

## Catholic Social Services of the Miami Valley

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Organizational Unit: Agency Operations	Initial Date: 6/95
Program Area: Agency Wide	Last Revised: 3/09
Subject: Client Rights: Policy	Last Reviewed/ Approved: 3/09
ODMH Rule: 5122-2-1-02; 5122-26-18	
ODJFS Rule(s): 5101:2-5-13(A)(27), 5101:2-5-13 (A) (29), 5101:2-5-35	
COA Rule: CR 1	

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### Client Rights Policy

#### Policy/Purpose:

The purpose of this policy is to protect and enhance the rights of persons, regardless of age, applying for or receiving mental health or other agency services by establishing specific rights of clients and procedures for responsive and impartial resolution of client grievances. These rights assurances apply to children as well as adults.

#### Procedures:

1. The provisions of this rule are applicable to each contract agency and community mental health record.
2. Definitions:
  - a. "Client" means an individual applying for or receiving mental health services from a board or mental health agency.
  - b. "Client Rights Officer" means the individual designated by a mental health agency or board with responsibility for assuring compliance with the client rights and grievance procedure rule as implemented within each agency or board. For these purposes, the individual holds the specific title of Client Rights Officer.
  - c. "Contract Agency" means that a public or private service provider with which a community mental health board enters into a contract for the delivery of mental health services. A board which is itself providing mental health service is subject to the same requirements and standards which are applicable to contract agencies, as specified in Rule 5122:2-1-05 of the Administrative Code.
  - d. "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 right.
  - e. "Mental Health Services" means any of the services, programs, or activities named and defined in Rule 5122:2-1-01 of the Administrative Code. Mental health services include both direct client services and community services.

Direct client services are listed and defined in paragraphs (D) (11) to (D) (15) of Rule 5122:2-1-01 of the Administrative Code.

3. Client Rights. In compliance with Ohio Administrative Code Section 5122:2-1-01 and 5101:2-5-13, the Council on Accreditation, and other oversight and credentialing bodies, each client receiving mental health services or any other agency services have all the following rights:
  - a. The right to be treated with consideration and respect for personal dignity, autonomy, and privacy;
  - b. The right to service in a humane setting, which is the least restrictive feasible as defined in the treatment plan;
  - c. The right to be informed of one's own condition, or proposed or current services, treatment of therapies, and of the alternatives;
  - d. The right to consent to or refuse any service upon full explanation of the expected consequences of such consent or refusal. A parent or legal guardian may consent to or refuse any service, treatment or therapy on behalf of a minor client;
  - e. The right to a current, written, individualized service plan that addressed one's own mental health, physical health, social and economic needs, and that specifies the provision of appropriate and adequate services, as available, either directly or by referral;
  - f. The right to active and informed participation in the establishment, periodic review and reassessment of the service plan;
  - g. The right to participate in any appropriate and available agency service, regardless of refusal of one or more other services unless there is a valid specific necessity which precludes and/or requires the client's participation in other services. This necessity shall be explained to the client and written in the client's current service plan;
  - h. The right to be informed of, and refuse any unusual or hazardous treatment procedures;
  - i. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, or photographs.
  - j. The right to confidentiality of communications and of all personally identifying information within the limitations and requirements for disclosure of various funding and/or certifying sources, state or federal statutes, unless release of information is specifically authorized by the client or parent or legal guardian of a minor client or court-appointed guardian of the person or an adult client in accordance with Rule 5122:2-3-11 of the Administrative Code.
  - k. The right to have access to one's own records, unless access to particular identified items of information is specifically restricted for that individual client for clear treatment reasons in the client's treatment plan or for confidentiality of adoptive placement. "Clear treatment reasons" shall be understood to mean only severe emotional damage to the client such that dangerous or self-injurious behavior is an imminent risk. The person restricting the information shall explain to the client and other persons authorized by the client the factual information about the individual client that necessitates the restriction. The restriction must be renewed at least annually to retain validity. Any person authorized by the client has unrestricted access to all information. Clients shall be informed in writing of agency policies and procedures for viewing or obtaining copies of personal records;

- l. The right to be informed in advance of the reason(s) for discontinuance of service provision, and to be involved in planning for the consequences of that event;
- m. The right to receive an explanation of the reasons for denial of service;
- n. The right not to be discriminated against in the provision of service on the basis of race, color, creed, sex, national origin, age, sexual orientation, physical and mental handicap, developmental disability; HIV infection, AIDS related complex or AIDS, TB, inability to pay;
- o. The right to know the cost of services;
- p. The right to be fully informed of the basic expectations for use of the organization's services;
- q. The right to be fully informed about the hours in which services are available;
- r. The right to be fully informed of the rules, behavioral expectations, and other factors that could result in discharge or termination;
- s. The right to be fully informed of all rights;
- t. The right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service;
- u. The right to freedom from unnecessary or excessive medication;
- v. The right to freedom from unnecessary restraint, seclusion, or violence (such as striking) against the client, prospective client, client family member or client's significant other from staff;
- w. The right to file a grievance; and
- x. The right to have oral and written instructions for filing a grievance.
- y. The right to request and receive information about program outcome and quality.

#### Client Rights - Procedure

- a. It is the responsibility of the Client Rights Officer to accept, investigate and oversee the process of any grievance filed by a client or other person or agency on behalf of the client (with their written consent). The CRO will assist the griever, at the griever's option.

The Client Rights Officer is:

Carolyn Craig  
 Quality Improvement Manager  
 922 West Riverview Avenue  
 Dayton, Ohio 45402-6424  
 (937) 223-7217  
 Monday-Friday, 8:30 a.m. to 5:00 p.m.

- b. All agency staff shall be familiar with the Client Rights Policy. All agency staff shall be trained in the Client Rights Policy at the time of their initial orientation. Staff will be expected to explain any and all aspects of the Client Rights Policy upon client request. There shall be evidence in each staff member's personnel file that she/he received a copy of the Client Rights Policy and has agreed to abide by it.
- c. Copies of the Client Rights Policy and the Grievance Procedure will be posted in all agency waiting rooms and on the agency website. Copies of the Client

Rights brochure will be given to all clients at the time of intake. Recipients of information and referral, consultation, mental health education, prevention and training services may receive a copy and explanation of the client rights policy upon request. Clients will sign the Consent for Treatment form attesting to the fact that staff has reviewed their rights with them.

- d. In case of emergency or crisis, staff will verbally review client rights with the client as pertain to the immediate situation. The client's verbal and written rights will be delayed until the emergency or crisis has passed.
- e. All documentation concerning client grievances will be kept confidential and in the sole possession of Client Rights Officer. The CRO will maintain records of written client grievances that include a copy of the grievance, documentation of the investigation and resolution of the grievance and a copy of the letter to the client reflecting the resolution of the grievance.
- f. Any allegation of staff neglect of abuse and the subsequent investigation will be reported by the Executive Director of COA and any other required oversight body within 24 hours by FAX and hard copy within 72 hours of the event.
- g. In situations involving child abuse or adult abuse, any notification required by law will be made to the appropriate authorities.

Approved:

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J. Elaine Jelly, MSW, LISW  
Executive Director

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Date

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