

**SECTION V-A.13****SUBJECT****CLIENT RIGHTS****PURPOSE:**

The purpose of this policy is to ensure that the Board has a policy and procedures established to address complaints and/or grievances from clients who allege violations of their rights. This policy, which is to be reviewed annually, shall pertain to individuals who are residing in the community, a residential facility, an Adult Care Facility or any other venue and include those who are currently being treated in a hospital.

**POLICY:**

- A. The Executive Director appoints the Board's Client Rights Officer (CRO) and reports that information to OHMHAS.

All alleged complaints and grievances made by mental health or alcohol/drug clients, their representatives, or their family members that are not fully resolved at the provider level shall be referred to the Board's Client Rights Officer who will follow the established procedures to assist the individual.

- B. The goal is to resolve these complaints and/or grievances on an informal level, if possible. If it is necessary to move the issue forward to a more formal approach, it will be done so in an effort to make the grievant whole. These procedures are designed to address clients who are in the community, in residential settings, in the hospital, in Adult Care Facilities, or in any other venue where they feel that their rights have been violated.
- C. Special emphasis is placed on allegations of neglect and/or abuse of a client. The Board will investigate or request another agency to investigate any complaint alleging abuse or neglect of any person receiving services from a community behavioral health agency or a residential facility. If the investigation substantiates the charge of abuse or neglect, the Board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the Board shall provide information about such investigations to OHMHAS.
- D. The Client Rights Officer receives a copy of any Major Unusual Incident that a provider agency has reported electronically to the state. Provider agencies of JCPRB may submit a summary to the Board of complaints and grievances that the agency has received including how the matter was resolved.

**PROCEDURE:**

1. All complaints and/or grievances should initially be filed with the specific provider agency. Clients or client representatives who contact the JCPR Board office with a complaint and/or grievance will be asked if they have contacted the provider agency. The following procedures apply to complaints and/or grievances that have not been fully resolved at the provider level. The clients' rights as they are applicable to community clients, clients in Adult Care Facilities,

and those in State Hospitals are attached. (See Appendix A). Complaints and/or Grievances are processed either by the Board, if contacted, or by the policies in effect within each of these systems.

2. Information pertaining to the availability of the Board appointed Client Rights Officer shall be posted in a conspicuous location and be kept current at all times. The information that is to be posted is:

- Client Rights Officer's Name
- Hours available
- How to contact that person
- Name of the back-up person

3. Any client or client representative who contacts the Board to discuss a complaint or grievance will be referred to the Board's Client Rights Officer.

- 3.1 If the call is not urgent, the complaint is written down and forwarded to the CRO for review. The client may be asked to forward their complaint in writing. The CRO will then contact the agency and client if the client requests a return call from the CRO.

If the call is urgent, the caller's contact information is taken down and given to the CRO. The CRO will return the call. Once the client is at ease, their complaint is requested to be put in writing and forwarded to the CRO for review and follow up.

The CRO will discuss, either by phone or in person, the client's concern.

- 3.2 Once the complaint is in writing and received by the Board's CRO, the CRO and the complainant will discuss the situation further to determine what the client needs in order to feel whole.

- 3.3 The CRO will offer to arrange an appointment, for the client, if they wish to speak with the Agency CRO in an effort to resolve the matter on an informal basis.

- 3.4 The CRO will offer to accompany the client to the Agency concerned and be present during the informal discussion.

- 3.5 If the grievance cannot be resolved informally, the CRO will then take the matter to the Governance Board's Executive Committee to determine how they wish to proceed or if an investigation is indicated.

- 3.6 The Grievance must be resolved in 20 days or less unless the complainant is willing to grant an extension. A summary of the agreed upon resolution must be put in writing and sent to the complainant.

- 3.7 If there is to be an investigation by the Board, the CRO will gather the facts around the incident, interview the involved parties, and present the information and the CRO's recommendations to the Board's attorney for resolution.
4. Special circumstances apply to any complaints alleging abuse or neglect, from individuals with mental illness or severe mental disability who reside in Adult Care Facilities. The complaint shall be referred to the ADAMHS Board which covers the service area in which the ACF is located. A Board that receives such a complaint shall report the complaint to the Director of Health for the purpose of the Director conducting an investigation under Section 3722.17 of the ORC. The Board may enter the ACF with or without the Director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident.

**DEFINITIONS**

**CLIENT:** Any individual, family member, and/or representative who makes contact or wishes to make contact with any Certified MH or Alcohol/Drug Addiction Treatment facility or the ADAMHS Board.

**CLIENT RIGHTS**

**OFFICER:** The individual (or the back-up) designated by a MH Agency or the ADAMHS Board as one responsible for assuring compliance with the Client Rights and Grievance procedure as implemented within each agency or the Board.

**GRIEVANCE:** A written complaint initiated either verbally or in writing by a client, a family member or by any other person or agency on behalf of a client regarding denial or abuse of any client's rights.

**CLIENT RIGHTS:** Powers or privileges granted by an agreement or law to persons who are clients of the mental health and/or alcohol and other drug abuse systems.

**RESIDENTIAL**

**FACILITY:** Usually a 24-hour housing facility for children or adults where treatment is also provided. Crisis Units also fall within this category as do adult facilities for alcohol and other drug treatment.

**ADULT CARE**

**FACILITY:** Group home type housing arrangements that provide room, board, and help with some activities of daily living, but does not

offer treatment. They are licensed by the Ohio Department of Health. Clients pay their rent from their own funds, but their stay is often subsidized by State funds in the form of Ohio Residential State Supplements.

**“MADE WHOLE”:** When a person is deprived of any of his/her rights, the assumption is that a part of what he is entitled to is missing. In the area of Client Rights, this means that the client needs to state what it would take to make him feel that he is complete once again in that his rights are being restored.

**Responsibility:** It is the Client Rights Officer’s responsibility to fulfill the duties of the CRO as described in the above policy. It is the responsibility of the Executive Director to assure that this policy is being implemented.

**References:** Ohio Department of Mental Health and Addiction Services  
Ohio Administrative Code  
Ohio Revised Code 340.03(A)(2)  
Ohio Association of County Behavioral Health Authority