

CLIENT RIGHTS AND GRIEVANCE PROCEDURES

Policy:

Best Point Education & Behavioral Health will operate in full compliance with the standards regarding client rights and grievance procedures of all accrediting organizations, and in accordance with the regulations and requirements stipulated by local, state, and federal regulations. In addition, Best Point places a high value on clients and pledges to respect the rights of clients.

Administrative Rules:

The agency utilizes the Ohio Department of Mental Health and Addiction Service's definition of complaint and grievance. Grievance means any concern communicated by a person regarding a perceived violation of any of the Client Rights. A complaint is any concern communicated by a person regarding issues other than the Client Rights.

Clients have:

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.

Procedures:

1. Personnel will be appropriately trained in the rights of all clients:
 - a. As a part of the orientation procedure, program administrators shall review the client rights with new staff and volunteers. A signed copy of the Client Rights statement form is placed in the person's personnel file, indicating that they have received the required training on client rights and the grievance procedures, and that they understand each of the client rights and the grievance procedures.
 - b. Client rights training shall be renewed and the documentation updated, on an annual basis for all employees and volunteers.
2. Clients will be informed of their rights:
 - a. Upon admission into the agency and annually for persons served in a program longer than one year¹, each client and the client's parent/guardian shall receive a verbal explanation of their rights and the agency's grievance procedures, and

- receive a copy of the Client Rights statement form and the Grievance Procedures sheet for their reference.
- b. The Client Rights statement form contains a listing of the client's rights, an assurance that staff will explain those rights, and the agency's grievance procedures. Additionally, the statement indicates the Client Rights Officer's name, title, address, telephone number, and hours of availability.
 - c. The client or legal guardian is requested to sign a copy of the Client Rights statement form. The Client or legal guardian's signature on the Client Rights statement form indicates that they have received and understand the information.
 - d. The signed original Client Rights statement form is filed into client record.
 - e. In a crisis or emergency situation, the client will be verbally advised of at least the immediate pertinent rights, such as the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. Staff will provide written copies and a full verbal explanation of the client rights policy at the next meeting.
 - f. Additional copies of the Client Rights statement and grievance procedure will be distributed upon request.
 - g. The Client Rights and grievance procedure shall be available in the lobby of each building where clients receive services on Best Point campuses.
3. Clients and the client's parent/guardian have an unqualified right to air their grievances.
- a. All staff has the responsibility to accept complaints, to follow the complaint/grievance procedure to resolve them, and to document the complaint.
 - b. All staff has the responsibility to inform any client who has a complaint or grievance of the process to resolve complaints or grievances and to advise them that they may contact the Client Rights Officer at any time.
 - c. The Client Rights Officer will make client complaints and grievances a priority over other functions.
 - d. Each client and the client's parent/guardian are informed that their primary care provider is their primary contact person within the agency. They are also informed that any concerns which they, or a family member, have about their care, can be addressed with their primary care provider at any time.
 - e. Each client and the client's parent/guardian are informed that if their concerns are not addressed to their satisfaction by their primary care provider, that they may express their concerns to the Program Manager and then to the appropriate Vice President of Services
 - f. Each client and the client's parent/guardian are informed that if their concerns are not addressed to their satisfaction by the Program Manager or the V.P. of Services, that they may express their concerns to the Client Rights Officer. The Client Rights Officer will serve as the client advocate in any investigation or grievance procedure.
 - g. If an unresolved complaint or concern, or a grievance is received from a client or the client's parent/guardian, the Client Rights Officer shall take all necessary steps to assure compliance with the grievance procedures. Currently, the primary Client Rights Officer is Joseph Landers, Director of Quality, and 5050 Madison

Road, Cincinnati, Ohio 45227 (513) 272-2800. He is available from 8:00 – 4:00 p.m., Monday through Friday. In the event that he is not available or in the event that he is the subject of the grievance, the Chief Administrative Officer will act in his place, following all established procedures. It is the responsibility of the Client Rights Officer to accept and oversee the process of any grievance filed by a client or other person or agency on behalf of a client.

- h. If a formal, written complaint or grievance is lodged against a staff person or the agency, the Client Rights Officer is notified and the client is given assistance, if needed. The client is again given a copy of the Grievance Procedures sheet. A formal, written complaint or grievance should be directed to the Client Rights Officer. There are no time restrictions for filing a grievance. A grievance may be filed at any time but should ideally be filed within a month of occurrence of the incident or incidents to facilitate an investigation.
- i. 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. 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 should include, if available, the date, approximate time, description of the incident and names of individuals involved in the incident or situation being grieved.
- j. The Client Rights Officer will investigate the grievance on behalf of the client and represent the griever at the agency hearing. The Executive Team, or designee, will hear the grievance. If a member of the Executive Team is the subject of the grievance, he/she will not participate in the hearing of the grievance to ensure impartiality.
- k. A review of the grievance is conducted within three days and you will receive a written acknowledgment of the grievance to include the date received; a summary of grievance; overview of grievance investigation process; timetable for completion of investigation and notification of resolutions; and Treatment provider contact name, address and telephone number.
- l. A resolution of the grievance is made within twenty working days of the original filing. Any extenuating circumstances indicating that this time period will need to be extended will be documented in the grievance file and written notification given to the client. The resolution is provided in writing with an explanation of the resolution to the client or his/her designee with client permission.
- m. If the client is dissatisfied with the review, he/she may request a further review by the President & CEO. The President & CEO will assess the validity of the grievance, ascertain the facts in the situation, and shall respond to the appeal within forty-eight hours of receipt. The President & CEO has the final authority to resolve the grievance.
- n. The client and/or client's parent/guardian has the right to a representative for the entire grievance process or for any part of it. If desired, the Client Rights Officer shall either serve as the representative or help to identify someone else to represent the client's interests.
- o. There shall be absolutely no reprisals against anyone making a complaint or filing a formal grievance. Making a complaint or filing a formal grievance shall in no

- way have any bearing on the continuance of services to the client or the client's family.
- p. Each client is advised of their right to file a grievance with the local community mental health board, the Ohio Department of Mental Health and Addiction Services, the Ohio Legal Rights Service, the U. S. Department of Health and Human Services, and appropriate state licensing boards. Appropriate addresses and telephone numbers are made available. Information regarding the grievance is provided to any or all these groups upon request and with the proper authorization for the release of information. (Resource Agencies are attached).
 - q. Copies of client grievances and responses to those grievances will be kept secure in the agency's internal database for a period of at least 2 years from resolution. Documentation of any extenuating circumstances for extending the time period beyond 20 days, if applicable.
 - r. The goal of the grievance procedure is to achieve fairness, dignity, opportunities for conciliation, and an atmosphere of mutual respect. It is the intent of the procedure that all clients are provided with access to someone who will hear their complaints fairly, should they choose to work on their concern through a formal process.
 - s. The Client Rights Officer is responsible for maintaining a record of all complaints or grievances received by the agency. The records include, but may not be limited to, a description of the grievance and the resolution. These records are available for review upon request and with the proper authorization for the release of information.
 - t. All grievances are monitored by the Client Rights Officer and are reported to the Executive Team.
- 4. Any substantive changes to this client rights and grievance procedures policy require approval by the Ohio Department of Mental Health and Addiction Services prior to enactment.
 - 5. Agency records are available for review by Hamilton County Community Mental Health Board, ODMH and any other accrediting/licensing body upon request.

[Ref: CARF 1.K.1, 1.K.3.a ; ODMH 5122-26-18;]

Review Date(s):

Revision Date(s): 6-9-09; 1-12-09, 3-24-10, 12-7-10, 2-05-2019; 2/20/20; 5/17/21

RESOURCE AGENCIES

<p>Hamilton Co. Mental Health & Recovery Services Board 2350 Auburn Ave, Cincinnati, OH 45219 (513) 946-8600; (513) 946-8610 (fax) hcmhrsb.org</p>	<p>Ohio Attorney General - Health Care Fraud 30 E. Broad St, 14th Floor, Columbus, OH 43215 (614) 466-0722; (614) 644-9973 (fax); (614) 466-1393 (TTY) ohioattorneygeneral.gov</p>
<p>Butler County Mental Health & Addiction Recovery Services Board 5963 Boymel Drive, Fairfield, OH 45014 (513) 860-9240</p>	<p>Clermont County Mental Health & Recovery Board 2337 Clermont Center Drive, Batavia, Ohio 45103 (513) 732-5400</p>
<p>Mental Health Recovery Board of Warren & Clinton Counties 201 Reading Rd., Mason, OH 45040 (513) 695-1695</p>	<p>Ohio Department of Behavioral Health 30 E. Broad St, 36th Floor, Columbus, OH 43215 (614) 466-2596; (877) 275-6364 (toll free) mha.ohio.gov</p>
<p>Disability Rights Ohio 200 Civic Center Drive, Suite 300; Columbus, OH 43215 (614) 466-7264; (800) 282-9181 (toll free) disabilityrightsohio.org</p>	<p>U.S. Department of Health & Human Services, Office for Civil Rights-Region V, 233 N. Michigan Ave, Ste 240, Chicago, IL 60601 (800) 368-1019 (toll free); (312) 886-1807 (fax) hhs.gov/ocr/office</p>
<p>State of Ohio Counselor, Social Worker and Marriage & Family Therapist Board 50 West Broad St, Suite 1075, Columbus, OH 43215 (614) 466-0912; (614) 728-7790 (fax) cswmft.ohio.gov</p>	<p>Ohio Department of Jobs & Family Services 30 E. Broad St., 32nd Floor, Columbus, OH 43266 (877) 852-0010 ; (614) 466-2815 (fax) ; (614) 752-3951 (TTY) www.state.oh.us/odjfs</p>
<p>Ohio Board of Nursing 17 S. High St, Suite 400, Columbus, OH 43215 (614) 466-3947; (614) 466-0388 (fax) nursing.ohio.gov</p>	<p>State Medical Board of Ohio 30 East Broad St, 3rd Floor, Columbus, OH 43215 (800) 554-7717 (toll free); (614) 466-3934 med.ohio.gov</p>
<p>U.S. Department of Justice, Civil Rights Division, Disability Rights 950 Pennsylvania Avenue, NW, 4CON, 9th Floor Washington, DC 20530 Talk to an ADA Specialist: 800-514-0301 (voice); 800-514-0383 (TTY) justice.gov/crt/disability-rights-section</p>	<p>Ohio Board of Psychology 77 S. High St, Suite 1830, Columbus, OH 43215 (877) 779-7446 (toll free); (614) 728-7081 (fax); psychology.ohio.gov</p>
<p>U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410 Fax: (833) 256-1665 or (202) 690-7442 email: Program.Intake@usda.gov usda.gov/oascr/home</p>	

1. CARF 1.K.2
2. OAC 5122-26-18