

TO BE RESCINDED

5122-7-02

Advocacy for client rights for integrated behavioral healthcare system's (IBHS) intensive and specialized services and forensic inpatient services.

- (A) The purpose of this rule shall be to promote and protect the rights of clients receiving IBHS intensive and specialized services and forensic inpatient services.
- (B) The provisions of this rule shall be applicable to all hospitals providing inpatient services under the managing responsibility of the department.
- (C) The following definition shall apply to this rule in addition to or in place of those appearing in rule 5122-1-01 of the Administrative Code.

"Consumer" means a person who is or has received inpatient services; a client; an ex-patient; a parent; a relative; or guardian of person; an advocacy group; or other interested citizen.

- (D) The policy of the department shall be to promote and protect the rights of clients receiving inpatient services consistent with a concern for human dignity, respect, recovery and quality clinical care; to respond promptly and effectively to consumer concerns, inquiries, and complaints; and to promote and evaluate consumer satisfaction with services provided.

(E) Organization and responsibilities of ODMH's advocacy program

- (1) A client advocacy coordinator for inpatient services shall be appointed for the department in central office within the office of consumer services. General responsibilities shall include, but not be limited to, the following:

- (a) Providing support for client rights advocates within the hospital; and community client rights advocates;
- (b) Serving as resource person for statewide and individual client advocacy;
- (c) Evaluating and reviewing department policies, procedures, and mechanisms for assurance of client rights;
- (d) Ensuring that alleged client abuse and neglect cases receive prompt and appropriate action;
- (e) Promoting liaison with federal, state, local, community, legal, and civil

rights advocacy groups;

- (f) Consulting with appropriate department staff, including executive committee, regarding responses to mediations, complaints, grievances and appeals including those having a potential impact on policy development;
 - (g) Referring to the department's legal section matters requiring legal expertise in the area of client rights;
 - (h) Investigating and responding to client appeals;
 - (i) Meeting with hospital client rights advocates on at least a quarterly basis;
 - (j) Preparing an annual report on hospital and central office mediations, complaints, grievances and appeals including number received, types, and resolution status of complaints, grievances and appeals; and
 - (k) Meeting semi-annually, or as needed, with policy committee for hospital advocacy to review and address trends and patterns, review policies and procedures, and provide direction on departmental response to mediations, complaints, grievances and appeals, as warranted.
- (2) Each hospital or campus of multi-site hospitals shall have at least one full-time client rights advocate for inpatient services, who reports directly to the chief executive officer or chief operating officer. Each hospital or campus of multi-site hospitals shall have a designated client rights advocate alternate, appointed by the chief executive officer and reporting to the chief executive officer or chief operating officer, to provide client rights coverage when the client rights advocate is unavailable or the subject of a grievance. Duties shall include, but not be limited to, the following:
- (a) Responsible for planning, implementing and coordinating hospital or campus of multi-site hospitals client advocacy programs, including mediation; developing policies and procedures which promote and protect human rights; monitoring and evaluating hospital or campus of multi-site hospitals compliance with established client rights laws and accreditation standards; establishing mechanisms for resolution of client advocacy problems; provides consultation, mediation, training and technical advice; representing hospital or campus of multi-site hospitals on matters concerning patient rights;

- (b) Responsible for providing client advocacy services including mediation; assuring that persons served are informed of and have access to mediation services; assuring adequate privacy for client interviews; being accessible in person and work location to clients; representing and assisting clients especially in the areas of rights, abuse and neglect, and fulfillment of recovery and human dignity; investigating and responding to grievances on behalf of clients; attending hospital investigatory interviews with client, as requested by clients; protecting human and civil rights; reviewing unusual incident reports as part of the quality assurance process; ensuring that clients have legal representation at hearings related to IBHS intensive and specialized services and forensic inpatient service; and ensuring that client rights are prominently displayed in writing on every unit;
- (c) Attends meetings related to client advocacy; serves as a member of the executive and other committees to ensure representation of the advocacy program; prepares reports for hospital or campus administration and central office; maintains records; responds in writing to correspondence pertaining to client advocacy;
- (d) Involved in providing input into program and environmental improvements to meet the needs as identified by clients, and assuring protection of patient rights; involved in and notified of administrative decisions affecting client rights, choice, dignity and recovery;
- (e) Advises all levels of hospital staff and volunteers of clients' rights; meets with policy committee as necessary; consults with appropriate department staff, including legal staff, regarding policy issues and/or responses to complaints or grievances;
- (f) Ensures that all clients have access to community mental health systems, and other outside entities, including legal counsel, as needed;
- (g) Assures that equal opportunity is implemented with particular emphasis on advocating for the rights of people with disabilities not to be discriminated against in the provision of service on the basis of religion, race, ethnicity, color, creed, sex, national origin, age, lifestyle, physical or mental handicap, developmental disability or inability to pay as prescribed in department policies, rules and state and federal statutes; and
- (h) Ensures that each client understands his/her rights and is provided with

the client rights in oral and written format and an explanation of his/her rights as indicated below:

- (i) The written rights shall be furnished to a client within twenty-four hours after admission;
 - (ii) If a client is unable to read or speaks a language other than standard English as a primary means of communication, or who has a limitation on his ability to communicate effectively, such as deafness or hearing impairment, the list of rights shall be explained to him/her by providing interpreters, readers and/or appropriate communication devices or other assistance;
 - (iii) Informing all clients of the functions of and resources available through the Ohio legal rights service; and
 - (iv) Compliance with the above shall be monitored by the hospital quality assurance programs and shall be documented in writing in the client's permanent record.
- (3) An IBHS policy committee on client advocacy for intensive and specialized services and forensic inpatient services shall be established by the department in central office to monitor and oversee the IBHS client complaint and grievance procedure, review policies and procedures, and provide direction to the client advocacy coordinator and hospital client rights advocates on department responses to mediations, complaints, grievances and appeals.
- (a) The committee shall be comprised of the client advocacy coordinator, hospital client rights advocates, the deputy director for hospital services, chief of the office of consumer services, legal counsel, and the director of the department or designee.
 - (b) The committee shall meet at least semi-annually or as determined by the members of the committee.

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CERTIFIED ELECTRONICALLY

Certification

09/07/2010

Date

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