



## Your rights as a consumer of publicly funded services

Mental Health Recovery Board Serving Warren & Clinton Counties believes that everyone who applies for and/or receives mental health and/or substance addiction services through our network of contract agencies has several rights. Client Rights are defined in rules 5122-26-18, 5122-30-22 and 5122-30-22.1 of the Ohio Administrative Code (OAC) and endorsed by the Board. These are as follows:

### **Client Rights - General - OAC 5122-26-18**

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1. The right to be treated with consideration and respect for personal dignity, autonomy, and privacy;
2. The right to reasonable protection from physical, sexual or emotional abuse, neglect, and inhumane treatment;
3. The right to receive services in the least restrictive, feasible environment;
4. The right to participate in any appropriate and available service that is consistent with an individual service plan (ISP), regardless of the refusal of any other service, unless that service is a necessity to clear treatment reasons and requires the person's participation;
5. The right to give informed consent to or refuse any service, treatment or therapy, including medication absent an emergency;
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 to freedom from unnecessary or excessive medication, and to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others;
8. The right to be informed of and refuse any unusual or hazardous treatment procedures;
9. The right to be advised of and refuse observation by others and by techniques such as one-way vision mirrors, tape recorders, video recorders, televisions, movies, photographs or other audio and visual technology. This right does not prohibit an agency from using closed-circuit monitoring and observe seclusion rooms or common areas, which does not include bathrooms or sleeping areas;
10. 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;
11. The right to access one's own client record unless access to certain information is restricted for clear treatment reasons. If access is restricted, the treatment plan shall include the reason for the restriction, a goal to remove the restriction, and the treatment being offered to remove the restriction;
12. The right to be informed a reasonable amount of time in advance of the reason for terminating participation in a service, and to be provided a referral, unless the service is unavailable or not necessary;

13. The right to be informed of the reason for denial of a service;
14. The right not to be discriminated against for receiving services on the basis of religion, race, ethnicity, color, gender, sexual orientation, national origin, age, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws;
15. The right to know the cost of services;
16. The right to be verbally informed of all client rights, and to receive a written copy upon request;
17. The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations;
18. The right to file a grievance;
19. The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested;
20. The right to be informed of one's own condition; and,
21. The right to consult with independent treatment specialist or legal counsel at one's own expense.

#### **Client Rights - Forensic - OAC 5122-26-18**

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Each client receiving a forensic evaluation service from a Certified Forensic Center has the following rights:

1. The right to be treated with consideration and respect for personal dignity;
2. The right to be evaluated in a physical environment affording as much privacy as possible;
3. The right to service in a humane setting which is the least restrictive feasible if such setting is under the control of the forensic center;
4. The right to be informed of the purpose and procedures of the evaluation service;
5. The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal;
6. The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center;
7. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recordings, televisions, movies, or photographs, or other audio and visual technology, unless ordered by the court, in which case the client must be informed of such technique. This right does not prohibit an agency from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms;
8. The right not to be discriminated against in the provision of service on the basis of religion, race, ethnicity, color, gender, national origin, sexual orientation, age, genetic information, physical or mental handicap, developmental disability, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws;
9. The right to be fully informed of all rights;

10. The right to exercise any and all rights without reprisal in any form;
11. The right to file a grievance;
12. The right to have oral and written instructions for filing a grievance including an explanation that the filing of a grievance is exclusively an administrative proceeding within the mental health system and will not affect or delay the outcome of the criminal charges.

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**Client Rights - Class One Residential Facilities: OAC 5122-30-22**

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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 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, except a class one facility which employs staff authorized by the Ohio Revised Code to administer medication and when there is imminent risk of physical harm to self or others.
10. The right to be free from restraint or seclusion unless there is imminent risk of physical harm to self or others.
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 seclusion rooms or other areas in the facility, other than bathrooms or sleeping areas, or other areas where privacy is reasonably expected, e.g. a medical examination room.
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 unless access to certain information is restricted for clear treatment reasons. If access is restricted, a treatment/ service plan shall include the reason for the restriction, a goal to remove the restriction, and the treatment/service being offered to remove the restriction.
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 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.
18. The right to reside in a class one residential facility, as available and appropriate to the type of care or services that the facility is licensed to provide, regardless of previous residency, unless there is a valid and specific necessity which precludes such residency. This necessity shall be documented and explained to the prospective resident.
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 not to be locked out of the facility at any time.
21. The right of adult residents not to be locked in the facility at any time for any reason.
22. The right to consent to or refuse treatment or services, or if the resident has a legal custodian, the right to have the legal custodian make decisions about treatment and services for the resident.
23. The right to consult with an independent treatment specialist or legal counsel at one's own expense.
24. The right to communicate freely with and be visited without staff present 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.
25. 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 in accordance with the facility's program schedule.
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 with the exception of an employee that has a previously established legal relationship to a resident, e.g. parent, spouse or child if permitted by facility policy.

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**Client Rights - Class Two and Three Residential Facilities: OAC 5122-30-22.1**

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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:
    - 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.

## DEFINITIONS

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**"Client"** means an individual applying for or receiving mental health or addiction services from the Board or contract provider of the Board. This also incorporates residents who live in a Residential Facilities Class One, Two and Three licensed by the Ohio Department of Mental Health and Addiction Services which is also a contracted provider in the MHRB system of care.

**"Client Rights Officer"** (CRO) means the individual designated by a community mental health or addiction services provider or Board with responsibility for assuring compliance with the client rights and grievance procedure rule as implemented within each provider or board. For these purposes, the title of Client Rights Officer has the same meaning as client advocate or client rights specialist.

**"Contract provider"** means a public or private service provider with which a Board enters into a contract for the delivery of behavioral health services. A board which is itself providing behavioral health services is subject to the same requirements and standards which are applicable to contract providers as specified in rule 5122:2-1-05 of the Ohio Administrative Code.

**"Grievance"** means a written complaint initiated either verbally or in writing by a client or by any other person or provider on behalf of a client regarding denial or abuse of any client's rights.

**"Neglect"** means a purposeful or negligent disregard of duty by an employee or staff member. Such duty is one that is imposed on an employee or staff member by statute, rule, or professional standards and which is owed to the person served by that employee or staff member.

**"Services"** means the complete array of professional interventions designed to help a person achieve improvements in mental health or addiction such as counseling, individual or group therapy, education, community psychiatric supportive treatment, assessment, diagnosis, treatment planning and goal setting, clinical review, psychopharmacology, discharge planning, professionally-led support, etc.

**"Reasonable"** means a standard for what is fair and appropriate under usual and ordinary circumstances."

**"Residential Facility"** means a publicly or privately operated home or facility as defined in division (B) of section 5119.34 of the Revised Code. The categories of facility are:



- a. Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
- b. Class two facilities provide accommodations, supervision, and personal care services to any of the following:
  - i. One or two unrelated persons with mental illness;
  - ii. One or two unrelated adults who are receiving residential state supplement payments; or,
  - iii. Three to sixteen unrelated adults.
- c. Class three facilities provide room and board for five or more unrelated adults with mental illness.

"Resident rights advocate" means the residential facility staff, or a representative of the state long-term care ombudsman program, with responsibility for implementing the grievance procedure in Residential Facilities Class One, Two and Three.

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Each contract agency, as well as the Board, has a Clients Rights Officer who can assist clients with questions or concerns related to their rights. Additionally, each entity has a Grievance Procedure which can be implemented if a client feels as though his/her rights have been violated. This Procedure can be requested either orally or in writing.

**The current Clients Rights Officer for the Board is:**

**Amanda Peterson**

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