

TO BE RESCINDED

5122-30-22 **Resident rights and grievance procedure.**

- (A) The provisions of paragraph (G) of rule 5122:2-1-02 of the Administrative Code, client rights and grievance procedure, shall be fully extended and provided to all residents of the facility. Methods and procedures for implementing these provisions shall be specified in the affiliation agreement for type 2 and 3 facilities.
- (B) In addition to all of the rights specified in rule 5122:2-1-02 of the Administrative Code, the following rights are applicable to all adult residents in an ODMH licensed facility:
- (1) The right to a comfortable, welcoming, stable and supportive living environment in the residential facility;
 - (2) The right to participate in the establishment of, and to have, the least restrictive policies, procedures, or house rules, commensurate with the comfort and safety of all residents;
 - (3) The right to be informed of one's own condition, the reason(s) for recommended residency in the facility, and the available alternatives to such residency;
 - (4) The right to active and informed participation in identification and choice of personal care assistance and mental health services to be provided, as applicable to the type of licensed facility, and in the periodic review and reassessment of such provisions;
 - (5) The right to consent to or refuse residency in the residential facility and/or the provision of any individual personal care activity and/or mental health services;
 - (6) The right to reside in a 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;
 - (7) The right to reasonable assistance from the facility, or a mental health service provider, that enables and facilitates personal growth and development toward less dependent and less restrictive living environments;
 - (8) The right to freedom from any unusual or hazardous practices or activities;

- (9) The right to reasonable privacy and freedom from excessive intrusion by visitors, guests, and inspectors;
- (10) The right to reasonable privacy and freedom to meet with visitors, guests, or inspectors, make and/or receive phone calls, write or receive uncensored, unopened correspondence;
- (11) The right to confidentiality of written information and communications;
- (12) The right to have access to all information in facility records about one's self; unless contraindicated and noted in the resident's ISP;
- (13) The right to receive thirty days prior notice for termination of residency in type 2 and 3 residential facilities except in an emergency;
- (14) The right to vacate the facility at any time, except that the responsibility to pay for incurred costs of room and board shall continue unless appropriate notification has been provided to the facility concerning the termination of the residential agreement;
- (15) The right not to be discriminated against in the provision of any assistance, activity, or service on the basis of religion, race, color, disability, creed, sex, national origin, age or life-style;
- (16) The right to written specification of charges, facility and resident obligations and responsibilities;
- (17) The right to compliance by the facility with all of the requirements for licensure;
- (18) The right to exercise any and all rights without reprisal in any form, including the right to continued residency. Such rights shall not supersede health and safety considerations, and for type 1 facilities, the right to refuse mental health services shall not be a condition for denial of continued stay in the facility;
- (19) The right of access to one's own bedroom or sleeping area at any time, unless contraindicated and noted in the resident's ISP; and
- (20) The right to grieve, appeal, and have due process afforded for an alleged

violation of any paragraph of this rule.

(C) No residential facility, or any employee of a residential facility, shall violate any of the following rights of children:

- (1) The right to enjoy freedom of thought, conscience, and religion;
- (2) The right to reasonable enjoyment of privacy;
- (3) The right to have his or her opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his/her life;
- (4) The right to receive appropriate and reasonable adult guidance, support, and supervision;
- (5) The right to be free from physical abuse and inhumane treatment;
- (6) The right to be protected from all forms of sexual exploitation;
- (7) The right to receive adequate and appropriate medical care;
- (8) The right to receive adequate and appropriate food, clothing, and housing;
- (9) The right to his/her own personal property (including money) commensurate with the child's developmental age and safety needs;
- (10) The right to live in clean, safe surroundings;
- (11) The right to participate in an appropriate educational program;
- (12) The right to communicate with family, guardian, custodian, friends and significant others outside the facility, in accordance with the child's ISP;
- (13) The right to be taught to fulfill appropriate responsibilities to him/herself and to others; and
- (14) Reasonable access to the child's own bedroom or sleeping area at anytime, commensurate with the child's developmental age and safety needs.

(D) Residential facilities for children/adolescents shall allow children/adolescents to send

or receive mail subject to the facility's rules regarding contraband and directives from the legal custodian, when such rules and directives do not conflict with federal postal regulations.

- (E) 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.
- (F) The facility shall develop age appropriate policies with respect to children/adolescent rights and privileges. Such policies shall be consistent with specified client rights requirements and as appropriate, ISP recommendations.

Effective:

R.C. 119.032 review dates: 07/28/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.22
Rule Amplifies: 5119.22
Prior Effective Dates: 5-10-1979, 5-1-1981, 1-1-2000, 8-1-2002