyman can follow up with you upon his return. Or, you may request to speak with the Alternate Client Rights Officer.

The responsibilities of the Clients Right Officer (CRO) include advocating for your rights, assisting with the filing of your complaint or grievance, if needed, and representing you at agency hearings/meetings about the complaint, at your request. The CRO will document, investigate and resolve the alleged infringement of rights via interviews, documentation reviews, etc. and will typically resolve the complaint or grievance within 20 working days from the date you first filed your concern. Upon request, the CRO will provide you with a clear, written explanation of the way in which your complaint/grievance was resolved.

The agency shall adhere to the following procedures regarding grievances:

Procedures:

1. A client may file a grievance at any time. Grievance procedures are located in a conspicuous place and a copy of the grievance procedure shall be made available to anyone upon verbal or written request.
2. All staff shall review the client rights and grievance procedure during orientation and annually, and direct any questions to his/her supervisor or the agency Client Rights Officer.
3. Assistance is provided to the client in understanding the grievance process and filing the grievance by the Client Rights Officer and/or designee of the Executive Director/CEO of Peter James Development & Independent Living, Inc. who is not the subject of the grievance.
4. The client is given a 'Grievance Summary Form' to complete. This form and any documentation regarding the grievance are kept confidential, secure and apart from the client's record. Upon completion, the client shall place the form in a sealed envelope and return it to the office support staff.
5. The Client Rights Officer will investigate the grievance on behalf of the client, and provide agency representation for the client at the agency hearing on the grievance if desired by the client.
6. If there is no immediate resolution, the client and the Client Rights Officer will meet with the Executive Director/CEO of Peter James Development & Independent Living, Inc., to hear the grievance. Written results of this meeting are given to the client after appropriate action has been taken.
7. If the above meeting does not result in resolution, clients are referred to appropriate outside resources.
8. A client should expect a response from Peter James Development & Independent Living, Inc., within 24 hours of filing a grievance. If the Client Rights Officer is not available within 24 hours, the complaint shall be taken to the Clinical Director or designee. The client or the individual filing the grievance on behalf of the client, with client's permission, will be given written confirmation that the grievance is being processed, who is involved in the grievance process, the actions or resolutions being proposed, and the opportunity to be heard by an impartial decision-maker.
9. No grievance shall take longer than 20 days to resolve.
10. Grievances against the Client Rights Officer shall be filed with the Executive Director/CEO of Peter James Development & Independent Living, Inc. in accordance with the established grievance procedures.
11. There will be no retaliation or barrier to service if a client files a complaint or grievance.

12. Upon the request of the client or individual filing the grievance on behalf of the client, with client's permission, all relevant information about the grievance will be forwarded to the Ombudsman.

13. A client has the option to file a grievance with an outside organization directly, and in so doing, bypass Peter James Development & Independent Living, Inc.'s internal grievance procedures. Outside organizations include:

a. Ohio Legal Rights Service

50 West Broad Street, Suite 1400

Columbus, Ohio 43215-5923

Phone: 614-466-7264 or 1-800-282-9181 (toll-free in Ohio only)

b. U.S. Department of Health and Human Services Office for Civil Rights

Valerie Morgan-Alston, Regional Manager

233 N. Michigan Ave., Suite 240

Chicago, IL 60601

Phone (312)886-2359

c. Alcohol, Drug Addiction & Mental Health Services (ADAMHS Board of Cuyahoga County)

Christina Bohuslawsky-Brown, Clients Rights Officer II

2012 W. 25th St., 6th Floor

Cleveland, OH, 44113

Telephone: 216-241-3400.

Hours: 9:00 am to 5:00 pm.

Ohio Mental Health and Addiction Services

30 East Broad Street, Suite 742

Columbus, Ohio 43215-3430

Phone: 877-275-6364 (family and consumer only)

Phone: 614-466-7228 (all others)