



Clients' Rights and Grievances

Reference:

- Ohio Administrative Code Rule (OAC) 5122-26-18 Client Rights and Grievance Procedure
- Path's Client Right Officers are:
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OAC 5122-26-18 CLIENT RIGHTS AND GRIEVANCE PROCEDURE

- **CLIENT RIGHTS MUST BE POSTED IN A CONSPICUOUS LOCATION IN WHICH EVERYONE CAN ACCESS!**
- **A CLIENT MAY ASK FOR A COPY OF THEIR RIGHTS, THEY SHOULD BE PROVIDED TO THE CLIENT.**
- **CLIENTS MAY ASK FOR THEIR ADVOCATE (CLIENT RIGHTS OFFICER) TO FILE A COMPLAINT OR A GRIEVANCE.**

- (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 client 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 client 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.
- (F) Client rights - forensic evaluations.

Each client receiving a forensic evaluation service from a certified forensic center has these rights:

- (1) The right to be treated with consideration and respect for personal dignity;
- (2) The right to be evaluated in a physical environment affording as much privacy as feasible;
- (3) The right to service in a humane setting which is the least restrictive feasible if such setting is under the control of the forensic center;
- (4) The right to be informed of the purpose and procedures of the evaluation service;
- (5) The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal;
- (6) The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center;
- (7) The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recordings, televisions, movies, or photographs, or other audio and visual technology, unless ordered by the court, in which case the client must be informed of such technique. This right does not prohibit an agency from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms;
- (8) The right not to be discriminated against in the provision of service 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;
- (9) The right to be fully informed of all rights;
- (10) The right to exercise any and all rights without reprisal in any form;
- (11) The right to file a grievance; and,
- (12) The right to have oral and written instructions for filing a grievance including an explanation that the filing of a grievance is exclusively an administrative proceeding within the mental health system and will not affect or delay the outcome of the criminal charges.

(G) Client rights - driver intervention programs:

Each client participating in a driver intervention program has these 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 give informed consent to or to refuse any service;
- (4) The right to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others;
- (5) The right to be informed and the right to refuse any unusual or hazardous procedures;
- (6) 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;



- (7) 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;
- (8) The right to have access to one's own client record;
- (9) The right to be informed of the reason for terminating participation in a service;
- (10) The right to be informed of the reason for denial of a service;
- (11) 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;
- (12) The right to know the cost of services;
- (13) The right to be verbally informed of all client rights, and to receive a written copy upon request;
- (14) The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations;
- (15) The right to file a grievance;
- (16) The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested;
- (17) The right to be informed of one's own condition; and,
- (18) The right to consult with an independent treatment specialist or legal counsel at one's own expense.

CLIENT GRIEVANCE PROCEDURE:

- Step One: Consumer completes Grievance form provided by employee or through PATHIHC.COM and submits to the Operations Team. The Operations Team has 10 business days to investigate and respond in writing.
- Step Two: The Operations Team will attempt to resolve the issue. If The Operations Team resolution does not satisfactorily resolve the issue, the decision can be appealed in writing to the Clinical/Regional Director. The consumer is responsible for ensuring that the appeal is received by the Clinical/Regional Director within 10 business days of the Operations Team response. The Clinical/Regional Director is to receive a copy of the original grievance form completed and signed by the person served. The Clinical/Regional Director has 10 business days to respond in writing.
- Step Three: If the person served is dissatisfied the Clinical/Regional Director's decision a final appeal may be made to the CEO by submitting the grievance to the CEO. The Committee will hear the issue at the next regularly scheduled meeting.
- A person served filing a grievance against the Clinical/Regional Director may appeal to The Operations Team. The timeframes in Step One will apply.
- The person served has the right to contact respective licensing boards, and CARF at (888) 281-6531.
- Final decisions on grievances are not precedent setting or binding on future grievances unless they are officially stated as Company policy.
- **The agency will not allow any retaliation against any person who files a grievance.**
- An annual summary of grievances will be submitted by the Management Team to the CEO for determination of:



- trends, areas needing performance improvement, and actions to be taken.