

CLIENT RIGHTS

In accordance with the Ohio Department of Mental Health & Addiction Services as outlined in **Ohio Administrative Code 5122-26-18** (<http://codes.ohio.gov/oac/5122-26-18>).

Each client has the following rights:

- The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
- The right to reasonable protection from physical, sexual or emotional abuse and inhumane treatment.
- The right to give informed consent to or to refuse any service.
- The right to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others.
- The right to be informed and the right to refuse any unusual or hazardous procedures.
- 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.
- 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.
- The right to have access to one's own client record.
- The right to be informed of the reason for terminating participation in a service.
- The right to be informed of the reason for denial of a service.
- 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.
- The right to know the cost of services.
- The right to be verbally informed of all client rights, and to receive a written copy upon request.
- The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations.
- The right to file a grievance.
- The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested.
- The right to be informed of one's own condition.

- The right to consult with an independent treatment specialist or legal counsel at one's own expense.

Client Rights – Forensic Each client receiving a forensic evaluation service from a State Certified Forensic Agency has the following rights:

- The right to be treated with consideration and respect for personal dignity
- The right to be evaluated in a physical environment affording as much privacy as possible
- The right to service in a humane setting which is the least restrictive feasible if such setting is under the control of the forensic agency
- The right to be informed of the purpose and procedures of the evaluation service
- The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal
- The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center
- The right to be advised of and refuse observation by techniques such as one way vision mirrors, tape recordings, televisions, movies, or 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, which does not include bathrooms
- The right not to be discriminated against in the provision of service on the basis of religion, race, ethnicity, color, gender, national origin, sexual orientation, age, genetic information, physical or mental handicap, developmental disability, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws
- The right to be fully informed of all rights
- The right to exercise any and all rights without reprisal in any
- The right to file a grievance;
- The right to be presented with oral and written instructions for filing a grievance including an explanation that the filing of a grievance is exclusively an administrative proceeding within the public mental health system and will not affect or delay the outcome of the criminal charges.

Client Rights – Residential Facilities:

- Each person who accesses mental health services is informed of these rights:
- The right to be informed within twenty-four hours of admission of the rights described in this rule, and to request a written copy of these rights;
- The right to receive information in language and terms appropriate for the person's understanding; and

- The right to be fully informed of the cost of services.
- Services are appropriate and respectful of personal liberty:
- The right to be treated with consideration, respect for personal dignity, autonomy, and privacy, and within the parameters of relevant sections of the Ohio Revised Code and the Ohio Administrative Code
- The right to receive humane services
- The right to participate in any appropriate and available service that is consistent with an individual service plan, regardless of the refusal of any other service, unless that service is a necessity for clear treatment reasons and requires the person's participation
- The right to reasonable assistance in the least restrictive setting; and
- The right to reasonable protection from physical, sexual and emotional abuse, or harassment.
- Development of service plans in type 1 and type 2 facilities:
- The right to a current individualized service plan (ISP) that addresses the needs and responsibilities of an individual that specifies the provision of appropriate and adequate services, as available, either directly or by referral; and
- The right to actively participate in annual and periodic ISP reviews with the staff including services necessary upon discharge.
- Declining or consenting to services:
- The right to give full informed consent to services prior to commencement
- and the right to decline services absent an emergency;
- The right to be advised of and refuse observation by techniques such as one way vision mirrors, tape recorders, televisions, movies, or photographs, or other audio and visual technology. This right does not prohibit a facility from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include resident bedrooms and bathrooms; and
- The right to decline any hazardous procedures.
- Restraint, seclusion or intrusive procedures: The right to be free from restraint or seclusion unless there is imminent risk of physical harm to self or others.
- Privacy: The right to reasonable privacy and freedom from excessive intrusion by visitors, guests, and non-facility surveyors, contractors, construction crews or others.
- Confidentiality: The right to confidentiality unless a release or exchange of information is authorized and the right to request to restrict treatment information being shared; and
- The right to be informed of the circumstances under which the facility is authorized or intends to release, or has released, confidential information without written consent for the purposes of continuity of care as permitted by division (A)(7) of section 5122.31 of the Revised Code.
- Grievances: The right to have the grievance procedure explained orally and in writing; the right to file a grievance with assistance if requested; and the right to have a grievance reviewed through a grievance process, including the right to appeal a decision.
- Non-discrimination: The right to receive services free of discrimination 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.
- No reprisal for exercising rights: The right to exercise rights without reprisal in any form including the ability to continue services with uncompromised access. No right extends so far as to supersede health and safety considerations.

- Outside opinions: The right to have the opportunity to consult with independent specialists or legal counsel at one's own expense.
- No conflicts of interest: No residential facility employee may be a person's guardian or representative if the person is currently receiving services from said facility.
- 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 resident for clear treatment reasons in the resident's treatment plan. If access is restricted, the treatment plan shall also include a goal to remove the restriction.
- 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.
- The right to receive an explanation of the reasons for denial of service.
- Each consumer of mental health services are informed of these rights:
- The right to receive humane services in to a comfortable, welcoming, stable and supportive environment; and
- The right to retain personal property and possessions, including a reasonable sum of money, consistent with the person's health, safety, service plan and developmental age;
- The right to reside in a residential facility, as available and appropriate to the type of care or services that the facility is licensed to provide, regardless of previous residency, unless there is a valid and specific necessity which precludes such residency. This necessity shall be documented and explained to the prospective resident;
- The right to receive thirty days prior notice for termination of residency in type 2 and 3 residential facilities except in an emergency; and
- The right to vacate the facility at any time, except that the responsibility to pay for incurred costs of room and board shall continue unless appropriate notification has been provided to the facility concerning the termination of the residential agreement.
- Development of service plans: The right to formulate advance directives, submit them to residential staff, and rely on practitioners to follow them when within the parameters of the law.
- Labor of patients: The right to not be compelled to perform labor which involves the operation, support, or maintenance of the facility or for which the facility is under contract with an outside organization. Privileges or release from the facility shall not be conditional upon the performance of such labor.
- Declining or consenting to services:
- The right to consent to or refuse the provision of any individual personal care activity and/or mental health services in a type 1 and type 2 facility;
- The right to refuse consent for major aversive interventions; and
- The right to decline medication, except in a type 1 facility which employs staff authorized by the Ohio Revised Code to administer medication and when there is imminent risk of physical harm to self or others.
- Privacy, dignity, free exercise of worship and social interaction: The right to enjoy freedom of thought, conscience, and religion; including religious worship within the facility, and services or sacred texts that are within the reasonable capacity of the facility to supply, provided that no resident shall be coerced into engaging in any religious activities.
- Private conversation, and access to phone, mail and visitors:

- The right of an adult to reasonable privacy and the freedom to meet with visitors, guests, or inspectors, and make and/or receive phone calls; or
- The right of a minor in a type 1 or type 2 facility to meet with surveyors, and the right to communicate with family, guardian, custodian, friends and significant others outside the facility in accordance with the minor's individualized service plan;
- The right of an adult to write or receive uncensored, unopened correspondence subject to the facility's rules regarding contraband; or
- The right of a minor in a type 1 or type 2 facility to send or receive mail subject to the facility's rules regarding contraband and directives from the parent or legal custodian, when such rules and directives do not conflict with federal postal regulation.
- The right to communicate freely with and be visited at reasonable times by private counsel or personnel of the legal rights service and, unless prior court restriction has been obtained, to communicate freely with and be visited at reasonable times by a personal physician or psychologist;
- The right to communicate freely with others, unless specifically restricted in the resident of a type 1 facility's treatment plan for reasons that advance the person's goals, including, without limitation, the following:
 - The right to receive visitors at reasonable times; and
 - The right to have reasonable access to telephones to make and receive confidential calls, including a reasonable number of free calls if unable to pay for them and assistance in calling if requested and needed; and
 - The right to have ready access to letter writing materials, including a reasonable number of stamps without cost if unable to pay for them, and to mail and receive unopened correspondence and assistance in writing if requested and needed subject to the facility's rules regarding contraband.
- Notification to family or physician: The right to have a physician, family member, or representative of the resident's choice notified promptly upon admission to a facility.

DEFINITIONS:

- “Client” means an individual applying for or receiving mental health services from the Board or contract agencies of the Board.
- “Client Rights Officer” means the individual designated by a mental health agency or the Board with responsibility for assuring compliance with the client rights and grievance procedure policy as implemented within each agency of the Board. For these purposes the individual holds the specific title of client rights officer.
- “Contract agency” means a public or private service provider with which a community mental health board enters into a contract for the delivery of behavioral health services. A board which is itself providing behavioral health services is subject to the same requirements and standards which are applicable to contract agencies as specified in rule 5122:2-1-05 of the Ohio Administrative Code.
- “Grievance” means a written complaint initiated either verbally or in writing by a client or by any other person or agency on behalf of a client regarding denial or abuse of any client’s rights.

- “Services” means the complete array of professional interventions designed to help a person achieve improvements in mental health such as counseling, individual or group therapy, education, community psychiatric supportive treatment, assessment, diagnosis, treatment planning and goal setting, clinical review, psychopharmacology, discharge planning, professionally-led support, etc.
- “Reasonable” means a standard for what is fair and appropriate under usual and ordinary circumstances."
- Each contract agency, as well as the Board, has a Clients Rights Officer who can assist clients with questions or concerns related to their rights. Additionally, each entity has a Grievance Procedure which can be requested either orally or in writing.