

The Grievance Process in Ohio's Public Mental Health System

*An Overview of the Grievance Process
and How It Works*

RESOLUTION
RECOVERY

June 2007



This booklet was developed to help consumers understand how to have their concerns and complaints heard. In Ohio's mental health system, concerns or complaints are addressed through the Grievance Process.

The Grievance
Process
supports
Recovery
and
assures clients
are heard.

RESOLUTION RECOVERY

Recovery



is an interpersonal dynamic process of embracing hope, defining oneself, and participating in meaningful roles in community.

Ohio Legal Rights Service
PAIMI Advisory Council
May 15, 2002

The term “grievance” is used in many settings.

Schools, work sites, hospitals, state government, professional sports, and private industry all use the term “grievance.”

- **Unions** file a grievance for one of their members about unsafe working conditions.
- **State government** employees file grievances to bring workplace concerns to supervisors.
- The **Baseball Players’ Association** files a grievance for a player who was fined.
- **Teachers** file grievances to resolve an employment issue.
- **Clients receiving mental health services** file grievances regarding services they receive or violations of their rights.
- **College students** file grievances about alleged discrimination.
- **Customers** file grievances or complaints with the store manager or the Better Business Bureau.
- **People with disabilities** file grievances related to the ADA with the Office of Civil Rights.

A grievance is a way to say you are not satisfied.

Other terms that reflect you are not satisfied are:

■ ***Complaint*** •.....

■ ***Criticism*** •.....

■ ***Objection*** •.....

■ ***Gripe*** •.....

■ ***Injustice*** •.....

■ ***Wrong*** •.....

■ ***Bad treatment*** •.....

■ ***Discrimination*** •.....

■ ***Unfairness*** •.....

Examples of dissatisfaction that may lead to filing a grievance in the mental health system:

Other terms that reflect you are not satisfied are:

- ▶ **Complaint** “My case manager doesn’t ever show up when he says he will.”
- ▶ **Criticism** “The organization does not hire staff who share or value my cultural heritage.”
- ▶ **Objection** “I object to having to sit through the chapel service.”
- ▶ **Gripe** “There is no soda machine in the waiting room.”
- ▶ **Injustice** “Staff won’t let me call my attorney.”
- ▶ **Wrong** “If I don’t make my bed, they will not let me go shopping!”
- ▶ **Bad treatment** “The staff member was rude and called me racist names.”
- ▶ **Discrimination** “Services were denied because my therapist does not understand my language.”
- ▶ **Unfairness** “The telephone policy at this facility does not give me enough time to talk to all my kids.”

In the mental health system, concerns may be addressed either informally or formally.

Informal

People receiving public mental health services have the right to informally discuss their concerns and complaints.

Sometimes, letting a staff member or a Client Rights Officer know you are unhappy can result in changes you want.

Many complaints are resolved using the informal process.

Formal

People receiving public mental health services have the right to have their concerns and complaints heard formally through the written Grievance Process.

They also have the right to have oral and written instructions for filing a grievance.

Every mental health provider must have a person whose job it is to help you file a grievance.

This booklet addresses the **formal Grievance Process.**

Agencies, hospitals, and facilities must have a Grievance Process to address client complaints.

According to Ohio law, these service providers **must** do the following:

- **Post** the Grievance Procedure in a place where it is easily seen and make copies available to clients, when requested.
- **Identify** the name of the person who is designated to assist individuals with the Grievance Process.
- **List** the location, hours of availability, and telephone number of the person who is to assist the individual with the Grievance Process.
- **Assure** that the Grievance Process is fully explained to the client.
- **Require** that their grievance policy says how many days until a grievance is resolved.
- **Assure** that the individual will receive a written response from the provider. The written response must be in a language they understand.
- **Arrange** to have your grievance reviewed by someone who is not directly involved (impartial decision maker).

The Grievance is an important right for people receiving mental health services.

The Grievance is an opportunity to:

- **assure** individual voices are heard.
- **empower** individuals receiving services to become self-advocates.
- **protect** and support recovery and resiliency.
- **assure** individual concerns and complaints are addressed.
- **provide** input to make the system better for everyone.

**“Part of your Recovery
is to advocate for your Rights.”**

Participant at the 2006 ACE Forums

When you have a concern about your rights, services or treatment, you may:

- **discuss** your complaint with a staff member you feel comfortable with in an attempt to resolve the issue,

or

- **file** a written grievance,

or

- **contact** other advocates for assistance (listed later in this booklet on pages 16),

or

- **pursue** mediation (alternative third-party advocacy).

OPTIONS

A grievance can be filed by:

the individual receiving mental health services



by an agency on behalf of the individual



by any other person.

When filing a written grievance, be clear.

Be specific about what you are not satisfied with.

For example:

- “On January 18, 2006, around 2:45 pm, my case manager called me a name and slammed the car door in my face.”
- “On the morning of April 1, 2006 at group, staff made me sit in a seat where I could not see my interpreter.”

Be clear about what you consider to be an acceptable solution. For example:

- “I would like to have a new case manager.”
- “I want to be able to sit in a location where I can best see the interpreter.”

To help organize your thoughts and to help you write a clear grievance, include:

- **who:** who was involved - - names of staff and others
- **what:** what happened - - be very clear and provide details
- **when:** when did it happen - - provide date and time
- **where:** where did it happen - - identify a location
- **why:** why am I not satisfied - - state why you are complaining
- **want:** what I want - - write what you want changed

Sign and date the letter or form and provide your address and phone number.

Make a copy for your records.

Give your grievance to the Client Rights Officer or Advocate or any staff member.

If you need help writing the grievance, contact the Client Rights Officer or Advocate or one of the agencies listed on page 16. They will be able to explain the process to you and assist you.

When you fill out a grievance or appeal, the agency should not:

- make you feel bad
- punish you
- threaten you
- keep you from filing a grievance
- take away any of your services
- take away any of your rights

The decision about your grievance is called a
RESOLUTION.

RESOLUTION

You may or may not be satisfied
with the decision or answer.

If you are not satisfied with the answer to your grievance, you can appeal.

An appeal is a request for a review of the answer.

■ To appeal an agency's answer to your grievance, contact:

County Mental Health Board

To find your County Board, call 614-224-1111,
or see <http://www.oacbha.org/Directory/Index2.htm>

- (1) Ask for the Client Rights Officer (CRO) at the Mental Health Board.
- (2) Tell the CRO that you want to file an appeal on the agency's answer to your grievance.
- (3) If you are not satisfied with the County Mental Health Board's response, you can appeal their decision to ODMH. (See contact information below.)

■ To appeal a grievance from a hospital, contact:

Ohio Department of Mental Health (ODMH)

Consumer Advocacy and Protection (CAP)

Call toll free 877-275-6364 (for consumers & families),
or 614-466-2596 (ODMH main telephone number),
or TTY 614-752-9696

or see <http://www.mh.state.oh.us/>

- (1) Ask to speak with CAP at ODMH.
- (2) Tell them you want to file an appeal on the hospital's answer to your grievance.

If you need assistance at any time during the grievance or appeal process, you may contact the agencies listed on page 16 of this booklet.

Places where you can get help or information about the Grievance Process:

For agencies with no TTY/TDD number listed,
call the Ohio Relay Service TTY at 711 or 800-750-0750.

- Ohio Advocates for Mental Health (OAMH)
Call toll free 800-589-2603
or see <http://www.ohioadvocates.org/>

- CSD of Ohio (also known as Communication Service
for the Deaf, Inc.)
Call toll free 877-781-6670 (both voice and TTY)
or see <http://www.c-s-d.org/>

- Multiethnic Advocates for Cultural Competence (MACC)
Call 614-221-7841
or see <http://maccinc.net/>

- National Alliance on Mental Illness (NAMI-Ohio)
Call toll free 800-686-2646
or see <http://www.namiohio.org/>

- Mental Health America (formerly Mental Health Associations)
To find your local MHA, call toll free 800-969-6642
or see <http://www.nmha.org/affiliates/directory/>

- Ohio Legal Rights Service (OLRS)
Call toll free 800-282-9181 / TTY 800-858-3542
or see <http://olrs.ohio.gov>

- County Mental Health Board
To find your County Board, call 614-224-1111
or see <http://www.oacbha.org/Directory/Index2.htm>

- Ohio Department of Mental Health (ODMH)
Consumer Advocacy and Protection
Call toll free 877-275-6364 (family and consumer only)
TTY 888-636-4889. All others 614-466-7228.
or see <http://www.mh.state.oh.us/>

Example 1. Resolving a complaint without filing a grievance.

Bill had requested a copy of his medical records from the hospital. The hospital has not responded to this request. Bill spoke with the Advocate to file a grievance.

The Advocate discussed the issue with Bill. Bill decided not to file a grievance and have the Advocate try to get the medical records sent to his home. The Advocate informed Bill that if the records were not sent to his home within 7 days, then he should file a grievance.

Resolution:

Medical records were sent to Bill's home.

- Some complaints can be resolved informally and immediately.

RESOLUTION

Example 2. Resolving a complaint by filing a grievance.

Earl, who is Deaf, had a complaint about the agency because they did not have a counselor who is fluent in American Sign Language (ASL).

Earl saw the posted information about the Grievance Procedure with the Client Rights Officer's (CRO) name and number. Using e-mail, Earl contacted the CRO and identified his concern. The CRO helped him complete the grievance. In the written grievance, Earl clearly stated his need for a counselor fluent in ASL.

The agency responded to Earl in writing and told him that they would try to hire a counselor fluent in ASL but until then, they would provide an interpreter for his counseling sessions.

Resolution: *

An interpreter is now available for Earl's counseling sessions until the agency hires a counselor fluent in ASL.

- Knowing who can help you and providing very specific information in a grievance will help resolve your concerns.

RESOLUTION

* You have the right to an interpreter.

Example 3. **Filing an appeal to a decision about a grievance.**

Sue wants her case manager to help her find a medical doctor who accepts Medicaid and arrange for her to get substance abuse counseling. The case manager did not think it was her responsibility. Sue filed a written grievance with the Client Rights Officer (CRO). The agency denied the grievance saying it was not the case manager’s responsibility.

Sue spoke with the CRO and told her she was not happy with the result of the grievance. The CRO informed Sue that she could appeal the decision to the County Mental Health Board. Sue chose to file an appeal to the County Mental Health Board. The County Board reviewed the appeal and requested that the agency case manager provide the assistance Sue asked for.

Resolution:

Sue received assistance from the case manager with her request.

- Filing an appeal can help you receive the services you want.

RESOLUTION

Example 4. Filing an appeal to a decision about a grievance.

The residential facility would not allow Jwahir to wear her *hijab* (a headscarf worn by Muslim women) since she was admitted last month. Jwahir, who is Somalian, had a complaint about the residential facility because they did not allow her to wear her *hijab*. In addition, staff used hand gestures that are offensive in the Somalian culture.

Jwahir and her family filed a grievance with the Client Rights Officer (CRO) at the facility. The agency responded in writing that they would continue to not allow Jwahir to wear her *hijab*, and they found none of the gestures to be offensive to most of the children at the facility. Jwahir and her family were not satisfied with this response and filed an appeal with the County Mental Health Board's CRO.

Resolution:

The County Mental Health Board negotiated with the facility for a representative from the Somalian Community to provide cultural sensitivity training for the staff. They also negotiated for Jwahir to wear her hijab.

- Filing an appeal can help you protect and advocate for your rights, and the rights of others.

RESOLUTION

Example 5. Filing a grievance may result in a referral.

Gayle wanted to file a grievance against the hospital doctor who, 3 years ago, signed the papers that resulted in her being probated to the hospital. She contacted the Advocate who told her the doctor does not work at the hospital anymore.

The Advocate referred Gayle to the State Medical Board which handles complaints about doctors. Gayle understood that filing a grievance at the hospital would not address her concerns.

- Not all concerns can be resolved by the mental health Grievance Process.

RESOLUTION

Example 6. Filing a grievance with Ohio Department of Mental Health.

Sandy had a complaint about the treatment at the residential facility.

Sandy did not feel comfortable filing a grievance at the facility through the Client Rights Officer (CRO), so she contacted the Office of Consumer Advocacy and Protection at ODMH for assistance. ODMH assisted her in filing the grievance at the facility.

Resolution:

Sandy's grievance was addressed by the residential facility.

- It is important to know that there are different places where you can get assistance with the Grievance Process.

RESOLUTION

Complaints to licensing boards.

If you believe a licensed staff person (doctors, nurses, counselors, social workers, psychologists) has violated rules that govern their profession, you can also file a complaint with their Licensing Board. To file a complaint about a licensed staff member, contact:

- State of Ohio Medical Board
(complaint about a medical doctor or psychiatrist)
Call toll free 800-554-7717
or see <http://med.ohio.gov/>

- Ohio State Board of Psychology
(complaint about a psychologist)
Call toll free 877-779-7446
or see <http://psychology.ohio.gov/>

- Ohio Board of Nursing
(complaint about a nurse)
Call 614-466-3947
or see <http://www.nursing.ohio.gov/>

- Counselor, Social Worker and
Marriage & Family Therapist Board
(complaint about a counselor or social worker)
Call 614-728-7791
or see <http://www.cswmft.ohio.gov/>

*The Advocacy Curriculum for Everyone
(ACE) is a Consumer Driven Curriculum
Revolving around Advocacy, Rights,
and Recovery.*

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