

# 5122-30-22.1 Resident rights and grievance procedure for Class two and Class three facilities

The operator shall be responsible for assuring the compliance by the facility with all resident rights. Facility violations of resident rights shall be regarded as sufficient cause to institute proceedings to deny or revoke the facility's license.

## 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. Adult residents shall have right of access to common areas at all times. 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:
    - (i) To reasonable privacy and the freedom to meet with visitors and guests at reasonable hours.
    - (ii) To make and/or receive confidential phone calls, including free local calls.
    - (iii) To write or receive uncensored, unopened correspondence subject to the facility's rules regarding contraband.
  - (b) The right of a minor:
    - (i) 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.
    - (ii) 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.