



## **5122-26-18 Client Rights and Grievance Policy and Procedures**

### **Policy:**

The Beech Acres Parenting Center Client Rights and Grievance Policy and Procedures provide a means for clients receiving our services to voice complaints regarding care, treatment, or the exercise of rights and to have those complaints heard and have complaints acted upon in a timely manner. A client has the right to file a grievance either verbally or in writing or to have any other person or agency on behalf of the client file a grievance regarding denial or abuse of any client's rights.

### **Client Rights:**

Each client receiving services from Beech Acres Parenting Center has all of the following rights:

1. The right to be treated fairly and equitably with consideration and respect for personal dignity, autonomy and privacy;
2. The right to reasonable protection from physical, sexual or emotional abuse 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), program rules and expectations 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;

Effective: 4/4/2003

Revised/Reviewed: 11/17/2020; 1/28/2021

Approved by: PPP/CQI Committee

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 identity, national origin, military status, sexual orientation, culture, language differences, 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.

**Procedures:**

All staff must know and understand the Client Rights and Grievance Policy and Procedures. At date of hire the policy, procedures and Client Rights are shared, as a part of the staff onboarding process. All direct service staff providing mental health services will complete the on-line Client Rights training prior to serving clients. Managers will ensure that a certificate demonstrating this training is on file with Human Resources. Annually direct service staff review Client Rights and Abuse policies to ensure they are cognizant of agency policies and procedures.

- All clients must receive a copy of the Client Rights and Grievance Policy and Procedures at enrollment and upon request.
- Any changes to policy will be approved by the Chief Financial Officer and the Client Advocate
- Client Advocate must remain up to date on changes to regulations and processes
- Reports of complaints and grievances are tracked, addressed and heard by Client Advocate within 24 hours of a first contact from a client.
- Client Advocate identifies the “right” that is alleged to have been violated.
- Client Advocate-investigates allegations within the next five days.
- Client Advocate-reports findings to complainant and to the program liable for the allegation.
- Quarterly reports are submitted to the Continuous Quality Improvement Team for each complaint and include trends and recommendations.

Effective: 4/4/2003

Revised/Reviewed: 11/17/2020; 1/28/2021

Approved by: PPP/CQI Committee

### **Client Rights and Grievances Procedure:**

- The Client Advocate has the responsibility to accept and oversee the process of any grievance filed by a client or other person or agency on behalf of a client. The Client Advocate is authorized to take all necessary steps to assure compliance with the grievance procedure.
- Staff will explain any and all aspects of client rights and the grievance procedure upon request.
- A statement of understanding and acceptance will be signed and maintained in the client's record to indicate they have received this information. 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 to or to refuse offered treatment and the consequences of that agreement or refusal. A written copy and full verbal explanation of the Client Rights and Grievance Policy and Procedures may be delayed to a subsequent meeting.
- Clients or recipients of community services may have a copy and explanation of the Client Rights and Grievance Policy and Procedures upon request.
- A copy of the Client Rights and Grievance Policy and Procedures shall be posted in a conspicuous location in each building operated by the agency.
- Every staff person including administrative and support staff, should be familiar with the Client Rights and Grievance Policy and Procedures. This information shall be a part of all-new employee's onboarding and training.
- A client has the right to file a grievance either verbally or in writing or to have any other person or agency on behalf of the client file a grievance regarding denial or abuse of any client's rights. Such grievances must be filed within 180 days of when you knew that the act or omission complained of occurred. Beech Acres Parenting Center may extend the 180-day period if you can show "good cause"

### **Discussion of Issue/Concern(s):**

Prior to filing a grievance, staff will provide the client with a copy of the Clients Rights and Grievance Policy and Procedures. The staff person will meet with their Program Director/Vice President and the client to identify concerns and then verbally offer explanation or suggestions within five (5) working days. In all steps of the grievance procedure, staff should ensure that all clients, especially those with limited reading and writing skills, are assisted in the process by offering to read and write materials as well as arranging for typing or copying as the procedure outlines.

### **Filing a Grievance:**

1. Clients will contact the Client Advocate: Molly Snowden, Beech Acres Parenting Center, 6881 Beechmont Ave, Cincinnati, Ohio 45230. Available Monday through Friday, 9:00 a.m. to 5:00 p.m. Phone: (513)-231-6630
2. Grievances against the Client Advocate or grievances filed when the Client Advocate is not available, should be addressed to Ruthann Zins, Beech Acres Parenting Center, 6881 Beechmont, Cincinnati , Ohio 45230. Available Monday through Friday 9:00 a.m. to 5:00 p.m. Phone: (513)-231-6630
3. The Client Advocate will collect and log information in the Grievance Log to put the grievance in writing as a matter of record. Agency records are available for review by the Board and OhioMHAS upon request.

Effective: 4/4/2003

Revised/Reviewed: 11/17/2020; 1/28/2021

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4. 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. The grievance will include, if available, the date, approximate time, description of the incident and names of individuals involved in the incident or situation being grieved.
5. A written acknowledgment of receipt of the grievance will 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: Date grievance was received; Summary of grievance; Overview of grievance investigation process; Timetable for completion of investigation and notification of resolution; and, Treatment provider contact name, address and telephone number.
6. Once the grievance statement has been completed, then Beech Acres staff will conduct or arrange an investigation of the circumstances of the grievance. In all cases the timeline for resolving the grievance will not exceed twenty working days. 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. If the grievance is resolved the client and the Program Director/Vice President will be provided with a written statement of the resolution. If the grievance remains unresolved, the Client Advocate, or a person of your choice, can represent the grievor at the agency hearing. The client, your representative, and the Client Advocate will meet with the Chief Financial Officer to hear the grievance within twenty working days of the initial filing of the grievance.
8. If the grievance is resolved the client and the Program Director/Vice President will be provided with a written statement of the resolution which will be addressed to the client.
9. If the grievance is unresolved a written response will be provided to the client. As part of this written response the client will be referred to outside entities. The Client Advocate will assist the client in contacting any resource upon request. All relevant information about the grievance will be provided, upon request, to one or more of the organizations to which the client has initiated a complaint.
10. The client has the option to file a grievance with outside organizations, that include, but are not limited to, the following: Applicable Board of Alcohol, Drug Addiction, and Mental Health Services; Ohio Department of Mental Health and Addiction Services; Disability Rights Ohio; or, U.S. Department of Health and Human Services, Civil Rights Regional Office in Chicago.

**Board of Alcohol, Drug Addiction, and Mental Health Services by Applicable County:**

Mental Health Recovery Board Serving Warren & Clinton Counties  
201 Reading Rd., Mason, OH 45040  
T: 513-695-1695

Butler County Mental Health & Addiction Recovery Services Board  
 5963 Boymel Avenue, Fairfield, Ohio 45014  
 T: 513-860-9240

Clermont County Mental Health & Recovery Board  
 2337 Clermont Center Drive Batavia, Ohio 45103  
 T: 513-732-5400

Hamilton County Mental Health & Recovery Services  
 2350 Auburn Avenue, Cincinnati, Ohio 45219  
 T: 513-946-8600

**Ohio Department of Mental Health and Addiction Services**  
 30 E. Broad St, Columbus, OH 43215  
 T: 614-466-2596

**Disability Rights Ohio**  
 200 S Civic Center Dr #300, Columbus, OH 43215  
 T: 800-282-9181

**U.S. Department of Health and Human Services, Civil Rights Regional Office in Chicago:**  
 233 N Michigan Ave, Suite 240, Chicago, IL 60601  
 T: 800-368-1019  
 TDD: 800-537-7697

<b>Reference</b>	Council on Accreditation: CR1: Client Rights and Responsibilities; CR2: Confidentiality and Privacy Protections; GOV 5: Governing Body Responsibilities; RPM 2: Risk Prevention and Management;
<b>Federal Laws</b>	Health Information Portability and Accountability Act of 1996; HITECH Act of 2009; Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules. 45 CFR 164.520 – Notice of Privacy Practices for Protected Health Information
<b>State Laws</b>	5122-26-18 Client Rights and Grievance Procedure
<b>Effective Date</b>	04/14/2003
<b>Revised/Reviewed Date</b>	11/17/2020; 01/28/2021
<b>Related Policies</b>	0000-00-29 Individual Rights Related to Protected Health Information; 0000-00-19 Management and Protection of Personal Health Information; 0000-00-24 Use or Disclosure of Protected Health Information for Treatment, Payment, or Health Care Operations Purposes; Notice of Privacy Practices; 0000-00-32 Parental Rights and Responsibilities
<b>Approved By</b>	PPP/CQI Committee

Effective: 4/4/2003  
 Revised/Reviewed: 11/17/2020; 1/28/2021  
 Approved by: PPP/CQI Committee