



## **Southeastern Ohio Counseling Center**

### **Consumer Rights & Grievance Procedure**

#### **Consumer Rights**

1. The right to be treated with consideration and respect for personal dignity, autonomy and privacy. Freedom from abuse, financial or other exploitation, retaliation, humiliation or neglect.
2. The right to service in a humane setting which is the least restrictive feasible as defined in the treatment plan.
3. The right to be informed of one's own condition, of proposed or current services, treatment or therapies, and of the alternatives.
4. The right to consent to or refuse any service, treatment, or therapy 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. The consumer has informed consent or refusal or expression of choice regarding: service delivery, release of information, concurrent services, composition of the service delivery team and any involvement in research projects, if applicable.
5. The right to a current, written, individualized service plan that addresses 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.
6. The right to active and informed participation in the establishment, periodic review, and reassessment of the service 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 reasonable privacy and freedom from excessive intrusion by others.
10. The right to participate in any appropriate and available agency service, regardless of refusal of one or more other services, treatments, or therapies, or regardless of relapse from earlier treatment in that or another service, unless there is a valid and specific necessity which precludes and/or requires the consumer's participation in other services. This necessity shall be explained to the consumer and written in the consumer's current service plan.
11. The right to be informed of and refuse any unusual or hazardous treatment procedures.
12. The right to be advised of and to refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, photographs or other audio and visual technology. The 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.
13. The right to have the opportunity to consult with independent treatment specialists or legal counsel, at one's own expense.

14. The right to no conflict of interest. No agency employee may be a person's guardian if the person is currently receiving services from said facility.
15. 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 consumer or parent or legal guardian of a minor consumer or court-appointed guardian of the person of an adult consumer in accordance with rule 5122:2-3-11 of the Administrative Code.
16. 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 consumer for clear treatment reasons in the consumer's treatment plan. "Clear Treatment Reasons" shall be understood to mean only severe emotional damage to the consumer such that dangerous or self-injurious behavior is an imminent risk. The person restricting the information shall explain to the consumer and other persons authorized by the consumer the factual information about the individual consumer that necessitates the restriction. The restriction must be renewed at least annually to retain validity. Any person authorized by the consumer has unrestricted access to all information. Consumers shall be informed in writing of agency policies and procedures for viewing or obtaining copies of personal records.
17. The right to be informed in advance of the reason for discontinuance of service provision, and to be involved in planning for the consequences of that event.
18. The right to receive an explanation of the reasons for denial of service.
19. The right to request a new service provider for any reason.
20. The right to not be involved in research without prior signed consent and notification.
21. 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.
22. The right to know the cost of services.
23. The right to be fully informed of all consumer rights and to receive a written copy upon request.
24. The right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service.
25. The right to file a grievance.
26. The right to have oral and written instructions for filing a grievance.

## **Grievance Procedure**

The following individuals may use this procedure:

- Any consumer, legal guardian or personnel who feel their rights have been violated or believes they haven't received proper treatment.
- Any individual who feels they have been discriminated against because of race, gender, sexual orientation, color, national origin, religion, sex, age, or handicap.

The procedure is as follows:

A. Southeastern Ohio Counseling Center (SOCC) assures in the community plan that the grievance procedure will be followed as written and approved.

1. The Consumers Rights Officer (CRO) will provide assistance in filing the grievance, if needed, and will represent the griever at the Chief Executive Officer (CEO)/Chief Operating Officer (COO) hearing on the grievance at all levels, if requested to do so by the griever. There is prompt accessibility to the CRO. An investigation will be done on behalf of the griever. CRO will represent the griever at the agency hearing, if desired by the griever. Grievance procedure is posted and copies are distributed upon request. Employees are required to immediately advise any consumer regarding CRO and the right to file a grievance. The CRO will assure compliance with grievance procedures at all times. If the grievance is against the CRO then the grievance will be submitted to the CEO.
2. An explanation of the grievance process from the original filing to the final resolution (which shall include reasonable opportunity for the griever and/or his designated representative to be heard by an impartial decision-maker) is a responsibility of the CRO or the CEO/COO.
  - When an individual first takes his or her grievance to the CRO, the officer will advise him or her of the following rights:
    - Their right to file a grievance with the Ohio Civil Rights Commission and The Equal Opportunity Commission within 100 days of the alleged act.
    - His or her right to file a grievance with the U.S. Health and Human Services Department and the Office of Civil Rights within 180 days of the grievance.
3. Each grievance filed will receive resolution within a 14 working day time limit from the date of filing the grievance.
4. Each consumer griever and/or his designated representative will be allowed a reasonable period of time of 90 days to file a grievance from the date the grievance occurred.
5. The CRO will provide written notification and a verbal explanation of the grievance resolution to the consumer, or to the griever if other than the consumer, with the consumer's permission.
6. SOCC's CRO will also present to the griever the option to initiate a complaint with any or all of several outside entities, if a satisfactory resolution cannot be reached at the

CEO/COO level. Specifically, the Ohio Department of Mental Health, the Ohio Legal Rights Service, the US Department of Health and Human Services and appropriate professional licensing or regulatory associations. The CRO will also provide relevant addresses, telephone numbers and copies of the presenting grievances and resolution to any or all of the above agencies if requested to do so in writing by the griever.

7. The complaint/grievance will not result in retaliation or barriers to services.
  8. There is a current list of outside entities to grieve to and this will be provided upon request.
- B. SOCC will keep records of all grievances it receives, the subject of the grievances, and the resolution of each, and shall ensure the availability of these records for review by the Department of Mental Health upon request. SOCC will also summarize annually its records to include the number of grievances received, types of grievances and resolution status of each. Annual summary report to the Board including number of grievances received, type of grievance and resolution will be completed. Any substantive changes will be submitted for approval by the Board.