



Ohio Administrative Code

Rule 5122:2-1-02 Board client rights and grievance procedure.

Effective: January 14, 2018

(A) The purpose of this rule is to describe the role and responsibilities of boards in the client rights and grievance procedures.

(B) The provisions of this rule are applicable to each board of alcohol, drug addiction, and mental health services constituted according to section 340.02 of the Revised Code, or a community mental health board or an alcohol and drug addiction services board as described in section 340.021 of the Revised Code. In addition, the provisions of rule 5122-26-18 of the Administrative Code are also applicable to each board which itself provides mental health or addiction services when permitted to do so in accordance with section 340.037 of the Revised Code.

(C) Definitions.

(1) "Board" means a board of alcohol, drug addiction, and mental health services constituted according to section 340.02 of the Revised Code, or a community mental health board or an alcohol and drug addiction services board as described in section 340.021 of the Revised Code.

(2) "Client advocate" 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 has the same meaning as client rights officer or client rights specialist.

(3) "Contract provider" means a public or private service provider with which a board enters into a contract for the delivery of mental health or addiction services. A board which is itself providing mental health or addiction 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 Administrative Code.

(4) "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.



(5) "Services" means the complete array of professional interventions designed to help a person achieve improvements in mental health 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.

(D) Board procedure.

(1) Each board shall assure that each contract provider has a grievance procedure in place which meets the requirements of rule 5122-26-18 of the Administrative Code. Each board shall recognize that, for a provider accredited and granted deemed status by the Ohio department of mental health and addiction services in accordance with rule 5122-25-02 of the Administrative Code, the requirements of rule 5122-26-18 of the Administrative Code are met by provider conformance to its accrediting body standards.

(2) Each board must establish a procedure for addressing client rights complaints, including, when applicable, complaints initiated in accordance with rule 5122-30-22 or 5122-30-22.1 of the Administrative Code on behalf of a resident of a residential facility. This procedure must include:

- (a) Provision for accessing provider information relevant to the complaint;
- (b) Provision of written copy of the board's grievance procedure to be available on request;
- (c) Specification of time lines for a resolution of the grievance, not to exceed twenty-one working days from the date the grievance is filed;
- (d) Provision for written notification and explanation of the resolution to be provided to the client, or to the griever if other than the client, with the client's permission;
- (e) A statement regarding the option of the griever to further grieve with any or all of the following: Ohio department of mental health and addiction services, the Ohio protection and advocacy system (disability rights Ohio), or the U.S. department of health and human services. Appropriate professional licensing or regulatory boards' relevant names, addresses, and telephone numbers shall



be included; and

(f) Provision for providing, upon request, relevant information about the grievance to one or more of the organizations specified in this paragraph to which the grievor has initiated a complaint.

(E) Implementation and monitoring.

(1) Any board may accomplish its responsibilities in regard to the provisions of this rule and rule 5122-26-18 of the Administrative Code through utilization of its own staff or board members as appropriate, or through agreement with outside staff, agencies, providers, or organizations, except that:

(a) Each board must assure prompt accessibility of the client advocate.

(b) The utilization of outside persons must be clearly explained to clients, applicants, and grievors.

(2) The board shall also keep records of grievances it receives, the subject of the grievances, and the resolution of each, and shall assure the availability of these records for review by the department of mental health and addiction services upon request. The board shall summarize annually its records to include number of grievances received, types of grievances, and resolution status.

(3) The department of mental health and addiction services may periodically review the implementation of client rights policy and grievance procedures in each board area. Each board shall maintain a client rights policy and grievance procedure that is approved by the department of mental health and addiction services. Subsequent substantive changes to such written policy and procedure shall be submitted to and approved by the department before enactment.