

# 700.001 CONSUMER RIGHTS & GRIEVANCE

Thursday, September 13, 2018 11:44 AM

<b>Prevention Awareness Support Services</b>	<b>Policy Number: 700.001</b>
309 W. High Street	<b>Adopted: 2009</b>
Suite A	<b>Revised: August 1, 2018</b> July 15, 2020
Lima, Ohio 45801	<b>OAC: 5122-26-06 (L)(7)(b)</b>

**APPROVED** \_\_\_\_\_

## **SUBJECT: CONSUMER RIGHTS & GRIEVANCE**

**POLICY:** The Prevention Awareness Support Services holds to the principle that all Persons coming into contact with staff or volunteers shall have the certain rights, and the ability to file grievance if they believe those rights have been violated. The consumer rights and grievances policy shall be shared with all staff and volunteers representing the Prevention Awareness Support Services to ensure understanding and competency. The rights and grievance policy will be available for public viewing in a prominent location at all times the business is open.

## **RIGHTS**

In accordance with Ohio Administrative Code and defined in the Administrative Code, each consumer has all of the following rights:

- (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, including 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 others;
- (8) The right to be informed and the right to 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 prohibit an agency 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 requirements for disclosure of client information under state and federal laws and regulations;

(11) The right to have access to one's own consumer record 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;

(12) 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;

(13) The right to be informed of the reason for denial of a service;

(14) The right not to be discriminated against for receiving services 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 prohibited by local, state or federal laws;

(15) The right to know the cost of services;

(16) The right to be verbally informed of all consumer rights, and to 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; and,

(21) The right to consult with an independent treatment specialist or legal counsel at one's own expense.

### **CONSUMER GRIEVANCES**

(1) The consumer grievance procedure shall have provisions for at least the following:

(2) Statement to whom the client is to give the grievance;

(3) Designation of a client advocate who will be available to assist a client in filing of a grievance, the client advocate shall have their name, title, location, hours of availability, and telephone number included with the posting of consumer rights as required by paragraph (D) of this rule;

(4) Requirement that the grievance must be put into writing; the grievance may be made verbally, and the consumer advocate shall be responsible for preparing a written text of the grievance;

(5) Requirement that the written grievance must be dated and signed by the consumer, the individual filing the grievance on behalf of the consumer, or have an attestation by the client advocate that the written grievance is a true and accurate representation of the consumer's grievance;

(6) Requirement that the grievance include, if available, the date, approximate time, description of the incident and names of individuals involved in the incident or situation being grieved;

(7) Statement that the program will make a resolution decision on the grievance within twenty business days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended must be documented in the grievance file and written notification given to the client;

(8) Statement that a consumer has the option to file a grievance with outside organizations, that include, but are not limited to, the following, with the mailing address and telephone numbers for each stated:

(a) Applicable board of alcohol, drug addiction, and mental health services;

(b) Ohio department of mental health and addiction services;

(c) Disability rights Ohio; or,

(d) U.S. department of health and human services, civil rights regional office in Chicago.

(9) Requirement that a written acknowledgment of receipt of the grievance be provided to each grievant. Such acknowledgment shall be provided within three business days from receipt of the grievance. The written acknowledgment shall include, but not be limited to, the following:

- (a) Date grievance was received;
- (b) Summary of grievance;
- (c) Overview of grievance investigation process;
- (d) Timetable for completion of investigation and notification of resolution; and,
- (e) Treatment provider contact name, address and telephone number.

## PROCEDURE:

All grievances must be written, dated and signed by the consumer or the person filing the grievance on behalf of the consumer and should include the date, approximate time, description of the incident and names of the individuals involved in the incident/situation, being grieved. Grievances should be given to Joann Rosengarten, Associate Director the consumer rights officer, or in the event the consumer rights officer is not on the premises, the grievance can be given to the PASS Director. They will assist you in filing a grievance upon your request. Within 21 calendar days of receiving the grievance, the program will make a resolution decision on the grievance. 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 consumer or persons filing grievances on the consumers behalf. Records of consumer grievances will be maintained for 2 years from date of resolution and include: a copy of the grievance, documentation reflecting the process used, resolution/remedy of the grievance and documentation, if applicable, of extending the time period for resolving the grievance beyond twenty-one calendar days.

Within three working days of receiving the grievance the program will provide the consumer with a written acknowledgment that includes: [i] the date the grievance was received, [ii] a summary of the grievance, [iii] an overview of the grievance investigation process, [iv] a timetable for completing the investigation and notification of the resolution, and [v] agency contact person's name, address and telephone number.

At any time consumer or persons filing grievances on the consumers behalf have a right to file a grievance, in addition to, or instead of, with any outside organization that include, but are not limited to the following:

Ohio Department of Mental Health  
Services Board  
and Addiction Services  
Counties  
30 East Broad Street  
36<sup>th</sup> floor  
Columbus, Ohio 43215

Mental Health & Recovery  
of Allen, Auglaize and Hardin  
529 South Elizabeth Street  
Lima, Ohio 45804  
419-222-5120

Ohio Legal Rights Service  
200 S. Civic Center Dr., Suite 300  
Columbus, Ohio 43215  
800-282-9181

Office for Civil Rights  
U.S. Dept. Health/Human Services  
233 N. Michigan Ave., Suite. 240  
Chicago, Ill. 60601

614-466-7264

Voice Phone (312) 886-2359  
TDD (312) 353-5693