

**BUTLER COUNTY MENTAL HEALTH AND  
ADDICTION RECOVERY SERVICES BOARD  
CONSUMER RIGHTS AND GRIEVANCE PROCEDURES**

**POLICY STATEMENT  
UPDATED & EFFECTIVE 1/13/17**

**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 and Addiction Recovery Services 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 and Addiction Services 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 and Addiction Services 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 and Addiction Services Administrative Rule 5122-26-18, as well as all other applicable federal, state and local statutes.

**DEFINITIONS**

"Client Advocate" means the individual designated by a provider with responsibility for assuring compliance with the client rights and grievance procedure policy as implemented within each provider or board and shall have the same meaning as client rights officer or client rights specialist.

"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.

“Reasonable” means a standard for what is fair and appropriate under usual and ordinary circumstances.

## PROCEDURES

### A. Client Rights – General

All persons 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 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.

**B. Client Rights – Forensic**

Each client receiving a forensic evaluation service from a certified forensic center 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 feasible;
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 center;
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, 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;
8. The right not to be discriminated against in the provision of service 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;
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; and
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 mental health system and will not affect or delay the outcome of the criminal charges;

**C. Client Rights – driver Intervention Program**

Each client participating in a driver intervention program has these 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 and inhumane treatment;
3. The right to give informed consent to or to refuse any service;
4. The right to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others;
5. The right to be informed and the right to refuse any unusual or hazardous procedures;
6. 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;

7. 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;
8. The right to have access to one's own client record;
9. The right to be informed of the reason for terminating participation in a service;
10. The right to be informed of the reason for denial of a service;
11. 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;
12. The right to know the cost of services;
13. The right to be verbally informed of all client rights, and to receive a written copy upon request;
14. The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations;
15. The right to file a grievance;
16. The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested;
17. The right to be informed of one's own condition; and,
18. The right to consult with an independent treatment specialist or legal counsel at one's own expense.

**D. 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 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. 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 her absence to the Associate Executive Director of Mental Health Services or Senior Director of Addiction Services. 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 and/or the Senior Director of Addiction Services for further assistance.

The Associate Executive Director of Mental Health Services and/or Senior Director of Addiction Services 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 and Addiction Services 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.

The record will also be available for review by the Ohio Department of Mental Health and Addiction Services.

#### **CLIENTS RIGHTS AND GRIEVANCE PROCEDURES FOR SERVICES OPERATED BY THE BOARD**

##### **A. 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 information and referral service, consultation service, mental health education 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.

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 & Addiction Recovery Services  
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. 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 or the Senior Director of Addiction Services 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 and Addiction Services 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 and Addiction Services 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](http://www.olrs.oh.gov)

**Ohio Department of Mental Health and  
Addiction Services**

30 East Broad Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215-3430  
(877) 275-6364  
[www.mha.ohio.gov](http://www.mha.ohio.gov)

**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](http://www.hhs.gov/region5)

**Attorney General's Office**

Health Care Fraud Section  
150 E. Gay St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
800-282-0515  
877-527-1305 (fax)  
[www.ag.state.oh.us](http://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**

77 South High Street  
24<sup>th</sup> Floor, Room 2468  
Columbus, OH 43215-5919  
(614) 466-0912  
(614) 728-7790 (fax)  
[www.cswmft.info@cswb.ohio.gov](mailto:www.cswmft.info@cswb.ohio.gov)

**State of Ohio, Board of Psychology**

77 S. High St., Suite 1830  
Columbus, OH 43215-6108  
877-779-7446  
(614) 728-7081 (fax)  
[www.state.oh.us/psy](http://www.state.oh.us/psy)

**State of Ohio, Medical Board**

30 E. Broad ST, 3<sup>rd</sup> Floor  
Columbus, OH 43215-6127  
(614) 466-3934  
(614) 728-5946 (fax)  
[www.med.ohio.gov](http://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](http://www.state.oh.us/nur)

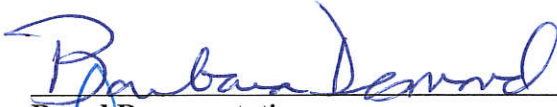
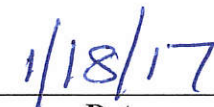


**E. Client Abuse or Neglect (including those that occur at a community mental health agency, residential facility, and adult care facility)**

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. For instance, allegations of abuse or neglect of a child shall be reported to Butler County Children Services (513-887-4055 or toll free 800-325-2685). Allegations of abuse or neglect of an adult (disabled or over the age of sixty) shall be reported to the Butler County Department of Jobs and Family Services Adult Protective Services Division (513-887-4081 or toll free 800-582-4267, ext. 4081).
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. When allegations of neglect and/or abuse of persons served by a residential facility or an adult care facility staff arise, the facility shall report the complaint to the Board within 24 hours of the event occurring, if the facility is located in Butler County. Allegations of abuse or neglect of out-of-county facilities shall be reported to the appropriate community board serving the county where the facility is located. The Board 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.
4. Incidents of abuse and/or neglect of adults or children shall be reported by contract agencies of the Board in accordance with applicable local, state, and federal laws and regulations.
5. To the extent feasible, the identity of the persons alleging the client abuse or neglect and the identity of the client, or other information that could reasonably be expected to reveal the identity of the client or the person making the report will remain confidential, except as necessary to provide information to other government agencies responsible for enforcing or prosecuting laws pertaining to client abuse and neglect.
6. Upon request, the Board shall provide information about the investigation to the Ohio Department of Mental Health and Addiction Services.
7. If the Board investigation substantiates the charge of abuse or neglect, the Board shall take whatever action it deems necessary to correct the situation, including notification of the appropriate authorities.

**F. Rights of Persons with AIDS or AIDS Related Conditions**

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 and Addiction Services 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:
    - (i) Exclusion of qualified handicapped persons from benefits or services provided under a program or activity;
    - (ii) 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;
    - (iii) 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.

**Authorization:**

 _____ <b>Board Representative</b>	 _____ <b>Date</b>
 _____ <b>Executive Director</b>	 _____ <b>Date</b>