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## **3793:5-1-07 Prevention standards - consumer rights and grievances.**

- (A) The purpose of this rule is to state the consumer rights and grievances requirements that an agency must meet in order to receive alcohol and other drug prevention certification by the Ohio department of alcohol and drug addiction services.
- (B) The provisions of this rule are applicable to all alcohol and other drug prevention programs that include a facility or entity where a primary function of the facility/entity is the delivery of alcohol and other drug prevention programming and services. For the purposes of this rule, the words program, facility and/or entity shall be referred to as "agency."
- (C) Prevention standards definitions:

- (1) "Alcohol and other drug prevention" focuses on preventing the onset of AOD use, abuse and addiction. AOD prevention includes addressing problems associated with AOD use and abuse up to, but not including assessment and treatment for substance abuse and dependence. AOD prevention is a proactive multifaceted, multi-community sector process involving a continuum of culturally appropriate prevention services which empowers individuals, families and communities to meet the challenges of life events and transitions by creating and reinforcing conditions that impact physical, social, emotional, spiritual, and cognitive well-being and promote safe and healthy behaviors and lifestyles. AOD prevention is a planned sequence of activities that, through the practice and application of evidence based prevention principles, policies, practices, strategies and programs, is intended to inform, educate, develop skills, alter risk behaviors, affect environmental factors and/or provide referrals to other services.

The term "Alcohol and Other Drugs" (AOD) includes, but is not limited to the following drugs of abuse - alcohol, tobacco, illicit drugs, inhalants, prescription and over-the-counter medications.

"Culturally appropriate" means the service delivery systems respond to the needs of the community being served as defined by the community and demonstrated through needs assessment activities, capacity development efforts, policy, strategy and prevention practice implementation, program implementation, evaluation, quality improvement and sustainability activities.

"Evidenced based prevention" means the prevention policies, strategies, programs and practices are consistent with prevention principles found through research to be fundamental in the delivery of prevention services; the prevention policies, strategies, programs and practices have been identified through research to be effective; the service delivery system utilizes evaluation of its policies, strategies, programs, and practices to determine effectiveness; the service delivery system utilizes evaluation results to make appropriate adjustments to service delivery policies, strategies, programs and practices to improve outcomes.

### (a) Prevention service categories by population served:

- (i) Universal prevention services: Services target everyone regardless of level of risk before there is an indication of an AOD problem;
- (ii) Selected prevention services: Services target persons or groups that can be identified as "at risk" for developing and AOD problem;
- (iii) Indicated prevention services: Services target individuals identified as experiencing problem behavior related to alcohol and other drug use to prevent the progression of the problem. These

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services do not include clinical assessment and/or treatment for substance abuse and dependence.

(b) Prevention service delivery strategies:

- (i) "Information Dissemination" is an AOD prevention strategy that focuses on building awareness and knowledge of the nature and extent of alcohol and other drug use, abuse and addiction and the effects on individuals, families and communities, as well as the dissemination of information about prevention, treatment and recovery support services, programs and resources. This strategy is characterized by one-way communication from source to audience, with limited contact between the two;
  - (ii) Alternatives are AOD prevention strategies that focus on providing opportunities for positive behavior support as a means of reducing risk taking behavior, and reinforcing protective factors. Alternative programs include a wide range of social, recreational, cultural and community service/volunteer activities that appeal to youth and adults;
  - (iii) Education is an AOD prevention strategy that focuses on the delivery of services to target audiences with the intent of affection knowledge, attitude and/or behavior. Education involves two-way communication and is distinguished from information dissemination by the fact that interaction between educator/facilitator and participants is the basis of the activities. Activities affect critical life and social skills including decision making, refusal skills, critical analysis and systematic judgment abilities;
  - (iv) "Community-Based Process" is an AOD prevention strategy that focuses on enhancing the ability of the community to provide prevention services through organizing, training, planning, interagency collaboration, coalition building and/or networking;
  - (v) "Environmental prevention" is an AOD prevention strategy that represents a broad range of activities geared toward modifying systems in order to mainstream prevention through polity and law. The environmental strategy establishes or changes written and unwritten community standards, codes and attitudes, thereby influencing incidence and prevalence of alcohol and other drug use/abuse in the general population;
  - (vi) "Problem Identification and Referral" is an AOD prevention strategy that refers to intervention oriented prevention services that primarily targets indicated populations to address the earliest indications of an AOD problem. Services by this strategy focus on preventing the progression of the problem. This strategy does not include clinical assessment and/or treatment for substance abuse and dependence;
- (2) "Alcohol and other drug prevention program" means an agency that owns and/or has administrative responsibility for the operation and delivery of alcohol and other drug prevention programming and services as a primary function of the agency.
- (3) "Consumer" means a person who receives alcohol and/or other drug prevention services.
- (4) "Deemed Status" means that on-site review by the Ohio department of alcohol and drug addiction services of certain provisions of the Administrative Code shall be waived for those agencies that own or operate a treatment program currently certified under rule 3793:2-1-08 of the Administrative Code. Designated paragraphs of this rule shall be deemed for an agency not certified by ODADAS which has received

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national accreditation that included the prevention services, and demonstrates that the deemed paragraphs within this rule are consistent with the national accreditation.

- (5) "National Accreditation" means an organization that is recognized nationally as an accreditation body, including but not limited to, commission on accreditation of rehabilitation facilities (CARF), council on accreditation for children and family services (COA), joint commission of accreditation of healthcare organizations (JCAHO).
  - (6) "Primary Function" means the agency owns and/or has administrative responsibility for the operations and delivery of alcohol and other drug prevention programming and services and the agency's official documents such as but not limited to by-laws, articles of incorporation, policies or mission/purpose documents include statements that reflect the same.
    - (a) Where the primary function of the agency is in question, the Ohio department of alcohol and drug addiction services certification specialists will determine if an agency meets the definition of program and primary function through the review of the agency's official documents and alcohol and other drug prevention programming and services in consultation with the county alcohol, drug addiction and mental health services or alcohol drug addiction services board executive director and the executive director of the agency being considered for prevention certification.
    - (b) Ohio department of alcohol and drug addiction services certified treatment agencies that also provide alcohol and other drug prevention programming and services must apply for prevention certification.
  - (7) "Volunteer" means an uncompensated individual involved in the on-going provision of prevention services. This definition does not apply to volunteers whose sole purpose is to perform administrative functions or other ancillary activities that may include, but are not limited to, chaperoning a single event, assisting in or serving food at events, performing administrative support duties, etc.
- (D) Deemed status shall be granted to waive provisions of the Administrative Code if the agency that owns or operates a treatment program(s) with current certification from the Ohio department of alcohol and drug addiction services under agency 3793 of the Administrative Code or has achieved national accreditation as defined in this rule. Deemed provisions include: paragraphs (E) and (F) of this rule.
- (E) Consumer rights:
- (1) Each agency shall have the following:
    - (a) Consumer rights policy that lists verbatim all of the consumer rights identified in this rule.
    - (b) Consumer grievance procedure.
    - (c) Policy for maintaining for at least two years from resolution, records of consumer grievances that include, at a minimum, the following:
      - (i) Copy of the grievance.
      - (ii) Documentation reflecting process used and resolution/remedy of the grievance.
      - (iii) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty-one calendar days.

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- (2) The rights of consumers shall be stated verbatim according to this rule and shall include, but not be limited to, the following:
- (a) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
  - (b) The right to be informed of available prevention services.
  - (c) The right to give consent or to refuse any service.
  - (d) The right or freedom from unnecessary physical restraint or seclusion.
  - (e) 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 and photographs.
  - (f) The right to confidentiality of communications and personal identifying information within the limitations and requirements for disclosure of consumer information under state and federal laws and regulations.
  - (g) The right to have access to one's own consumer record in accordance with agency procedures.
  - (h) The right to be informed of the reason(s) for terminating participation in agency services.
  - (i) The right to be informed of the reason(s) for denial of an agency service.
  - (j) The right not to be discriminated against for receiving services on the basis of race, ethnicity, age, color, religion, sex, sexual orientation, socio-economic status, national origin, disability or HIV infection, whether asymptomatic or symptomatic, or aids.
  - (k) The right to know the cost of services, if applicable.
  - (l) The right to be informed of all consumer rights.
  - (m) The right to exercise one's own rights without reprisal.
  - (n) The right to file a grievance in accordance with agency procedures.
  - (o) The right to have oral and written instructions concerning the procedure for filing a grievance.
- (3) The agency's consumer rights policy and the consumer grievance shall be posted in a place accessible by consumers at each certified site.
- (4) All staff involved with the operation of an alcohol and other drug prevention services shall be familiar with the consumer rights policy and consumer grievance procedure. There shall be documentation in each employee's personnel file, including contract staff, adult volunteers and students that he/she has received a copy of the consumer rights policy and the consumer grievance procedure and has agreed to abide by them.

(F) Consumer grievance procedures:

- (1) Each agency shall have a consumer grievance procedure that has provisions, for, at a minimum, the following:
- (a) Requirements that the grievance must be in writing.

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- (b) Requirement that the grievance must be dated and signed by the consumer or the individual filing the grievance on behalf of the consumer.
- (c) Requirement that the grievance include the date, approximate time, description of the incident and names of individuals involved in the incident/situation being grieved.
- (d) Statement to whom the consumer is to give the grievance.
- (e) Statement that the agency 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 consumer.
- (f) Designation of staff who will be available to assist a consumer in filing of a grievance.
- (g) Statement that a consumer 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:
  - (i) Applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services board.
  - (ii) Ohio department of alcohol and drug addiction services.
  - (iii) Ohio legal rights services.
  - (iv) U.S. department of health and human services, civil rights regional office in Chicago.
- (h) Requirement that a written acknowledgement 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, at a minimum, the following:
  - (i) Date grievance was received.
  - (ii) Summary of grievance.
  - (iii) Overview of grievance investigation process.
  - (iv) Timetable for completion of investigation and notification of resolution.
  - (v) Agency contact name, address and telephone number.