

EPILEPSY ASSOCIATION
CLIENT RIGHTS POLICY

A. PURPOSE

The purpose of this policy is to protect and enhance the rights of persons applying for or receiving services by establishing specific rights of clients. The policy is established to ensure that clients are treated at all times with dignity, respect, and full recognition of their physical and mental abilities.

B. DEFINITIONS

1. "**Client**" means an individual applying for or receiving services from the Epilepsy Association (also referred to as "the Agency").
2. "**Client Rights Advocate**" means the individual designated by the agency with responsibility for assuring compliance with the "Client Rights Policy" as implemented. For these purposes, the individual holds the specific title of "Client Rights Advocate".

C. CLIENT RIGHTS

Each client served by the agency is entitled to the following rights outlined in the Ohio Administrative Code: 5122-26-18:

- (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;
- (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 freedom from unnecessary or excessive medication;

The Epilepsy Association recognizes the following client right, guaranteed under Ohio Administrative Code Rule 5122-26-18, but does not perform related services which would render this item applicable under the agency's policy and procedures:

- (8) The right to freedom from unnecessary restraint or seclusion;
- (9) 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 client's participation in other services. This necessity shall be explained to the client and written in the client's current service plan;
- (10) The right to be informed of and refuse any unusual or hazardous treatment procedures;
- (11) The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recorders, televisions, movies, or photographs;
- (12) The right to have the opportunity to consult with independent treatment specialists or legal counsel, at one's own expense;
- (13) 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;
- (14) 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 client'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 imminent 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. Clients shall be informed in writing of agency policies and procedures for viewing or obtaining copies of personal records;
- (15) 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;
- (16) The right to receive an explanation of the reasons for denial of service;
- (17) The right not to be discriminated against in the provision of service on the basis of religion, race, color, creed, sex, national origin, age, lifestyle, physical or mental handicap, developmental disability, or inability to pay;
- (18) The right to know the cost of services;
- (19) The right to be fully informed of all rights;
- (20) The right to exercise any and all rights without reprisal in any form including continued and uncompromised access to service;
- (21) The right to file a grievance; and
- (22) The right to have oral and written instructions for filing a grievance.

The following is not guaranteed under Ohio Administrative Code Rule 5122-26-18, however, the Epilepsy Association recognizes this client right under the provision of all agency services

- (23) The right to freedom from any/all forms of abuse, exploitation, retaliation, humiliation and neglect.

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D. CLIENT RIGHTS PROCEDURES

1. The Client Rights Policy as outlined in the Client Handbook and Grievance Procedure shall be distributed to each client at the time of the initial contact, reviewed annually, and at appropriate times throughout treatment.
 - a. Upon request, agency staff will explain any and all aspects of client rights and the grievance procedure to the client and/or parent or guardian;
 - b. In a crisis or emergency situation, the client shall be verbally advised of at least the immediately pertinent rights, such as the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. Written copy and full verbal explanation of the Client Rights Policy may then be delayed to a subsequent meeting; and,
 - c. Clients or recipients of the type of services specified as "Community Services" (information and referral service, consultation service, epilepsy or mental health education service) may have a copy and explanation of the Client Rights Policy upon request.
2. A copy of the Client Rights Policy shall be available in the seating area of the agency's office suite. In addition, all staff members must maintain a copy of the policy.
3. The Client Rights Advocate (CRA) is responsible to ensure the application of the policy and to oversee the process of any grievance filed by a client or other person or agency on behalf of a client. The following information shall be prominently displayed throughout, the agency: Client Rights Advocate is Taylor Miller who can be reached from 8:30 a.m. to 4:30 p.m. at (216)579-1330, Monday through Friday. She can be contacted by calling the above number. The CRA is located at the Epilepsy Association's office at 2831 Prospect Avenue, Cleveland, OH 44115.
4. Deviation from, or violation of, the spirit of this policy by staff whether by deliberate intent, by negligent omission, or by careless oversight, shall constitute abuse of the Client Rights Policy.
 - a. Any action, failure to act, carelessness, or negligence shall be considered abuse or mistreatment if there results physical or emotional pain to the client or produces a result detrimental to the well-being of any client. Examples of abuse or mistreatment include, but are not limited to, the following: corporal punishment; throwing; striking; ridiculing; cursing; or, neglect of specified treatment.
5. All employees are responsible for safe-guarding clients from abuse of themselves, mistreatment by others, and abusing other persons. It is the obligation of each employee who has knowledge of abuse or mistreatment of a client, to report this knowledge in writing to the Client Rights Advocate. Any employee failing to make such a report shall be considered as having neglected his duty and shall be subject to disciplinary action. This report shall be based upon the Incident Report.
 - a. The Client Rights Advocate shall immediately, upon receipt of said report:
 1. Investigate the report of client abuse.
 2. Determine whether or not these rules have been violated.
 - b. Report the results of the investigation to the CEO who implements prompt and proper disciplinary action if the charge of client abuse is substantiated. The degree of disciplinary action shall depend on the severity of the incident.
 - c. When a charge of abuse or mistreatment of a client has been substantiated and disciplinary action has been invoked, a copy of the report and action taken shall be included in the employee's personnel file and in the files of the Client Rights Advocate. The CEO shall report all substantiated abuse to the Board of Directors.
 - d. Should the grievance be directed at the Client Rights Advocate, the grievance procedure will be facilitated by the agency's CEO.
6. A copy of the Client Rights Policy shall be reviewed with each employee to ensure full understanding of all its provisions. Each employee shall sign a copy of the Client Rights Policy. The signed agreement shall be placed in the agency's personnel file of the employee. The employee shall receive the other copy verifying his having read and understood the policy.

The Client Rights Advocate will review clients' rights in an agency staff meeting annually, as well as providing updates to agency staff as needed.

Signature

Date