

ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD FOR MONTGOMERY COUNTY	BOARD POLICY# 406	PAGE 1 of 5
PROCEDURE: RIGHTS OF CLIENT	EFFECTIVE DATE: July 1, 2000	SUPERSEDES DATE: 1/5/00;8/1/97;3/27/91

POLICY: CLIENT RIGHTS AND GRIEVANCE PROCEDURES

I. PURPOSE

The purpose of this policy is to protect and enhance the rights of persons applying for or receiving Alcohol and Other Drug or Mental Health services. This policy is written in compliance with Ohio Administrative Code § 5122:2-1-02 and § 3793:2-1-07.

II. SCOPE

Agency means a public or private service provider for mental health and alcohol and other drug services with which the Board has entered into a contract for the delivery of mental health or alcohol and other drug services, including agencies receiving medicaid match funds from the Board.

III. AGENCY REQUIREMENTS

- A. The agency shall have a written policy governing its client rights and grievance procedures in compliance with OAC § 5122:2-1-02 and OAC § 3793-1-07.
- B. Client Rights Officers appointed by the agency shall be readily accessible.
- C. In a crisis or emergency situation the client shall be verbally advised of at least the immediately pertinent rights, such as the right to consent to or to refuse that offered treatment and the consequences of that agreement or refusal.
- D. Recipients of agency services specified as "community services" (information and referral service, consultation service, mental health education service, prevention service, training service) may have a copy and explanation of the client rights policy upon request.
- E. A copy of the client rights policy shall be posted in a conspicuous location within the agency.
- F. Every staff person, including administrative and support staff, shall be familiar with all specific client rights and grievance procedures.

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- G. There shall be available assistance in filing the grievance if needed by the griever, investigation of the grievance on behalf of the griever, and agency representation for the griever at the agency hearing on the grievance if desired by the griever.
- H. There shall be offered the opportunity for the griever or his/her designated representative to be heard by an impartial decision-maker.
- I. The agency shall distribute to each client an ODMH or ODADAS approved policy at the intake or next subsequent appointment in writing and orally.
- J. The entire process, from receiving the written grievance through resolution or referral, shall not exceed twenty (20) working days from the time it is filed for mental health clients and twenty-one (21) calendar days for alcohol and other drug clients.
- K. The Client Rights Officer shall assure the keeping of records of grievances received, the subject matter of the grievances, and the resolution of the grievances. The agency records shall be available for review by the Montgomery County ADAMHS Board and the Department of Mental Health or Department of Alcohol, Drug Addiction Services upon request.
- L. The agency Client Rights Officer (CRO) shall assure keeping of records grievances.
- M. The period of time for filing a grievance shall not be time limited.
- N. The agency shall submit an annual summary report to Board including number of grievances received, type of grievances and resolution status of grievance.

IV. THE PROCEDURE FOR FILING GRIEVANCES WITH THE BOARD:

- A. The Executive Director of the ADAMHS Board shall be responsible for the implementation of the ADAMHS Board's Client Rights and Grievance Policy either personally or through designation of a separate Client Rights Officer (CRO) to implement the established policy and procedures.

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- B. A client may initiate a grievance with the ADAMHS Board by contacting the Montgomery County ADAMHS Board Client Rights Officer:

Robert Mullins,
Public Affairs Director
ADAMHS Board, Suite 102
409 E. Monument Avenue
Dayton, Ohio 45402
Phone (937) 443-0416 x 104
Hours M-F, 8:30 a.m. to 5:00 p.m.

- C. Upon receiving notification of a client's complaint, the CRO shall actively ascertain if the client has directed their concerns to the agency with which they have a complaint. In the event the client has not, the CRO shall assist the client in making contact with the agency CRO, and if necessary, filing a formal grievance.
- D. In the event that the client has exhausted the avenues available at the agency level, the ADAMHS Board's CRO shall:
- (1) Obtain a written copy of the client's grievance, agency research documentation and the agency response to the grievance.
 - (2) Pursue information to the extent required to verify the contents.
 - (3) Attempt to negotiate resolution between the agency and client according to the agency's internal policy and procedures.
 - (4) Upon resolution, the CRO shall:
 - (a) Ensure the client has a written copy of the resolution.
 - (b) Ensure the client has a thorough understanding of the contents of the resolution.
 - (c) Ensure the client has an understanding of the remaining options available to pursue, in the event of continued dissatisfaction.
- E. Any client or any other person or agency on behalf of a client may initiate a grievance regarding denial, abuse, or neglect of any client's rights as set forth in this policy.
- F. In the event of an impasse between the CRO and the agency, the CRO shall enlist the involvement of the Executive Director of the Board for resolution.

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- G. The Executive Director of the ADAMHS Board may be involved as a final, local step in the administrative review of the issue.
- H. There remains the option of the grievor to further grieve with any or all of the following: Ohio Department of Mental Health, Ohio Department of Alcohol and Drug Addiction Services, Ohio Legal Rights Service, and the U.S. Department of Health and Human Services. Appropriate professional licensing or regulatory boards' relevant names, addresses, and telephone numbers are included. There will be provision for providing, upon request, relevant information about the grievance to one or more of these agencies.
- I. The CRO shall maintain a file of client grievances. The file shall consist of documentation of all contacts made on behalf of clients, including:
1. Name of contact person
 2. Name of client, if available
 3. Personal data, as available
 4. Date
 5. Nature of complaint
 6. Action taken to date
 7. Other data, as necessary
 8. Phone log that documents phone grievances with the above-cited information.
 9. Correspondence and action taken noted for each grievance filed.
 10. Additional material pertinent to grievance filed.
- J. The ADAMHS CRO shall provide, upon request, a list of further options for the client to pursue the grievance beyond the Board level. The CRO shall provide, upon receipt of appropriate client authorization, such information as requested by the client for the purposes of continuing the grievance at another level. All releases of client information are governed by appropriate Federal and State statutes, as such specific client information shall not be released without proper authorization.
- K. The CRO shall prepare a report of activities for the ODMH's Clients Rights Coordinator or ODADAS's Client Rights Coordinator at least annually.

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This report shall be used internally by the ADAMHS Board according to its required processes.

- L. The CRO shall insure, by annual review, the implementation of the agencies' Client Rights and Grievance Policy.
- M. The CRO, upon request, will provide clients and community the following:
 - 1. Copy of ADAMHS Board Policy and Procedures for clients rights and grievances.
 - 2. Copy of common licensing and regulatory boards for professionals within the human service community; ODADAS and ODMH Client Rights Officer; Ohio Legal Rights Service, complete addresses, phone numbers and contact persons, where available.
 - 3. Upon request, the CRO or other staff will explain all aspects of the client rights and grievance procedure. A copy of this policy will be available upon request.