

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**3793:2-1-07 Client rights and grievances.**

- (A) The purpose of this rule is to state the minimum client rights and grievances requirements for certification by the Ohio department of alcohol and drug addiction services as an alcohol and drug addiction treatment program.
- (B) The provisions of this rule are applicable to all of the following programs, public or private, regardless of whether they receive any public funds or funds that originate and/or pass through the Ohio department of alcohol and drug addiction services in accordance with division (A) of section 3793.06 of the Revised Code.
  - (1) Alcohol and drug addiction outpatient treatment programs.
  - (2) Alcohol and drug addiction residential treatment programs.
  - (3) Opioid agonist programs.
  - (4) Alcohol and drug addiction ambulatory detoxification programs.
- (C) The provisions of this rule are not applicable to the following programs:
  - (1) Alcohol and drug prevention programs.
  - (2) Alcohol and drug addiction sub-acute and acute hospital detoxification programs.
  - (3) Criminal justice therapeutic community programs.
  - (4) Treatment alternatives to street crime programs.
  - (5) Driver intervention programs.
- (D) Deemed status shall be granted to waive sections of the administrative code if the program if the program is certified/licensed by the Ohio department of mental health. Deemed provisions include paragraphs (E), (F), (G), (H) and (I)(1) to (I)(6) and (I)(8) of this rule.
- (E) Each program shall have the following:
  - (1) Client rights policy that lists all of the client rights identified in this rule.
  - (2) Client grievance procedure.
  - (3) Policy for maintaining for at least two years from resolution, records of client grievances that include, at a minimum, the following:
    - (a) Copy of the grievance.
    - (b) Documentation reflecting process used and resolution/remedy of the grievance.
    - (c) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty-one calendar days.
- (F) The rights of clients for each program shall include, but not be limited to, the following:
  - (1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.

## **\*\*\*DRAFT - NOT FOR FILING\*\*\***

- (2) The right to receive services in the least restrictive, feasible environment.
  - (3) The right to be informed of one's own condition.
  - (4) The right to be informed of available program services.
  - (5) The right to give consent or to refuse any service, treatment or therapy.
  - (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 or freedom from unnecessary or excessive medication, unnecessary physical restraint or seclusion.
  - (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 or photographs.
  - (10) The right to consult with an independent treatment specialist or legal counsel at one's own expense.
  - (11) 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.
  - (12) The right to have access to one's own client record in accordance with program procedures.
  - (13) The right to be informed of the reason(s) for terminating participation in a program.
  - (14) The right to be informed of the reason(s) for denial of a service.
  - (15) The right not to be discriminated against for receiving services on the basis of race, ethnicity, age, color, religion, sex, national origin, disability or HIV infection, whether asymptomatic or symptomatic, or AIDS.
  - (16) The right to know the cost of services.
  - (17) The right to be informed of all client rights.
  - (18) The right to exercise one's own rights without reprisal.
  - (19) The right to file a grievance in accordance with program procedures.
  - (20) The right to have oral and written instructions concerning the procedure for filing a grievance.
- (G) the program's client rights policy and the program's client grievance procedure shall:
- (1) Be posted in a place accessible by clients at each program site.
  - (2) Be given to each client at admission, with documentation of same included in the client record.
- (H) All staff involved with the operation of an alcohol and drug addiction program shall be familiar with the program's client rights policy and client grievance procedure. There shall be documentation in each employee's personnel file, including contract staff, volunteers and student interns that she/he has received a

## **\*\*\*DRAFT - NOT FOR FILING\*\*\***

copy of the client rights policy and the client grievance procedure and has agreed to abide by them.

- (I) Each alcohol and drug addiction treatment program shall have a client grievance procedure that has provisions for, but is not limited to, the following:
- (1) Requirement that the grievance must be in writing.
  - (2) Requirement that the grievance must be dated and signed by the client or the individual filing the grievance on behalf of the client.
  - (3) Requirement that the grievance include the date, approximate time, description of the incident and names of individuals involved in the incident/situation being grieved.
  - (4) Statement to whom the client is to give the grievance.
  - (5) Statement that the program will make a resolution decision on the grievance within twenty-one calendar days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended must be documented in the grievance file and written notification given to the client.
  - (6) Designation of staff who will be available to assist a client in filing of a grievance.
  - (7) Statement that a client has the option to file a grievance with outside organizations, that include, but are not limited to, the following, with the mailing address and telephone numbers for each stated:
    - (a) Applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services board.
    - (b) Ohio department of alcohol and drug addiction services.
    - (c) Ohio legal rights services.
    - (d) U.S. department of health and human services, civil rights regional office in Chicago.
  - (8) Requirement that a written acknowledgment of receipt of the grievance be provided to each grievant. Such acknowledgment shall be provided within three working days from receipt of the grievance. The written acknowledgment shall include, but not be limited to, the following:
    - (a) Date grievance was received.
    - (b) Summary of grievance.
    - (c) Overview of grievance investigation process.
    - (d) Timetable for completion of investigation and notification of resolution.
    - (e) Treatment provider contact name, address and telephone number.