

Bayshore Counseling Services
1218 Cleveland Road, Suite B
Sandusky, Ohio 44870
(419) 626-9156

POLICY AND PROCEDURES MANUAL

**Client Rights
and
Grievance Procedures**

**including
Client Abuse & Neglect, Civil Rights,
and Client Fee & Financial Policy**

JUNE 14, 2006

CLIENT RIGHTS

PURPOSE

To promote the interests of the client and the consumer's well-being and to protect and enhance the rights of persons receiving mental health and alcohol and other drug services at Bayshore Counseling Services., Inc.

APPLICATION

All agency programs.

POLICY

It shall be the policy of this agency to recognize and protect the rights of all client of the agency. It shall further be the policy of the agency that all client will be made aware of the policy and of their remedies.

The services of Bayshore Counseling Services are in accordance with the nondiscriminatory requirements pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and the Omnibus Budget Act of 1981 and are available to any person who displays a sincere desire for treatment, regardless of race, color, national origin, disability or development disability, age, sex, sexual orientation, religion or any person with HIV infection, AIDS related complex or AIDS

This policy will be provided to each treatment client at intake or the following scheduled appointment. Crisis client shall be verbally apprised of the pertinent rights, such as the right to consent to or refuse offered treatment and the possible consequences of their action. Any additional copies will be distributed upon request. Community services client shall receive a copy of this policy upon request.

Client receiving Mental Health Services, specific rights are listed below. Client receiving Alcohol and Drug Services, specific rights are listed on page 6.

For client receiving Mental Health services, these rights are hereby affirmed:

1. The right to be treated with consideration and respect for personal dignity, autonomy and privacy;
2. The right to service in a humane setting which is the least restrictive feasible as defined in the treatment plan;
3. The right to be informed of one's own condition, of proposed or current services, treatment or therapies, and of the alternatives;

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4. The right to consent to or refuse any service, treatment or therapy upon full explanation of the expected consequences of such consent or refusal. A parent or legal guardian may consent to or refuse any service, treatment or therapy on behalf of a minor client;
5. The right to a current, written, individualized service plan that addresses one's own mental health, physical health, social and economic needs and that specifies the provision of appropriate and adequate services, as available, either directly or by referral;
6. The right to active and informed participation in the establishment, periodic review and reassessment of the service plan;
7. The right to be free from exploitation, retaliation and humiliation;
8. The right to freedom from unnecessary or excessive medication;
9. The right to freedom from unnecessary restraint or seclusion;
10. The right to participate in any appropriate and available agency service, regardless of refusal of one or more other services, treatments or therapies or regardless of relapse from earlier treatment in that or another service, unless there is a valid and specific necessity which precludes and/or requires the consumer's participation in other services. This necessary shall be explained to the client and written in the consumer's current service plan;
11. The right to be informed of and refuse any unusual or hazardous treatment procedures;
12. The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies or photographs;
13. The right to have the opportunity to consult with independent treatment specialists or legal counsel, at one's own expense;
14. The right to confidentiality of communications and of all personally identifying information within the limitations and requirements for disclosure of various funding and/or certifying sources, state or federal statutes, unless release of information is specifically authorized by the client or parent or legal guardian of a minor client or court appointed guardian of the person of an adult client in accordance with rule 5122:2-3-11 of the Administrative Code;

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15. The right to have access to one's own psychiatric, medical or other treatment records, unless access to particular identified items of information is specifically restricted for that individual client for clear treatment reasons in the consumer's treatment plan. Clear treatment reasons shall be understood to mean only severe emotional damage to the client such that dangerous or self-injurious behavior is an eminent risk. The person restricting the information shall explain to the client and other persons authorized by the client the factual information about the individual client that necessitates the restriction. The restriction must be renewed at least annually to retain validity. Any person authorized by the client has unrestricted access to all information. Client shall be informed in writing of agency policies and procedures for viewing or obtaining copies of personal records;
16. The right to be informed in advance of the reason(s) for discontinuance of service provision, and to be involved in planning for the consequences of that event;
17. The right to receive an explanation of the reasons for denial of service;
18. The right not to be discriminated against in the provision of services on the basis of religion, race, color, creed, sex, national origin, age, lifestyle, physical or mental handicap, developmental disability, or inability to pay;
19. The right to know the cost of services;
20. The right to be fully informed of all rights;
21. The right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service;
22. The right to file a grievance; and
23. The right to have oral and written instructions for filing a grievance.

For client receiving Alcohol and Other Drug Treatment Services, these rights are hereby affirmed:

1. The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
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 Prevention 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 consumer's information under state and federal laws and regulations.
12. The right to have access to one's own consumer's 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.

In addition to the rights listed above, no person will be denied admission to a program due to their use of prescribed psychotropic medications. 2-1-05(l)(4). This client rights and grievance policy will be given to each client at admission, with documentation kept in the consumer's record, 2-1-07(F)(2) and the policy be posted at each program site in a place accessible to client 2-1-07(F)(1). All staff will receive and review a copy of the consumer's rights and grievance policy and documentation of staff's agreement to abide by the policy and procedure, which will be kept in their personnel files 2-1-07(G).

CLIENT RIGHTS OFFICER

The Client Rights Officer of Bayshore Counseling Services, Inc. is Annemarie Katz, Support Supervisor. She is available Monday through Friday from 9:00 a.m.-5:00 p.m. at Bayshore Counseling Services, Inc., 1218 Cleveland Road, Suite B, Sandusky, OH 44870, (419) 626-9156 or 1-800-686-0088, or by telephone, in the event of an emergency after 5:00 p.m. In the event the Client Rights Officer is unavailable, a designee shall be assigned until which time the Client Rights Officer is accessible. It shall be the responsibility of the Client Rights Officer to accept and oversee the process of any consumer's grievance; and to explain and assist with any and all aspects including, but not limited to, filing, investigating and representing the client in the process. The Client Rights Officer shall also maintain the keeping of records of all grievances.

Such agency policy shall be written in clear and understandable style, shall be prominently displayed within the agency, and shall be provided to each person seeking or receiving clinical services from the agency. Each person receiving community services including prevention services from Bayshore Counseling Services, Inc., will be provided, upon request, a copy of the policy. In addition, all staff are required to review annually and be thoroughly familiar with the Client Rights and Grievance Policies so as to advise any client about the Client Rights Officer and the right to file a grievance, if the need arises and be able to explain all aspects of the client rights and grievance procedure.

Further, there shall be evidence in the consumer's permanent case record that he/she has been, during intake or the following appointment, except in the case of emergency/crisis services, informed of and understands the agency's grievance procedures. Such documentation should be signed and dated by the client or his/her representative. For client receiving emergency/crisis services, relevant rights shall be reviewed and explained verbally.

Further, should there be an interagency transfer (referral) of the client, he/she shall be informed of the grievance procedures of the new agency. Again, there must be client signed documentation that the client has been so informed, which shall be kept in the consumer's permanent case record.

All activities of the agency are to be conducted with an over-riding concern for the client, and, above all, a recognition of his/her dignity as a human being.

GRIEVANCE POLICY AND PROCEDURE

PURPOSE

To insure procedures for responsive and impartial resolution of client grievances.

APPLICATION

All agency programs

POLICY

It shall be the policy of Bayshore Counseling Services, Inc. to examine any complaint(s) of isolation of consumer's rights as set forth in the Bayshore Counseling Services Client Rights Policy.

The Client Rights Officer of Bayshore Counseling Services, Inc. is Annemarie Katz, Support Supervisor. She is available Monday through Friday from 9:00 a.m.-5:00 p.m. at Bayshore Counseling Services, Inc., 1218 Cleveland Road, Suite B, Sandusky, OH 44870, (419) 626-9156 or 1-800-686-0088, or by telephone, in the event of an emergency after 5:00 p.m. In the event the Client Rights Officer is unavailable, a designee shall be assigned until which time the Client Rights Officer is accessible. It shall be the responsibility of the Client Rights Officer to accept and oversee the process of any client grievance; and to explain and assist with any and all aspects including, but not limited to, filing, investigating and representing the client in the process. The Client Rights Officer shall also maintain the keeping of records of all grievances.

At any time, consumer's may chose to file a grievance by contacting any of the outside agency's listed on pages 9 and 10, or they may choose to follow the agency's grievance

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procedures as follows:

The procedure for filing a grievance is as follows:

1. An initial complaint or question should be brought to the attention of this agency by contacting the Client Rights Officer.
 - a. The Client Rights Officer shall attempt to resolve the complaint verbally with the involved staff person(s) and the client.
 - b. Bayshore Counseling Services shall provide a copy of the Grievance Procedure and a Grievance Filing form upon request.
2. If the complaint is not resolved in this informal manner, a second meeting will be scheduled within three (3) working days with the Executive Director presiding, and the Client Rights Officer, Complainant and all involved staff members present. This meeting is to provide a second attempt to resolve the grievance at this quasi-formal level.
3. If the alleged complaint is not resolved, informally, verbally, complaints should be written and addressed to: Client Rights Officer, Bayshore Counseling Services, Inc., 1218 Cleveland Road, Suite B, Sandusky, Ohio 44870, with a copy submitted to the Executive Director at the same address.
 - a. A grievance must be in writing, signed and dated, and include the date, time, a description of the incident/situation, names of the individuals involved, and the name of the person to whom the grievance is given.
4. Complaints will be reviewed by the Client Rights Officer, Executive Director, and the Chairperson of the Board of Directors, who will attempt to resolve the problem(s) with the complainant within four (4) working days of receipt of the grievance.
5. Should any complaint(s) fail to be resolved at level "4", the person(s) filing the complaint(s) may obtain a "Request of Hearing" ("Review of Services") form from the Bayshore Counseling Services, Inc. office listed below :

1218 Cleveland Road, Suite B
Sandusky, Ohio 44870

This form, upon completion, shall be returned to the Client Rights Officer, 1218 Cleveland Road, Suite B, Sandusky, Ohio 44870, (419) 626-9156 or 1-800-686-0088, with a copy being sent to the Executive Director at the same address.

6. Upon receiving the completed "Request for Hearing" (or "Review of Services") form,

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the Executive Director of Bayshore Counseling Services, Inc., will schedule an administrative hearing with the person requesting the hearing and the agency member(s) relevantly involved in the complaint. Each party shall be given the opportunity to present the reason for and against the manner in which the issue(s) were handled by agency staff. Parties involved may be represented by legal counsel.

7. Within three (3) working days, the Executive Director / Designee shall issue a written acknowledgement of the grievance to each party summarizing the complaint, the date it was received, an overview of the investigation process, a timetable for completion of investigation and notification of the recommendations and resolutions agreed to, if possible, in the administrative hearing ("5" above), as well as the treatment provider contact name, address and telephone number.
8. Should the complaint still not be resolved to the consumer's satisfaction, a final internal hearing may be made by completing the "Request for Final Hearing" form from the Client Rights Officer of Bayshore Counseling Services, Inc. The Final Hearing Form will be submitted to the President of the Board of Directors who will appoint an Ad Hoc Committee consisting of at least three (3) members of Bayshore Counseling Services, Inc., Board of Directors and the Client Rights Officer. This Ad Hoc Committee will meet with the person requesting the hearing and the agency member(s) relevantly involved in the complaint within ten (10) working days from the date of the filed grievance to provide an impartial hearing. A written report summarizing the complaint, rendering a decision and explaining the resolution will be issued to the client or griever.
9. Grievances may be filed with Bayshore Counseling Services, Inc., at any time after the occurrence of the grievance.
10. All grievances, regardless of the procedures used for resolution, must be internally finalized within 21 calendar days from the original notification of grievance by the client except in the event the complainant fails to provide information, keep appointments, or attend scheduled hearings. In this case the time limit will be suspended until the required participation is obtained. In the case of extenuating circumstances, the client will be given written notification indicating the extension of the time period needed. This notification must be documented in the grievance file.

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11. The client also has the option, at any time, to file a grievance with any of the following outside organizations:

The Mental Health & Recovery Board of
Erie and Ottawa Counties
416 Columbus Avenue, 2nd floor
Sandusky, Ohio 44870
(419) 627-1908

U.S. Dept. of Health and Human Services
Office for Civil Rights - Region V
233 N. Michigan Ave., Suite 20
Chicago, IL 60601
Attn: Regional Manager
Voice Phone: (312) 886-2359
Fax: (312) 886-1807 TDD: (312) 353-5693

Client Advocacy Coordinator
The Ohio Department of Mental Health
30 East Broad Street, Room 1180, 8th Floor
Columbus, Ohio 43215- 3430
Phone: (614) 466-2596
Fax: (614) 466-1571

State of Ohio Counselor & Social Worker Board
50 W. Broad St., Suite 1425
Columbus, Ohio 43215-5919
(614) 466-0912

Attorney General's Office
Health Care Fraud Unit
101 E. Town Street, 5th Floor
Columbus, OH 43215
Phone: (614) 466-0722
Fax: (614) 644-9973

Client Assistance Program
(for Vocational Rehabilitation)
30 E. Broad Street, Suite 1201
(614) 466-9956
(800) 228-5405
Fax: (614) 752-4197

Ohio Legal Rights Service
*(Advocacy for the Disabled)
88 East Long Street, 5th floor
Columbus, Ohio 43215-2999
(614) 466-7264, (800) 282-9181, Fax: (614) 644-1888

Ohio Dept of Alcohol & Drug Addiction Services
Two Nationwide Plaza, 12th floor
Columbus, Ohio 43216
(614)466-3445

Nursing Education & Nurse Reg. Bd.
77 S. High Street, 16th Floor
Columbus, OH 43215-3413
(614) 466-3947

State Board of Psychology
77 S. High Street, 18th Floor
Columbus, OH 43215-6108
(614) 466-8808 Fax: (614)-644-8112

12. Bayshore Counseling Services, Inc., shall upon request from the client, provide relevant information about the grievance to any or all of the organizations specified above, as appropriate.
13. If the Bayshore Counseling Services, Inc., Client Rights Officer is the subject of the grievance, the Chairperson of Bayshore Counseling Services, Inc., Board of Directors shall serve as or appoint for the purpose of implementing this policy for the specific grievance.
14. All staff of Bayshore Counseling Services, Inc. will receive training, at least annually, in the provisions and procedures of this policy. This training is to be conducted by the Client Rights Officer and documented in the employee's personnel file.
15. Records of all grievances filed will include: a copy of the grievance, documentation of the grievance resolution, and a copy of the letter to the grievant reflecting the resolution, at a minimum, and be maintained for two (2) years from the date of final resolution.
16. This Grievance Policy is not intended to limit or extend any legal or statutory rights of Bayshore Counseling Services' client.
17. Agency records are available for review, upon request, by the ADAMHS Board of Erie and Ottawa Counties and by the Ohio Department of Mental Health. Further, the agency submits an annual summary report to the ADAMHS Board and to the Bayshore Counseling Board of Directors including the number of grievances received, the type of grievance and the resolution status of grievance.

ABUSE AND NEGLECT OF CLIENTS

PURPOSE

To promote the well being of client and assure that they are not abused or neglected, exploited or humiliated.

APPLICATION

All agency operations and programs.

INTRODUCTION

Bayshore Counseling Services will not tolerate the use of all cruel and unusual punishment and practices, including but not limited to verbal or physical abuse of a client, prospective client, a consumer's family member, or a consumer's significant other by any employee, contract staff, student intern, or another agency client or client significant other/family member. 3793:2-1-05(G)(13). a) Abuse of any sort is prohibited by the agency. The

agency will employ interventions such as crises de-escalation, calls to 911 or those interventions that are outline under crises intervention techniques. Isolation and a locked, unmonitored room shall not occur. 3793:2-1-05(G)(13)(C). The behavioral interventions shall be administered by the program director, clinical director or agency employees with direct care responsibilities who have been trained in approved behavioral interventions subscribed to be the agency. OAC 3793: 2-1-05(G)(13)(a-d).The agency views abuse, neglect, exploitation and humiliation of client unethical and illegal, and will take any or all actions outlined below to assure that abuse or neglect of client does not occur or, if it has occurred, will respond with the remedies herein set forth. Bayshore Counseling Services will follow all Child Abuse and Neglect Reporting law set forth in the Ohio Revised Code.

Abuse, neglect, exploitation and humiliation of client include harassment, which is any offensive act or comment related to the protected classes that creates an intimidating treatment environment. Included in this is sexual harassment, which is any unwanted attention of a sexual nature from an agency staff member or another client that creates discomfort and/or interferes with the treatment process. It includes but is not limited to sexually offensive language, jokes, innuendoes, pictures or cartoon; pranks of a sexual nature; repeated and unwelcome requests for dates; leering, whistling and catcalls; telling lies or spreading rumors about a person=s sex life or preferences; giving unwanted gifts; and unwelcome physical contact such as touching or standing too close.

Reporting and Investigation

1. Reports of abuse, neglect, exploitation or humiliation made by client or other staff members shall be made on the Staff Abuse or Neglect Reporting Form.
2. Assistance for client or staff completing the Staff Abuse or Neglect Reporting Form, shall be provided by the Agency's Client Rights Officer. The Client Rights Officer shall serve as an ombudsman for the client throughout these proceedings.
3. Completed records are submitted directly to the Agency's Executive Director. Any allegation of neglect and/or abuse by staff will also be reported to the local Mental Health and Recovery Board within twenty-four hours of the receipt of the report.
4. Within 5 working days, the Executive Director will conduct, cause to be conducted and conclude an investigation of the report to gather and confirm the facts related to the reported incident.
5. This investigation may include:
 - a. An interview with the person filing the report.
 - b. An interview with the client alleged to be abused, neglected, exploited or humiliated.

- c. An interview with the staff member alleged to have committed the abused, neglected, exploited or humiliated.
Interviews with other persons who have knowledge of the abuse, neglect, exploitation or humiliation.
6. All persons interviewed during this internal investigation shall have the right to have an attorney of their choice present during the interview. The Agency shall also have the right, at the discretion of the Executive Director, to have its attorney present during the interviews.
7. Within the 5 working day time limit, the Executive Director will present the written results of the investigation, either substantiating or not substantiating the report, and recommendations for further action, to all persons involved.
8. These recommendations for further action may include:
 - a. No further action.
 - b. A written or verbal warning to the staff member involved.
 - c. Institution of a probationary period for the staff member involved.
 - d. Termination of the staff member involved.
 - e. Notifying the abuse or neglect to the appropriate regulatory boards and law enforcement authorities when applicable.
9. The report of abuse, neglect, exploitation or humiliation and the results of the investigation of the report shall be filed in the personnel file of the staff member involved. A copy shall be sent to the Quality Assurance Committee for further review and to the Personnel Committee of the Board of Directors. The results shall also be sent to the Mental Health and Recovery Board of Erie and Ottawa Counties.
10. In the event that the Executive Director is the staff member involved in the report, the duties in this policy assigned to the Executive Director, shall become the responsibility of the President of the Board of Directors.

CIVIL RIGHTS POLICY

It is the policy of Bayshore Counseling Services to treat all client without regard to race, color, national origin, disability, age, sex or religion. The same requirements are applied to all, and client assigned without regard to race, color, national origin, disability or development disability, age, sex, sexual orientation, religion or any person with HIV infection, AIDS related complex or AIDS. There is no distinction in eligibility for, or in the manner of providing client services. All services are available without distinction to all client and visitors regardless of race, color, national origin, disability or development disability, age, sex, sexual orientation, religion or any person with HIV infection, AIDS related complex or AIDS. All persons and organizations having occasion either to refer client for

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services or to recommend Bayshore Counseling Services are advised to do so without regard to the potential consumer's race, color, national origin, disability or development disability, age, sex, sexual orientation, religion or any person with HIV infection, AIDS related complex or AIDS.

The person designated to coordinate compliance with Section 504 of the Rehabilitation Act of 1973 (Nondiscrimination Against the Disabled) is: Annemarie Katz who may be reached at Bayshore Counseling Services, 1218 Cleveland Road, Sandusky, Ohio 44870, (419) 626-9156 or 1-800-686-0088.

Any person who feels they have been discriminated against because of their race, color, national origin, disability or development disability, age, sex, sexual orientation, religion or any person with HIV infection, AIDS related complex or AIDS, has the right to file a complaint with Annemarie Katz who may be reached at Bayshore Counseling Services, 1218 Cleveland Road, Sandusky, Ohio 44870, (419) 626-9156 or 1-800-686-0088.

Additional assistance in filing a complaint may be obtained from:

MH & Recovery Board of
Erie and Ottawa Counties
416 Columbus Ave.
Sandusky, OH 44870
419) 627-1908

ODADAS
Civil Rights Office
Two Nationwide Plaza, 12th Floor
Columbus, OH 43215-2537
(614) 466-9011/TDD: (614) 644-9140

Office for Civil Rights
Department of Health &
Human Services
105 W Adams St., 16th Flr
Chicago, IL 60603
(312) 886-2359
TDD/TTY: (312) 353-5693