

L & P Services, Inc.
Client Rights & Grievances
Mental Health

Procedures

Accountability: Client Rights Officer; President

Effective Date: 9-16-05

By: Brent Phipps, CEO

Revised: 3-3-2009

Purpose

To protect and ensure the rights of persons seeking or receiving mental health services by guaranteeing specific rights of clients, with procedures for responsive and impartial resolution for all grievances either from the client themselves or on behalf of the client by the guardian, next-of-kin, or special representative.

Definitions

1. Client- an individual applying for or receiving mental health services from a qualified person from this agency.
2. Client Rights Officer—the person designated by L & P Services, Inc. with responsibility for assuring compliance with the Client Rights and Grievance Procedure rule as implemented.
3. Grievance—a written complaint initiated, either verbally or in writing, by the client or any other person or agency on behalf of the client regarding denial or abuse of the client's rights.
4. Mental Health Services—any of the services, programs, or activities listed/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 paragraph (D) (1) to (D) (10) of Rule 5122:2-1-01. Community services are listed and defined in paragraph (D) (11) to (D) (15) of the same rule.

Client Rights

1. The right to be treated with kindness, consideration, and respect for personal dignity, autonomy, and privacy.
2. The right to receive service in a humane setting which is the least restrictive possible, as defined in the treatment plan.
3. The right to be told of one's own condition, of planned or present services, treatment or therapies, and of the alternative of requesting and evaluation by an independent professional.
4. The right to agree to or refuse any service, treatment, or therapy upon full explanation of the expected consequences.
5. The right to a current, written treatment plan that addresses one's own mental and physical health, social and economic needs, and that specifies the provision of appropriate and adequate services as available, either directly or indirectly.
6. The right to active and informed participation in the development, periodic review, and re-review of the treatment plan.
7. The right to freedom from unnecessary or excessive medication.
8. The right to freedom from unnecessary restraint or seclusion.
9. The right to participate in any appropriate and available Agency service regardless of refusal of one or more other services, treatment or therapies, or regardless of relapse from earlier treatment, unless there is a valid and specific necessity which precludes and/or requires the client's participation in the other services. This will be explained to the client and will be recorded in the client's treatment plan.
10. The right to be informed of, and to refuse, any unusual or hazardous treatment procedure.
11. The right to be told of and to refuse observation techniques such as one-way mirrors, tape-recording, television, movies, or photographs.
12. The right to request and have the opportunity to consult with independent treatment specialists or legal counsel at one's own expense.

13. The right to confidentiality of communications and of all personally identifying data within the limitations and requirements for disclosure of various and/or certifying sources, State or federal statutes, unless release of information is specifically authorized by the Client, parent, or legal guardian of a minor client or court appointed guardian of the person of an adult client in accordance with Rule 5122:2-3-11 of the Administrative Code.
14. The right to have access to one's own psychiatric, medical or other treatment records, unless access to particular identified items of information is specifically restricted for that individual client for clear treatment reasons, as cited in the service plan. "Clear Treatment Reasons" shall be understood to mean only severe emotional damage to the client and/or if dangerous or self-injurious actions are an imminent risk. This action must be explained in detail to the client and other persons authorized by the client. The restriction must be renewed at least annually to remain valid. Any person authorized by the client has unrestricted access to all information. Clients will be informed in writing of Agency policies and procedures for reviewing or obtaining copies of all personal records.
15. The right to be told in advance of the reason (s) for termination of services and to be involved in planning for the consequences of that event.
16. The right to receive an explanation of the reason for denial of service.
17. The right not to be discriminated against in the delivery of services on the basis of religion, race, color, creed, sex, national origin, age, lifestyle, sexual orientation, physical or mental handicap, developmental disability, or inability to pay.
18. The right to know the cost of the services.
19. The right to be fully informed of all rights.
20. The right to exercise any and all rights without reprisal in any form, including continued, uncompromised access to services.
21. The right to have oral and written instruction for filing a grievance.

Client Rights Procedure

L & P Services, Inc. will distribute to each applicant or client at the scheduled diagnostic evaluation, or following subsequent appointment, a copy of the Client Rights Policy & Procedure. If the client continues to receive services beyond one year, the client rights policy will be reviewed with the client by a staff person on an annual basis.

The Client Rights Officer is available upon request. It is the Client Rights Officer's responsibility to accept and oversee the processing of any and all grievances filed by a client or other person or agency on behalf of a client. The Client Rights Officer will also be available to explain any and all aspects of client rights and grievance procedures.

In a crisis or emergency situation, the Client Rights Officer shall advise the client of at least the immediate pertinent rights to consent to, or to refuse, the offered treatment and the consequences of that agreement or refusal. Under these circumstances, the written copy and full verbal explanation of the client's rights policy may be delayed to a subsequent meeting.

All clients or recipients of the type of mental health services specified as "Community Services" (Information and referral, consultation services, mental health education service, training) may have a copy and explanation of the client rights policy upon request.

A copy of the client rights policy will be distributed to each applicant or client and will be posted in a conspicuous location at each building operated by L & P Services, Inc.

All staff persons at the Board, including both administrative and support staff, will be familiarized with all specific client rights and grievance policies and procedures.

Grievance Procedure Purpose

To establish guidelines of the timely processing of client grievances as they pertain to the agency's Client Rights Policy.

Policy

It is the policy of L & P Services, Inc. to insure that the program participants have the right to file grievances concerning the services they receive while a program participant.

It shall further be the policy of L & P Services, Inc. Inc. to fully support the appointed Client Rights Officer to take all necessary steps to assure compliance with the following procedures:

1. All clients will receive a copy of the Client Rights Grievance procedure at intake. The procedure will be explained by a staff member and upon acceptance of the procedure will the sign the form to verify understanding of and receipt of the Client Grievance Procedure.
2. If a program participant has a grievance they shall be provided with a formal grievance form on which the nature of the complaint, all individuals involved, and the date(s) of the occurrences shall be documented. This form shall be signed and dated by the participant and submitted to the Client Rights Officer. This may be done verbally with the client; it is not mandated that the client complete a written form in order to file a grievance. *If the Client Rights Officer is away from the office for more than a one week period, the Client Rights Officer will designate another qualified agency staff person to serve in this capacity in their absence.*
3. The Client Rights Officer will provide assistance in filing the grievance, investigate the grievance on behalf of the griever, and will represent the griever at the hearing on the grievance at all levels, if requested to do so by the griever.
4. Upon receipt of the grievance, the Client Rights Officer shall collect pertinent information and document the information on the Client Rights Grievance Log. The Client Rights Officer shall serve as representative for the griever. If resolved at this time, a written statement of results will be given to the client and the procedure shall end. The Client Rights Officer will respond to the grievance within five (5) working days.
5. The Client Rights Officer will also present to the griever the option to initiate a complaint with any of several outside entities, if a satisfactory resolution cannot be reached at the Board level. Specifically, the Ohio Department of Mental Health, the Ohio Legal Rights Services, the U.S. Department of Health and Human Services and/or appropriate professional licensing or regulatory associations. The client's relevant addresses and telephone numbers, copies of the presenting grievances and resolutions to any or all of the above agencies, if requested to do so, in writing by the griever.

In the event that a grievance is filed against the Client Rights Officer, the client will then be assisted through the entire grievance procedure by the CEO. All written documents relating to the grievance itself will remain confidential at the administrative level and the resolution of the grievance will only be shared with the Client Rights Officer with permission of the client.

Client Rights Officer
Chuck Larrick
PO Box 4006
Marietta, OH 45750
(740) 376-0930
T.T.Y. 1-800-750-0750

Washington County Mental Health and Addiction Recovery Board, 344 Muskingum Drive, Marietta, OH 45750 Phone (740) 374-6990 Fax (740) 374-6927

Ohio Department of Human Services, Office of Civil Rights, Washington, D.C. (202) 727-5940

Ohio Department of Mental Health, 30 E. Broad Street, Columbus, OH 43215 (614) 466-2596

Ohio Legal Rights Service, 8 E. Long Street, Suite 500, Columbus, OH 43215 1-800-282-9181
TTY 1-800-858-3542

This agency shall keep records of grievances it receives, the subject of the grievances, the resolution of each and shall ensure the availability of these records for review by the Department of Mental Health upon request. The agency will also summarize annually its records to include the number of grievances received, types of grievances and resolution status for each.

At all times, the grievance process shall operate in accordance with Title VI. No person in the agency shall on the grounds of RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, OR HANDICAP be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the applicant received federal financial assistance.