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CLIENT RIGHTS/GRIEVANCE POLICY

Scope: This policy applies to all programs of Lake Area Recovery Center.

Purpose: To describe how the rights of persons are protected when they access and receive services from Lake Area Recovery Center.

Policy:

Lake Area Recovery Center protects the rights of persons served in our programs by ensuring client and civil rights are honored and grievances are responded to. Clients will be given care within the least restrictive conditions necessary. The dignity and privacy of clients shall be respected at all times. All services provided shall be consistent with human dignity and quality care. Persons applying for and receiving behavioral health services provided by Lake Area Recovery Center will **not** be denied admission or services on the grounds of race, ethnicity, age, color, religion, sex, national origin, sexual orientation, handicap or developmental disability according to Title VII of the Civil Rights Act of 1964, or because a person is HIV or AIDS infected.

The rights of persons served are communicated to the person served in a way that is understandable at the beginning of service delivery and at least annually if the person served is active in a program longer than one year. This policy is available at all time for review and clarification.

A. All Lake Area Recovery Center Clients/Consumers 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 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, release of information, concurrent services, composition of the service delivery team, and 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 other.
8. The right to freedom from abuse.
9. The right to freedom from financial or other exploitation.
10. The right to freedom from humiliation.
11. The right to freedom from neglect.
12. The right to be informed and the right to refuse any unusual or hazardous treatment procedures.
13. 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

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monitoring to observe seclusion rooms or common areas, which does not include bathrooms or sleeping areas.

14. The right to confidentiality of communications and information within the limitations and requirements for disclosure of client information under state and federal laws and regulations.
15. The right to have access to one's own client record in sufficient time to facilitate the person's decision making, 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.
16. 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.
17. The right to be informed of the reason for denial of a service.
18. The right not to be discriminated against for receiving services on the basis of race, ethnicity, age, color, religion, gender, nation 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.
19. The right to know the cost of service.
20. The right to be verbally informed of all client rights, and to receive a written copy upon request.
21. The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations.
22. The right to file a grievance.
23. The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested.
24. The right to investigation and resolution of alleged infringement of rights and other legal rights.
25. The right to access or referral to legal entities for appropriate representation.
26. The right to self-help support services.
27. The right to advocacy support services.
28. The right to be informed of one's own condition.
29. The right to consult with an independent treatment specialist or legal counsel at one's own expense.

PROCEDURE FOR FILING A GRIEVANCE OR COMPLAINT:

Definitions:

Grievance: "Grievance" and "Formal Complaint" terms are used interchangeably and 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, as listed above.* Grievances are documented and an analysis of grievances/formal complaints is conducted annually.

Complaint: A "Complaint" *is any communication about a concern from a client that does not involve the denial or abuse of a client right's.* Complaints are reviewed and resolved ongoing as situations warrant.

- A. Any individual inquiring about client/consumer rights or the grievance procedure will be given a copy of this policy and an oral explanation of this procedure by the Clients/Consumer Rights Officer(s), Jesse Wodrig, Deputy Executive Director and/or, Sandy Shaw, Human Resources.
- B. The Client/Consumer Rights Officer is located at Lake Area Recovery Center, 2801 C Court, Ashtabula, Ohio 44004 Telephone Number: 440-998-0722
Hours: Monday through Friday - 8:30 to 5:00

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- C. The grievance may be presented to the Client/Consumer Rights Officer. The Client may also file a grievance on their own behalf without agency assistance. The Client/Consumer Rights Officer has full authority and is responsible for accepting and overseeing the process of grievance filed by a client or other person or agency on behalf of a client. The Client/Consumer Rights Officer will assist in any way necessary in completing the filing of the grievance. This includes writing the grievance as dictated by the client if needed or desired.
- D. Should the Client/Consumer Rights Officer be the subject of the grievance the Executive Director will be responsible for accepting and overseeing the process of any grievance filed by a client or other person or agency on behalf of a client.
- E. The Client/Consumer Rights Officer will provide written acknowledgement of the grievance to the grievant and see the client within three (3) business days (Monday through Friday) and will assist the grieved in filing the grievance, investigation of the grievance on the griever's behalf, and agency representation for the griever at any and all meetings and/or hearings, if desired by the griever.

The written acknowledgement will include the date the grievance was received, a summary of the grievance, an overview of the grievance investigation process, a timetable for completion of the investigation and the notification of resolution and the treatment /prevention provider contact name, address and telephone number.

- F. Should a person be dissatisfied with services, feel their rights have been violated, they should discuss the problem with staff member providing the direct service (prevention or treatment). If not satisfied they must submit the grievance to the Human Resource Officer of the grievance to the staff provider or the Client/Consumer Rights Officer.

If the client feels that a staff member has engaged in any alleged unethical behavior or feels a staff member demonstrates any level of incompetence, they should submit the grievance to the Executive Director of LARC. At this time they should be advised of their right to have the Client/Consumer Rights Officer present for this discussion, and their right to have the Client/Consumer Rights Officer present during all proceedings, should the problem not be satisfactorily resolved.

- 1. The grievance must include the date, time, description, and names of individuals involved in the incident/situation being grieved.
 - 2. The written grievance must be signed and dated by the client and/or by the individual filing the grievance on behalf of the client
- G. If the problem is not resolved, the client may make a verbal or written request to meet with the counselor's supervisor. This meeting will occur within three (3) working days.
- H. The supervisor must then submit, in writing, of any action taken or recommendations made to the Executive Director within one (1) working day of the meeting.
- I. If still unresolved, the Recovery Center Executive Director will meet with the grieved involved staff member and Client/Consumer Rights Officer within five (5) working days.
- J. The Executive Director is the final agency arbitrator and shall make a written report available to involved staff, client, (or grieved if different), and Client's Rights Officer. The grieved will receive written notification and explanation of the resolution within twenty-one (21) calendar

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days of receipt of the grievance. If any extenuating circumstances require the extension of this response, the reasons will be documented in the employee file and the client will be given written notification of the reasons for the extension within the twenty-one day period.

- K. Should the grieved not be satisfied by the resolution, or at any time before or during the formal grievance process, they may initiate further grievance procedures through one of the following: Refer to included resource list.
- L. Upon request, information about the grievance will be provided to one or more of the outside entities included in our "Resource Agencies" list.
- M. Should the grievance involve alleged breach of confidentiality under federal regulations, and the procedure outlined above has not resolved the problem to the griever's satisfaction, a formal complaint may be filed with the U.S. Attorney for the judicial district, in which the violation occurs.
- N. Records of all client grievances (including a copy of the grievance; documentation reflecting the process used and resolution/remedy of the grievance; and documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty one days) will be maintained for a minimum of two years from the date of the original filing of the grievance.
- O. Any action by a client relating the submission of a formal complaint or grievance will not result in retaliation or be a barrier to services.

RESOURCE AGENCIES

Outside Entities

1. Ashtabula County Mental Health and Recovery Services Board
4817 State Road, Suite 203
Ashtabula, Ohio 44004
(440) 992-3121
2. OhioMHAS
Office of Licensure and Certification
30 East Broad St., 36th Floor
Columbus, Ohio 43215
(614) 466-2596
3. Disability Rights Ohio
200 S. Civic Center Drive #300
Columbus, OH 43215-2999
(800) 282-9181
4. Attorney General's Office, Medicaid Fraud Control Section
30 East Broad Street
14th Floor
Columbus, Ohio 43266-0410
(800) 282-0515

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5. Governor's Office of Advocacy for People with Disabilities
8 East Long Street,
7th Floor
Columbus, Ohio 43266-0410
(614) 466-9956
6. U.S. Department of Health & Human Services
Office for Civil Rights
Region V
233 N Michigan Ave, Suite 240
Chicago, IL 60601
(312) 886-2359
7. Counselor & Social Worker Board
65 South Front Street, Suite 210
Columbus, OH 43266-0329
(614) 466-0912
8. State Medical Board
30 East Broad Street, 3rd Floor
Columbus, OH 43266
(614) 466-3934
9. Nursing Education & Nurse Registration Board
17 S. High Street, Suite 660
Columbus, OH 43215
(614) 466-3947
10. State Board of Psychology
77 S. High Street, Suite 1830
Columbus, OH 43215
(614) 466-8808
11. Ohio Civil Rights Commission
615 W. Superior Avenue, Suite 885
Cleveland, OH 44113
(216) 579-2800
12. Ohio Civil Rights Commission
30 East Broad Street, 5th Floor
Columbus, OH 43215
(614) 455-5928
13. Ohio Chemical Dependency Progressions Board
Vern Riffe Center
77 South High Street, 16th Floor
Columbus, OH 43215
(614) 387-1110