

**BUTLER COUNTY MENTAL HEALTH BOARD
CONSUMER RIGHTS AND GRIEVANCE PROCEDURES**

POLICY STATEMENT

PURPOSE

The purpose of this policy is to protect and promote the rights of all persons receiving or applying for services provided or funded by the Board and to insure the opportunity for a timely and impartial hearing and fair resolution of grievances.

To prevent insofar as is possible the abuse or neglect by contract agency staff of persons served, and to act in a timely and proper manner to investigate complaints and uphold the rights of persons served when abuse or neglect is alleged to have occurred.

To insure compliance with all applicable federal, state and local laws and regulations regarding client rights.

POLICY

It is the policy of the Butler County Mental Health Board (hereinafter referred to as "Board") to protect and enhance the rights of all persons receiving or applying for services provided by the Board or funded by or through the Board. Furthermore, it is the policy of the Board to insure that all client complaints, including those alleging abuse or neglect, are investigated and resolved in a proper and timely manner pursuant to Ohio Department of Mental Health Administrative Rules 5122:2-1-02 and 5122-26-18, and with all other applicable federal, state, and local laws and regulations.

All agencies receiving funds through the Board shall have a written Clients Rights and Grievance Policy approved by the Board which complies with the Ohio Department of Mental Health Administrative Rules 5122:2-1-02 and 5122-26-18. Also, all agencies shall have a Board approved policy and procedures for investigating and reporting incidents of neglect and abuse by agency staff of persons served by the agency which complies with Ohio Department of Mental Health Administrative Rule 5122-26-18, as well as all other applicable federal, state and local statutes.

DEFINITIONS

"Client" or "Consumer" 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 mental health services. A board which is itself providing mental 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 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.

“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,

PROCEDURES

A. Client Rights – General

All persons applying for or receiving services from the Board or funded by or through the Board except for clients receiving forensic evaluation services through a State Certified Forensic Agency shall be entitled to the following rights in accordance with Ohio Department of Mental Health Administrative Rule 5122:2-1-02 and all other applicable sections of the Ohio Revised Code:

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 current or proposed services, treatment or therapies, and of the available 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 individualized 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 specific and valid 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 individualized service plan;
10. The right to be informed of and refuse any unusual or hazardous treatment procedures;
11. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, 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 all oral and written communications and of all personally identifying information within the limitations and requirements for disclosure of various funding and/or certifying agencies, state, or federal laws and regulations, 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.
14. The right to access one's own psychiatric, medical, or other treatment records, unless access to specific identified items of information is expressly restricted for that individual client for clear treatment reasons in the client's individualized 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, 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 services;

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 uncompromised access to services;
21. The right to file a grievance; and
22. The right to be presented with oral as well as written instructions for filing a grievance;

B. Client Rights – Forensic

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

1. The right to be treated with consideration and respect for personal dignity;
2. The right to be evaluated in a physical environment affording as much privacy as possible;
3. 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;
4. The right to be informed of the purpose and procedures of the evaluation service;
5. The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal;
6. The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center;
7. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recordings, televisions, movies, or photographs, unless ordered by the court, in which case the client must be informed of such technique;
8. 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.
9. The right to be fully informed of all rights;
10. The right to exercise any and all rights without reprisal in any form;
11. The right to file a grievance;
12. 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;

C. Grievance Procedure

1. The Director of Children's Services of the Board shall serve as the Client Rights Officer (CRO) for the Board, and shall implement the Client Rights Policy and Grievance Procedures of the Board.
2. A grievance is defined as a written or verbal complaint regarding an alleged violation of the client's rights as a consumer of mental health services.
3. Any client or any other person or agency on behalf of a client may initiate a grievance regarding a violation of any client's rights as set forth in this policy.
4. All consumer complaints should be directed to the Client Rights Officer or in his absence to the Associate Executive Director of Mental Health Services of the Board. It is the responsibility of the Client Rights Officer to determine whether the client has first directed his or her concerns to the agency with which they have a complaint. If the client has not, the Client Rights Officer will assist the client in making contact with the Agency's Client Rights Officer (ACRO) and, if necessary, assist the client in filing a grievance.
5. In the event that the client has exhausted all administrative remedies available at the agency level, the Client Rights Officer shall:
 - (a). Obtain written permission from the client to receive copies of his or her grievance, agency research documentation and agency response to the grievance.
 - (b). Pursue an investigation to the extent necessary to verify the contents of the documentation.
 - (c). Attempt to negotiate resolution between the agency and the client.
 - (d). Upon resolution, the Client Rights Officer shall:
 - (1) Ensure the complainant has a written copy of the resolution.
 - (2) Ensure the complainant has a thorough understanding of the contents of the resolution.
 - (3) Ensure the complainant has an understanding of the remaining options to pursue, in the event of continued dissatisfaction.
 - (e). In the event of an impasse between the Client Rights Officer of the Board and the agency, the Client Rights Officer shall enlist the

involvement of the Associate Executive Director of Mental Health Services or Executive Director of the Board for further assistance.

The Associate Executive Director of Mental Health Services or Executive Director will at his discretion determine an appropriate resolution or enlist the involvement of the Board as the final local step in the administrative review process. In any event the final decision will be communicated verbally and in writing to the complainant and the agency by the Client Rights Officer.

- (f). In the event the Client Rights Officer determines that a client right's violation has not occurred or that the agency has acted properly in attempting to resolve the grievance, the Client Rights Officer shall review this finding with the Executive Director of the Board.
 - (1) If the Executive Director concurs, this decision will be communicated verbally and in writing to the complainant along with an explanation as to other administrative remedies and resources for further appeal.
 - (2) If the Executive Director does not concur, the Executive Director will make a determination as to the appropriate resolution, and this will be communicated to the complainant and agency both verbally and in writing.
 - (3) Whenever possible, the entire process, from receiving the written grievance through resolution shall not exceed twenty (20) working days.
 - (4) The Client Rights Officer shall maintain a file of client grievances. The file shall consist of the following:
 - a. Documentation of all contacts made with or in behalf of clients including.
 - 1) Name/Relationship of contact person
 - 2) Name of client
 - 3) Date
 - 4) Nature of complaint
 - 5) Information obtained
 - 6) Investigative action taken
 - b. Copy of notification to complainant of resolution if written grievance filed.
6. The Client Rights Officer shall maintain a log of all grievances received by the Board including date, nature of grievance, and resolution.
7. The Client Rights Officer shall provide a summary of all grievances including content and resolution to the Executive Director and the Board

at least annually, and this information will also be available for review by the Ohio Department of Mental Health as needed.

8. Each contract agency of the Board will be expected to submit a summary of all client grievances received annually to the Board including the numbers of grievances, subject of the grievances, and the resolution of each.

These records will also be available for review by the Ohio Department of Mental Health.

CLIENTS RIGHTS AND GRIEVANCE PROCEDURES FOR SERVICES OPERATED BY THE BOARD

A. Client Rights

1. Each client of a Board operated service shall at the time of the first face-to-face contact receive a copy of the Client Rights Policy and Grievance Procedure Statement with a verbal explanation and will be asked to sign a form documenting that they have received and understand their client rights including procedures for filing grievances. Staff will provide explanations of any points as requested by the client, including reading the entire document for those needing or requesting this service such as those who are visually impaired or illiterate.
2. In a crisis or emergency situation, the client or applicant shall be verbally advised of at least the immediately pertinent rights, such as the right to consent or to refuse treatment and the consequences of that consent or refusal.
3. Clients receiving consultation, mental health education, prevention, or training services may have a copy and explanation of the Clients Rights Policy upon request.
4. A copy of the Clients Rights Policy shall be posted in a conspicuous location in each building operated by the Board.
5. All staff of the Board will be familiar with the Clients Rights Policy and Grievance Procedures through receiving a copy of the policy and participating in an annual inservice organized and conducted by the Client Rights Officer.
6. The Client Rights Officer will assist any client or applicant who believes that a violation of client rights has occurred in filing a grievances.
7. The Client Rights Officer will maintain records of all grievances, and will prepare a summary report of all grievances and their

resolutions for the Executive Director and the Board at least annually.

The current Client Rights Officer (CRO) for the Board is:

Ellen F. Harvey, MSW, LISW-S
Director of Children's Services
Butler County Mental Health Board
5963 Boymel Drive
Fairfield, OH 45014
(513) 860-9240

Available Hours: 8:30 A.M. - 4:30 P.M. Weekdays
Evening Hours by Appointment

B. 2. Grievance Procedure

1. A client or his representative may initiate a grievance by contacting the Client Rights Officer in person, by telephone or in writing. The Client Rights Officer will assist in filing the grievance, investigate the grievance on behalf of the griever, and insure staff representation at the hearing on the grievance if desired by the griever.
2. The Client Rights Officer will arrange a hearing within five (5) working days to attempt resolution of the grievance. The complainant or Client Rights Officer may include other parties in this process in order to insure a fair and impartial hearing of the issues. If the grievance is satisfactorily resolved at this stage, a written statement including the problem and resolution will be prepared for review by the client and the Executive Director of the Board, and each will receive a copy.
3. Should the Client Rights Officer be the subject of the grievance or otherwise be unavailable the Associate Executive Director of Mental Health Services of the Board will serve as the Alternate Client Rights Officer.
4. If the grievance is not successfully resolved at this stage, a hearing with the Executive Director of the Board will occur within five (5) working days.
5. Should the grievance continue to be unresolved at this stage, the Executive Director of the Board may at his discretion schedule a hearing with the Executive Committee of the Board or refer the complainant to another agency(ies) including the Ohio Legal Rights Service or the Ohio Department of Mental Health to further pursue the grievance. If the grievance is not resolved through the internal means provided by the Board, the Board will provide to the complainant, in writing, a copy retained by the Board. The grievant shall also be given information regarding external

agencies with whom the grievance may be pursued including mailing addresses and telephone numbers.

6. At any point in the Grievance Procedure the complainant may contact the Ohio Legal Rights Service, 50 W. Broad Street, STE 1400, Columbus, Ohio 43215-5923 (614) 466-7264 Toll Free Number 1-800-282-9181.
7. Any client may initiate a complaint with the Ohio Department of Mental Health or any other appropriate local, state, or federal agency with jurisdiction in these matters
8. Upon proper written authorization, the Client Rights Officer will provide all relevant information about the grievance to any other agency with whom the client has initiated a complaint.

A partial listing of outside organizations to which complaints may be directed is as follows:

Ohio Legal Rights Service

50 W Broad ST, STE 1400
Columbus, OH 43215-5923
(614) 466-7264
(800) 282-9181
(614) 644-1888 (fax)
(614) 728-2553 (TTY)
www.olrs.oh.gov

Ohio Department of Mental Health

30 East Broad Street, 8th Floor
Columbus, Ohio 43215-3430
(614) 466-2596
1-800-ASK-ODMH
1-888-ODM-HTTY (TTY)
www.mh.state.oh.us

U.S. Department of Health and Human Services

Office for Civil Rights, Region V
233 N. Michigan AVE, STE 1300
Chicago, Illinois 60601
(312) 353-1385
www.hhs.gov/region5

Attorney General's Office

Medicaid Fraud Control Unit
150 E. Gay St., 17th Floor
Columbus, Ohio 43215
(614) 466-0722
(614) 644-9973 (fax)
(614) 466-1393 (TTY)
www.ag.state.oh.us

Ohio Client Assistance Program

50 W Broad ST, STE 1400
Columbus, OH 43215-5923
(see Ohio Legal Rights Service for contract information)

Ohio Counselor, Social Worker and Marriage and Family Therapist Board

50 W. Broad ST, STE 1075
Columbus, OH 43215-5919
(614) 466-0912
(614) 728-7790 (fax)
www.cswmft.ohio.gov

State of Ohio, Board of Psychology

77 S. High St., Suite 1830
Columbus, OH 43215-6108
(614) 466-8808
(614) 728-7081 (fax)
www.state.oh.us/psy

State of Ohio, Medical Board

30 E. Broad ST, 3rd Floor
Columbus, OH 43215-6127
(614) 466-3934
(614) 728-5946 (fax)
www.med.ohio.gov

Ohio Board of Nursing

17 S. High St., Suite 400
Columbus, OH 43215-7410
(614) 466-3947
(614) 466-0388 (fax)
www.state.oh.us/nur

D. Client Abuse

1. Each allegation of neglect and/or abuse by staff of the Board of persons served by the Board, shall be investigated by the Client Rights Officer of the Board. The Client Rights Officer shall prepare a written report for review by the Executive Director of the Board, and shall maintain records of any actions taken in relation to such investigations. Immediate steps shall be taken to ensure the safety and wellbeing of clients and any situations involving abuse of adults or children shall be reported in accordance with applicable local, state, and federal law and regulations.
2. When allegations of neglect and/or abuse of persons served by contract agency staff arise, the contract agency shall investigate such allegations and prepare a written report for the agency Executive Director. The Board shall be notified of the alleged abuse within 24 hours of the event occurring, and shall receive a copy of the written investigation as soon as it is completed. Immediate steps shall be taken to ensure the safety and wellbeing of clients.
3. Incidents of abuse of adults or children shall be reported by contract agencies of the Board in accordance with applicable local, state, and federal laws and regulations.

E. Rights of Persons with AIDS or AIDS Related Conditions

1. 1. All services provided by or funded by the Board shall be provided in accordance with federal law including Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, Applicable state law, and the Ohio Department of Health and the Ohio Department of Mental Health Guidelines regarding rights of persons served, such as persons with Human Immunodeficiency Virus "HIV."
 - (a) No persons with handicaps including AIDS or AIDS Related Conditions shall be discriminated against on the basis of this condition. Prohibited forms of discrimination include:
 - (2) Exclusion of qualified handicapped persons from benefits or services provided under a program or activity;
 - (3) Providing a qualified individual with handicaps with a benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
 - (4) Providing different or separate benefits or services to individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with benefits or services that are as effective as those provided to others.

- (b). Any action taken by Board staff or contract agencies with respect to persons protected by Section 504 which is premised on the risk of transmission of AIDS must be based on the reasonable medical judgments of public health officials that there is a material risk of transmission, even after taking into account appropriate reasonable accommodation.

ADOPTED:

EFFECTIVE DATE:

AUTHORITY:

Executive Director

Board President