

## **- CLIENT/CONSUMER RIGHTS & GRIEVANCE PROCEDURE / CLIENT/CONSUMER RESPONSIBILITIES -**

### **PURPOSE:**

To establish a system to inform clients/consumers of their rights and responsibilities.

1. To ensure staff awareness of Client/Consumer Rights and responsibilities.
2. To ensure that all services are delivered consistent with Client/Consumer Rights and Responsibilities.
3. To establish a process for clients/consumers to formally file and address grievances against the organization.

### **POLICY:**

Harbor will advise all clients/consumers and workforce members of its Client/Consumer Rights and Grievance Procedure/Client/Consumer Responsibilities Policy and will ensure that all services are delivered consistent with clients'/consumers' rights. Clients/Consumers will be advised of the grievance procedure and their right to file a grievance against the organization. All grievances will be processed timely with a letter of resolution to the client/consumer.

A designated Harbor workforce member will serve as Harbor's Client /Consumer Rights Officer. This person will be responsible for processing grievances. The Client/Consumer Rights Officer will receive full support to take all steps necessary to implement and maintain Harbor's Client/Consumer Rights and Client/Consumer Grievance Procedures. There will also be back up Client/Consumer Rights Officers trained to perform the duties of the Client/Consumer Rights Officer should she or he be unavailable (i.e. vacation etc.).

Records of written grievances will be maintained for three (3) years. Records will include: (1) a copy of the grievance, (2) documentation of the process used and grievance resolution, (3) copy of the acknowledgement letter, if applicable, (4) a copy of the resolution letter and, (5) documentation of extenuating circumstances for extending the time period for resolution beyond twenty (20) calendar days, if applicable.

#### ACCOUNTABILITY:

All Workforce Members

#### DEFINITIONS:

Grievance: A formal request, initiated either verbally or in writing, by a client, ex-client or any other person or provider on behalf of a client for further review of an unresolved, written complaint or a complaint containing allegations regarding the denial, exercise or violation of any client's rights.

Complaint: A formal request, initiated either verbally or in writing, by a client, ex-client or any other person or provider on behalf of a client for further review of a complaint that does not contain allegations regarding the denial, exercise or violation of any client's rights.

#### PROCEDURE:

1. At admission or intake, Harbor's Policy on Client/Consumer Rights and Grievance Procedure/Client/Consumer Responsibilities will be explained to each client/consumer in a way that is understandable and clients/consumers will be offered/given a copy. In case of emergency or crisis, clients/consumers will be verbally informed of their immediate pertinent rights, such as the right to consent to or refuse the offered treatment/service and consequences of the agreement or refusal. Provision of a copy of the Policy on Client/Consumer Rights and Grievance Procedure/Client/Consumer Responsibilities may be delayed to a subsequent appointment.
2. Clients/Consumers or recipients of the type of mental health services specified as "community services" such as information and referral, consultation service, mental health education service, training service, may have a copy and explanation of the clients/consumers rights policy upon request.
3. The Client/Consumer Rights Policy/Client/Consumer Rights Statement and Client/Consumer Grievance Procedure/Client/Consumer Responsibilities will be posted in the waiting room or in a place conspicuous to clients or will be maintained in a manual readily accessible to clients/consumers at each Harbor site.

At the intake appointment clients/consumers receiving community employment services will receive a copy of the Program's Consumer's Guide which includes a list of Consumer Rights. The Consumer Rights and other information in the Guide will be reviewed with each consumer.

4. Clients/consumers, who are served in a program for longer than one year, will be informed of their rights annually.
5. Workforce members must be familiar with the Client/Consumer Rights Policy and Grievance Procedure/ Client/Consumer Responsibilities and upon request be able to explain any and all aspects of client/consumer rights and the grievance procedures including the name and availability of the client/consumer rights officer and the griever's right to file a grievance. Workforce members including contract staff, volunteers and student interns will have received a copy of the Client/Consumer Rights and Grievance Procedure and have agreed to abide by them. Documentation will be maintained in their personnel file.
6. The Client/Consumer Rights Officer or back-up Client/Consumer Rights Officer will acknowledge each grievance via telephone or electronically (if the grievance is filed electronically) in a timely manner. Written acknowledgement will be provided within three business days from receipt of the grievance. The acknowledgement will include: 1) the date the grievance was received, 2) a summary of the grievance, 3) an overview of the grievance investigation process, 4) timetable for completion of investigation and notification of resolution, and 5) name of the Client/Consumer Rights Officer and his/her address and telephone number. The Client Rights Officer will attempt to bring an early resolution to the grievance within twenty (20) calendar days from the date of receipt or sooner. The Client/Consumer Rights Officer will provide a written summary to the client or third party filing the grievance on the client's behalf (with the client's permission) of the resolution once it has been established. If the complaint is not resolved within twenty (20) business days, the griever will be notified in writing of the extenuating circumstances surrounding the delay. Documentation of written notification and complaint summary/resolution letter will be maintained by the Quality Improvement Department for at least three years from the date of resolution.
7. If restrictions are placed on a client's/consumer's rights or privileges, to promote maximum integration and inclusion of the client/consumer, Harbor will regularly evaluate the restrictions. In such circumstances, it will be explained to the client/consumer in such a manner that he/she fully understands the purpose or benefit of such restrictions and the methods required to reinstate such restrictions or privileges.
8. Managers/Supervisors will educate new employees regarding Harbor's Client/Consumer Rights and Grievance Procedure/Client Responsibilities Policy during orientation and regular supervision.

9. The Client/Consumer Rights Officer will create and update, as applicable, an electronic training regarding client/consumer rights and responsibilities and workforce members' responsibilities. All workforce members will be required to complete this training upon hire, contractual agreement, volunteer services agreement, as applicable and document the completion of this training in the Learning Management System . The Client/Consumer Rights Officer will also be available during normal business hours to answer any staff questions and provide additional training regarding client/consumer rights, as needed.
10. The Client /Consumer Rights Officer will assure the keeping of records of grievances received, the subject matter of the grievances, and the resolution of the grievances, and will prepare an annual summary for review by agency governance in accordance with rule 5122-26-03 of the Administrative Code. The annual summary will include the number of grievances received, type of grievances, resolution status of grievances, trends developed over time, actions or follow-up to be taken, and areas needing performance improvement. Upon request, agency records on grievance activity, as appropriate, will be available for review by the Lucas County Mental Health and Recovery Services Board, the Wood County Alcohol, Drug Addiction, and Mental Health Services Board, the Ohio Department of Mental Health and Addiction Services and the Commission on Accreditation of Rehabilitation Facilities.
11. Workforce members are expected to ensure the protection of Client/Consumer Rights. Failure to do so will result in appropriate discipline.

**Client/Consumer Grievance Procedure:**

1. To begin the grievance process, you may advise any Harbor personnel, verbally or in writing that you wish to complain about some problem with the organization's treatment of you. This complaint may include, but is not limited to:
  - a) Denial of services
  - b) Abuse and/or neglect
  - c) Inadequacy of services
  - d) Payment of fees
  - e) Discrimination in the provisions of services
  - f) Any other complaint regarding the manner in which services are offered or delivered
2. The grievance must be in writing. Grievance forms are available at each front desk and online at ([www.harbor.org](http://www.harbor.org)). You may submit a completed grievance form or submit grievance information to any employee at any service site. You may also call and request the Clients/Consumer Rights Officer to file a grievance. The grievance may be written by the person making the complaint, by a staff member on your behalf, or by the Client/Consumer Rights Officer on your behalf.
  - a) If you receive services at any Harbor location you can reach the Clients/Consumer Rights Officer by calling 419-517-1758; Ext. 1568 and asking for this individual.
3. You may initiate a grievance within any reasonable time period from the date the grievance occurred.
4. The Client/Consumer Rights Officer for Harbor is available Monday through Friday from 8:30 a.m. to 4:30 p.m. The Client/Consumer Rights Officer's contact information is attached, see Attachment D. If the Client/Consumer Rights Officer is not available at the time of your call, please leave a voice mail message and your call will be returned promptly.
5. A grievance must be dated and signed by the griever or by the person filing on behalf of the client/consumer. The grievance should include: date, approximate time, description of the incident in detail and names of individuals involved in the incident/situation being grieved.
6. Grievances may not be made anonymously, but grievances can be submitted confidentially to the Client/Consumer Rights Officer via postal mail or voicemail. The Client/Consumer Rights Officer will keep submissions and subsequent investigations confidential upon request.
7. The Client/Consumer Rights Officer assists clients/consumers in exercising their rights, investigates grievances on behalf of the client/consumer, provides agency

representation for the grievor at the agency hearing on the grievance if desired by the grievor, and monitors the organization's implementation of the state administrative code and regulations concerning client/consumer rights. If the grievor requests an agency hearing, the Client/Consumer Rights Officer will schedule a hearing with the appropriate department manager, the Senior Vice President, Quality Improvement, Government Relations & Training, the Client/Consumer Rights Officer, and the staff member the grievance is about, if appropriate. The Client/Consumer Rights Officer is responsible for explaining the grievance process from the original filing of the grievance to the final resolution which includes reasonable opportunity for the grievor and/or the grievor's designated representative to be heard by an impartial decision-maker.

The Client/Consumer Rights Officer or back-up Client/Consumer Rights Officer will acknowledge your grievance in a timely manner via telephone or electronically (if the grievance is filed electronically) and/or in writing, as required by law.

8. You have the right to assistance with filing a grievance from the Client/Consumer Rights Officer. If the Client/Consumer Rights Officer is providing direct service to you in another capacity, if you wish to file a grievance against the Client/Consumer Rights Officer, or you wish assistance from a different advocate, you may request or Harbor will appoint someone else to assist you. If you wish to file a grievance against the Chief Executive Officer (CEO), you may contact the Senior Vice President, Quality Improvement, Government Relations & Training at 419-517-1758 Ext 2242. This individual will investigate grievances filed against the CEO and may request assistance from members of the agency's Quality Care Council. The Senior Vice President, Quality Improvement, will advise and keep the President of Harbor's Board of Directors, apprised of the process and resolution or outcome of the grievance. Additionally, you may contact the University of Toledo College of Law Legal Clinic, 2801 W. Bancroft Avenue, Toledo, Ohio 43606, 419.530.4236; and/or Advocates for Basic Legal Equality (ABLE), 525 Jefferson Avenue, Suite 300, Toledo, Ohio 43604, 419.255.0814. You may obtain private legal counsel at your own expense.
9. The Client/Consumer Rights Officer will attempt to bring about an early resolution to your complaint within twenty (20) business days from the date of receipt or sooner. The Client/Consumer Rights Officer will provide a written summary to you of the resolution once it has been established. If the complaint is not resolved within twenty (20) business days, you will be notified in writing of the extenuating circumstances surrounding the delay. Documentation of this written notification and summary/letter of resolution will be maintained by the Quality Improvement Department for at least three years from the date of summary/resolution.
10. If the complaint is not resolved during the grievance process or if you prefer, you have the right to initiate a grievance outside the organization. You may contact:

<ul style="list-style-type: none"> <li>• <u>Lucas County Mental Health &amp; Recovery Services Board</u> 701 Adams St., Suite 800 Toledo, Ohio 43604 (419) 213.4600</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Wood County Alcohol, Drug Addiction &amp; Mental Health Services Board</u> 745 Haskins Road, Suite H Bowling Green, OH 43402 (419) 352-8475</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Ohio Department of Mental Health and Addiction Services</u> 30 East Broad Street, 36<sup>th</sup> Floor Columbus, Ohio 43215-3430 (614) 466.2596</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Disability Rights Ohio</u> 200 Civic Center Drive, Suite 300 Columbus, OH 43215 (614) 466-7264 or (800) 282-9181</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Ohio Legal Rights Service</u> 50 W. Broad Street, Suite 1400 Columbus, Ohio 43215-5923 (614) 466.7264 or (800) 282.9181</li> </ul>
<ul style="list-style-type: none"> <li>• <u>U.S. Dept. of Health &amp; Human Services Office for Civil Rights-Region 5</u> 233 N. Michigan Ave., Suite 240 Chicago, IL 60601 (312) 886.2359</li> </ul>
<ul style="list-style-type: none"> <li>• <u>State Board of Psychology of Ohio</u> 77 S. High Street Suite 1830 Columbus, OH 43215-6108 (614) 466.8808 Toll Free (877) 779.7446</li> </ul>
<ul style="list-style-type: none"> <li>• <u>State Medical Board of Ohio</u> 30 E. Broad Street, 3rd Floor Columbus, Ohio 43215-6127 (614) 466.3934</li> </ul>
<ul style="list-style-type: none"> <li>• <u>State of Ohio Board of Nursing</u> 17 South High Street Suite 400 Columbus, Ohio 43215-7410 (614) 466.3947</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Ohio Counselor, Social Worker, and Marriage and Family Therapist Board</u> 50 West Broad Street, Suite 1075 Columbus, Ohio 43215-5919 (614) 466.0912</li> </ul>



<ul style="list-style-type: none"><li>• <u>Ohio Dept. of Developmental Disabilities</u> 30 E. Broad Street, 12<sup>th</sup> Floor Columbus, Ohio 43215-3434 (614) 466.2201</li></ul>
<ul style="list-style-type: none"><li>• <u>State Long-Term Care Facilities Ombudsperson</u> 246 N. High Street, First Floor Columbus, OH 43215-2406 (800) 282-1206</li></ul>
<ul style="list-style-type: none"><li>• <u>Regional Ombudsperson</u> Crecia Decker 525 Jefferson Avenue, Suite 300 Toledo, OH 43604 (419) 259-2891 Direct Line: (419) 930-2524</li></ul>

If you choose to initiate a complaint with one or several of these outside agencies, Harbor will provide the agency(s), to which you have initiated the complaint, with all relevant information about the grievance.

11. Harbor ensures that no retaliation or barriers to service will be tolerated in response to a grievance filed by a client/consumer or third party. If you have any concerns about client/consumer care/services and safety that have not been addressed, you are encouraged to contact an agency manager.
12. Harbor is always interested in receiving comments and suggestions regarding its services. Even if you do not have a complaint, we invite you to write or call with suggestions or comments regarding our services.



## **CLIENT/CONSUMER RIGHTS**

### **Commission on Accreditation of Rehabilitation Facilities (CARF)**

1. You have the right of confidentiality of information.
2. You have the right to privacy.
3. You have the right to freedom of abuse, financial or other exploitation, retaliation, humiliation, and neglect.
4. You have the right to access pertinent information to you in sufficient time to facilitate decision-making.
5. You have the right to access your own record.
6. You have the right to informed consent or refusal or expression of choice regarding service delivery, release of information, concurrent services, composition of the service delivery team, and involvement in research projects, if applicable.
7. You have the right to access or referral to legal entities for appropriate representation, self-help support services, and advocacy support services.
8. You have the right to adherence to research guidelines and ethics when you are involved, if applicable.
9. You have the right to an investigation and resolution if there is an alleged infringement of your rights.
10. You have the right of other legal rights.
11. You have the right to formally file a complaint that will not result in retaliation or barriers to services. Efforts will be made to resolve the complaint in an adequate time frame that allows for prompt consideration by you.

**Resident Rights**  
**(Applicable to residents in Class 2 Licensed Residential Facilities only)**

Each resident has all of the following rights:

1. The right to be verbally informed of all resident rights in language and terms appropriate for the resident's understanding, prior to or at the time of residency, absent a crisis or emergency.
2. The right to request a written copy of all resident rights and the grievance procedure.
3. The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations.
4. The right to file a grievance.
5. The right to be treated at all times with courtesy and respect, and with consideration for personal dignity, autonomy and privacy.
6. The right to receive services in the least restrictive, feasible environment.
7. The right to receive humane services in a clean, safe, comfortable, welcoming, stable and supportive environment.
8. The right to reasonable protection from physical, sexual and emotional abuse, neglect, and exploitation.
9. The right to freedom from unnecessary or excessive medication and the right to decline medication.
10. The right to be free from restraint or seclusion.
11. 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 a facility from using closed-circuit monitoring to observe areas in the facility other than bathrooms or sleeping areas, or other areas where privacy is reasonably expected.

12. The right to confidentiality of communications and personal identifying information within the limitations and requirements for disclosure of resident information under state and federal laws and regulations.
13. The right to have access to one's own record.
14. The right to be informed of one's own condition.
15. The right not to be discriminated against on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental disability, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws.
16. The right to practice a religion of his or her choice or to abstain from the practice of religion.
17. The right to visit the facility alone or with individuals of the prospective resident's choosing.
18. The right to be informed in writing of the rates charged by the facility as well as any additional charges, and to receive thirty days' notice in writing of any change in the rates and charges.
19. The right to continued residency unless the facility is no longer able to meet the resident's care needs, the resident presents a documented danger to other residents, staff or visitors, or the monthly charges have not been paid for more than thirty days.
20. The right to receive thirty days prior written notice for termination of residency except in an emergency when the resident presents a documented danger to other residents, staff or visitors.
21. The right not to be locked out of the facility at any time.
22. The right not to be locked in the facility at any time for any reason.
23. The right to consent to or refuse services in a class two facility, or if the resident has a legal custodian, the right to have the legal custodian make decisions about services for the resident.
24. The right to consult with an independent treatment specialist or legal counsel at one's own expense.

25. The right to communicate freely with and be visited at reasonable times by private counsel and, unless prior court restriction has been obtained, to communicate freely with and be visited at reasonable times by a personal physician, psychologist or other health care providers, except that employees of a board, a provider, personnel of the Ohio protection and advocacy system, or representatives of the state long-term-ombudsman program may visit at any time when permitted by the Revised Code.

The right to communicate includes receiving written communications, which may be opened and inspected by facility staff in the presence of the resident recipient so long as the communication is then not read by the staff and given immediately to the resident.

26. The right to meet with staff from the Ohio department of mental health and addiction services in private.

27. The right not to be deprived of any legal rights solely by reason of residence in the facility.

28. The right to personal property and possessions:

- a. The right of an adult resident to retain personal property and possessions.
- b. The right of a child resident to personal property and possessions in accordance with one's health and safety considerations, and developmental age, and as permitted by his/her parent or guardian.

29. The right of an adult resident to manage his/her own financial affairs, and to possess a reasonable sum of money.

30. The right to use the common areas of the facility.

- a. Adult residents shall have right of access to common areas at all times.
- b. Children and adolescent residents shall have the right of access to common areas during routine non-sleeping hours in accordance with facility expectations, e.g. school attendance, homework, implementation of natural and logical consequences, etc.

31. The right to engage in or refrain from engaging in activities:

- a. The right of an adult to engage in or refrain from engaging in cultural, social or community activities of the resident's own choosing in the facility and in the community.
- b. The right of a child or adolescent to access cultural and social activities.

32. The right to meet or communicate with family or guardians, and visitors and guests:

(a) The right of an adult:

1. To reasonable privacy and the freedom to meet with visitors and guests at reasonable hours.
2. To make and/or receive confidential phone calls, including free local calls.
3. To write or receive uncensored, unopened correspondence subject to the facility's rules regarding contraband.

(b) The right of a minor:

1. To visitors and to communicate with family, guardian, custodian, friends and significant others outside the facility in accordance with instructions from the minor's parent or legal guardian.
2. To write or receive mail subject to the facility's rules regarding contraband and directives from the parent or legal guardian, when such rules and directives do not conflict with federal postal regulations.

33. The right to be free from conflicts of interest; no residential facility employee may be a resident's guardian, custodian, or representative.

## **CLIENT/CONSUMER RESPONSIBILITIES**

Our workforce members encourage you to be an active participant in your care/services. To ensure that you partner with us in your treatment/service to the fullest extent possible, we would like you to be familiar with your responsibilities as a client/consumer or the responsible party for a client/consumer. Should you have questions about your responsibilities, please advise your clinician/service provider or any member of our staff.

### **Client Responsibilities:**

It is the client's/consumer's, or as appropriate, the client's/consumer's parent, legal guardian or authorized representative's responsibility to:

1. Provide to the best of his/her knowledge, accurate, and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters relating to the client's/consumer's well being, behavioral and physical health to assist with accurate diagnosis and appropriate treatment/services. Report perceived risks in your (the client's/consumer's) care/services and unexpected changes in your (the client's/consumer's) condition.
2. Ask questions if you do not understand your (the client's/consumer's) care, treatment, and service or what you are expected to do.
3. Be an active participant in development of your (the client's/consumer's) Individual Service Plan, follow the treatment plan developed, and express any concerns about your ability to follow the treatment plan. Follow all medically-appropriate physician orders and prescriptions.
4. Accept consequences for treatment/service outcomes if you do not follow the treatment plan.
5. Become knowledgeable of the system to access medical care and supportive services, if applicable.
6. Show respect and consideration of Harbor's staff/workforce members and property as well as other clients/consumers and their property, and follow agency rules, procedures and guidelines. Inappropriate behavior on the grounds or inside Harbor facilities including disrespect for staff/workforce members, use of profanity, destruction of property, and other at risk behaviors may be grounds for termination of services.
7. Become informed about your (the client's/consumer's) insurance plan including benefits available. Ensure that you are scheduled with a provider in your (the



client's/consumer's) insurance network and obtain the necessary referral, authorization and coordination of benefit information.

8. Supply Harbor with true and accurate insurance information and notify us of any changes and/or termination of insurances and benefits.
9. Promptly meet any financial obligation agreed to with Harbor, including charges that are not paid for by your (the client's/consumer's) insurance or not paid in full by your insurance.
10. Keep all scheduled appointments, be on time for scheduled appointments, and notify us when unable to keep a scheduled appointment. Notification of the need to cancel an appointment must be made at least 24 hours in advance of the appointment time. (There may be a charge of up to \$35 for appointments missed without 24-hour advance notice.)





## **CLIENT/CONSUMER RIGHTS OFFICER CONTACT INFORMATION**

The Client/Consumer Rights Officer is:

**LaTosha Gullatt  
6629 West Central Avenue  
Toledo, OH 43617**

**(419) 517-1758 Extension 1568**

Ms. Gullatt can be reached Monday - Friday from 8:30 AM – 4:30 PM.

Please contact Ms. Gullatt if you are dissatisfied with your services and wish to file a complaint.