Client Rights and Grievance Policies & Procedures

POLICY
Re: Client Rights

Lake-Geauga Recovery Centers believes that those who apply for or receive alcohol, drug abuse and/or mental health services possess fundamental human, civil, and constitutional rights as outlined in the Civil Rights Statement.

Lake-Geauga Recovery Centers is committed to protecting and enhancing these rights, and as such, has developed the following Grievance Procedure to address incidents when these rights may have been denied or abused. Lake-Geauga Recovery Centers encourages the use of this procedure to achieve a timely and impartial resolution to the grievance and pledges to assist in this process.

PROCEDURE
Re: Client Rights

Lake-Geauga Recovery Centers has appointed a Client Rights Officer (CRO) and an alternate Client Rights Officer who is responsible for assuring compliance with the Client Rights Statement.

The Client Rights Officer is responsible for the following:

- Ensuring that all agency clients receive verbal and written statements of agency client rights and grievance policies and procedures in a manner appropriate for the individual's understanding.

- Ensuring that the client rights and grievance procedure is reviewed annually with the Health & Safety Committee.

- Ensuring that a copy of the agency's client rights statement and grievance procedures are prominently displayed in each of the program's locations.

- Ensuring that all new staff members/volunteers are instructed during the first week of employment regarding the agency's client rights and grievance policies and procedures. Documentation of this is maintained in personnel files.

- Assisting a client in filing a grievance or to assist those who may wish to file a grievance on the client's behalf and with the client's permission. If the complainant has difficulty writing, the Client Rights Officer will assist in the writing process.

- Investigating the grievance and writing a report of the proposed resolution.

- Keeping a log of complaints from clients, community members, or staff. The log will include date, name of person making complaint, summary of compliant, and any action taken. Any complaint for any reason must be recorded in the log. The complaints can include subject

such as service delivery, fee-setting procedures, and relations with the therapist, employment, or any other issue that is important to the complainant.

- Reporting grievance information to the President & CEO of the agency, the agency's Quality Assurance Committee, and the appropriate ADAMHS Boards, and any other appropriate body. The reports will be in the form requested by the receiving body.

- Representing the client or grievant at the grievance hearing when requested by the client or grievant.

- The receipt of privacy complaints and knowledge about the notice of privacy practices that complies with HIPAA regulations.

Client Rights Officer's Title:	Kerri Luckner, Chief Operating Officer
Location:	9083 Mentor Avenue, Mentor, Ohio 44060
Telephone:	(440) 255-0678
Email:	kluckner@lgrc.us
Hours of Availability:	Monday – Friday, 9:00 a.m. – 4:30 p.m.

In the event that the Chief Operating Officer is unavailable or he/she is the subject of the grievance, the following Lake-Geauga Recovery Centers staff will serve as the alternate:

Client Rights Alternate:	Kelly Giegerich, Risk/Quality Coordinator
Location:	9083 Mentor Avenue, Mentor, Ohio 44060
Telephone:	(440) 255-0678
Email:	kgiegerich@lgrc.us
Hours of Availability:	Monday – Friday, 8:00 a.m. – 4:00 p.m.

Clients may also file a grievance with the Lake County Board of Alcohol, Drug Addiction and Mental Health Services, the Geauga County Board of Mental Health and Recovery Services, the Ohio Department of Behavioral Health. The Ohio Legal Rights Service, the U.S. Department of Health and Human Services and other appropriate professional licensing or regulatory associations. The relevant addresses and telephone numbers of these resources are attached to the end of the Grievance Policies and Procedure.

Lake-Geauga Recovery Centers' staff is fully informed of the agency's client rights statement and grievance procedures and HIPAA Privacy Manual procedures, and can explain any and all aspects of the policy and procedures upon request. However, the agency encourages clients who wish to file a grievance, or others who wish to file a grievance on the behalf of the client with the client's permission, to contact the Client Rights Officer to begin the formal grievance proceedings. Staff will immediately advise any client or any other person who is articulating a concern, complaint, or grievance about the name and availability of the Client Rights Officer and the complainant's right to file a grievance.

Client Rights Statement

OAC 5122-26-18

General rights for any person receiving service from Lake-Geauga Recovery Centers:

(1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
(2) The right to protection from physical, sexual or emotional abuse, neglect, and inhumane treatment and sexual exploitation.
(3) The right to receive services or supports in the least restrictive, feasible environment.
(4) The right to participate in any appropriate and available service or support that is consistent with an individualized treatment plan, regardless of the refusal of any other certified service or support, unless that certified service or support is a necessity for clear treatment reasons and involves the individual's participation.
(5) The right to give informed consent to or to refuse any certifiable service or support.
(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 of and 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 exclude a provider 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 constraints for disclosure of client information under state and federal laws and regulations.

*With respect to an adult client receiving residential and withdrawal management substance use disorder services as described in rule 5122-29-09 of the Administrative Code, the right to confidentiality of communications includes the right to write or receive uncensored, unopened correspondence subject to the provider's rules regarding contraband when such rules do not conflict with federal postal regulations.

*With respect to an unemancipated minor client receiving residential and withdrawal management substance use disorder services as described in rule 5122-29-09 of the Administrative Code, the right to confidentiality of communications includes the right to write or receive mail subject to the provider's policy regarding contraband and directives from the parent or legal guardian, when such rules and directives do not conflict with federal postal 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 is to 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 in advance of the reason for terminating participation in a certifiable service or support, and to be provided a referral, unless the certifiable service or support is unavailable or not necessary.
(13) The right to be informed of the reason for denial of a certifiable service or support.

(14) The right not to be discriminated against for receiving certifiable services or supports 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 forbidden by local, state or federal laws.
(15) The right to know the cost of certifiable services or supports.
(16) The right to be verbally informed of all client rights and 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.
(21) The right to consult with an independent treatment specialist or legal counsel at one's own expense.

Re: Grievance Procedures

Those who apply for or receive alcohol and drug abuse and/or mental health services and who believe their rights have been abused or denied may file a grievance in writing using the agency's client grievance form that the agency's Client Rights Officer or any agency staff will make available to the complainant. If the complainant is not able to put that grievance in writing, the Client Rights Officer will assist in that process. The grievance must be signed and dated by the client. Oral and written instructions concerning the client grievance procedure are available from the Client Rights Officer.

A grievance may be filed at any point in time after the occurrence of the alleged abuse or denial of rights. However, Lake-Geauga Recovery Centers encourages that the grievance be filed as soon as possible to achieve a full resolution that is not altered or unattainable because of the passage of time. A resolution of the grievance will be made within 20 business days of the receipt of the grievance and will adhere to the time line as follows (any exceptions that cause this time period to be extended will be documented in the grievance file and written notification will be given to the client or persons filing grievances on the client's behalf.

To initiate a grievance, these procedures must be followed:

1. A written statement of the grievance must be made by the client using the agency's client grievance form, and must include the description, the date and approximate time of the incident or situation at hand, and the names of the individuals involved. 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 true and accurate representation of the client's grievance. Staff receiving any written grievance will assure that the Clients Rights Officer (or the alternate, in Clients Rights Officer absence) attempts to contact the grievant within the next business day to offer assistance to the grievant throughout this process. A copy of this written grievance will be given to the supervisor of the staff in question. At this time, the client may be asked to sign a release of information needed to investigate the grievance and to reach a solution.

2. A written acknowledgement of receipt of the grievance is provided to each grievant. Such acknowledgement shall be provided within three working days from receipt of the grievance. The written acknowledgement shall include, but not be limited to the following: date grievance was received, summary of grievance, overview of grievance investigation process, timetable for completion of investigation and notification of resolution, treatment provider contact name, address and telephone number.

3. A meeting between the grievant, CRO or alternate, staff who is object of the complaint or grievance, the supervisor of the staff in question, and the Chief Operating Officer (and Director of Residential Services, if appropriate), will occur within five (5) business days of the written request for such a meeting. At this meeting, every attempt will be made to resolve the complaint to the satisfaction of the client.

4. If the grievance is resolved at this point in time, the CRO or alternate will give a written statement and explanation of the results to the client or grievant with the client's permission. Each allegation of neglect and/or abuse by agency staff of a person served, regardless of the source, shall be investigated. The written results shall be reviewed by the President & CEO of the agency.

5. If this meeting report indicates that the complaint is unresolved to the satisfaction of the client, the client may request in writing through the CRO or alternate that a formal grievance hearing be held. The hearing will be arranged by the CRO or alternate within five (5) working days of the receipt of written request, and will include the President & CEO, and all parties involved in the first meeting; (this may include an individual designated to accompany the client, if requested in writing). Again, every attempt will be made to resolve the complaint to the satisfaction of all parties. The President & CEO will report in writing the results of this hearing to the Agency Board of Directors, staff present at the hearing, and the client or grievant.

6. Should the issue remain unresolved to the mutual satisfaction of all parties, the Agency Board of Directors or Executive Committee will review his/her complaint at its next regularly-scheduled meeting and will act as final arbiters. The Board will provide a written report of their decision to all parties. If the issue still is not resolved, the client/persons filing grievance will be advised of and reminded at any time client or person filing grievance on the client's behalf have a right to file a grievance with outside organizations and resources which are listed at the end of this procedure. The Client Rights Officer may assist the client in contacting any resources upon request.

7. The Client Rights Officer or alternate is responsible for assisting the client in filing a grievance, investigating on the behalf of the grievant and writing a report of the proposed resolution. The Client Rights Officer or alternate is responsible for representing the client or grievant at the grievance hearing when requested by the client or griever. Any exceptions that cause the resolution to be extended beyond twenty business days, will be documented in the grievance file and written notification will be given to the client or persons filing grievances on the client's behalf. All grievances, including a copy of the grievance, documentation reflecting the process used and resolution/remedy of the grievance and documentation, if applicable, of extending the time period for resolving the grievance beyond twenty business days will be kept on file two years from resolution. All such records are made available to ODBH and the appropriate ADAMHS Boards. The CRO or alternate will provide a summary of grievances

monthly to the agency's Program Effectiveness Committee and annually to the appropriate credentialing and/or funding Boards. These records will be available upon request to outside entities to which the client or grievant has initiated a complaint.

At any time, clients or persons filing grievances on the client's behalf have a right to file a grievance with outside organizations that include but are not limited to the following:

1. Lake County ADAMHS Board
   9237 Mentor Avenue, Unit B
   Mentor, Ohio 44060
   (440) 350-3117

2. Geauga County Board of MHRS
   13244 Ravenna Road
   Chardon, Ohio 44024
   (440) 285-2282

3. Disability Rights Ohio
   200 Civic Center Drive, Suite 300
   Columbus, OH 43215
   (614) 466-7264

4. US. Department of Health and Human Services
   Office of Civil Rights, Region V
   233 N. Michigan Avenue, Suite 240
   Chicago, Illinois 60601
   (800) 368-1019

5. Counselor & Social Work & Marriage and Family Therapist Board
   50 W. Broad Street, Suite 1075
   Columbus, OH 43215-5919
   (614) 466-0912

6. Ohio Department of Behavioral Health (ODBH)
   30 East Broad Street, 8th Floor
   Columbus, Ohio 43215-3430
   (614) 466-2596