



SENIOR & ADULT SERVICES POLICY/PROTOCOL

Client Rights & Responsibilities and Major Unusual Incident (MUI) Guidelines

Policy- Administrator's Office-030

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PURPOSE & SCOPE

The purpose of this policy is to establish procedures for the Division of Senior & Adult Services (DSAS) regarding client rights and responsibilities and reporting Major Unusual Incidents (MUI). This policy/protocol applies to all DSAS employees.

POLICY

The Division of Senior & Adult Services (DSAS) is committed to providing high quality service for clients of DSAS. One way to ensure high quality services is through protecting client rights, and clearly communicating the responsibilities clients should adhere to in order to ensure that all their needs are met. DSAS will maintain a comprehensive list of client rights and responsibilities and will ensure clients are educated about these rights and responsibilities, and will provide an internal mechanism for clients to file complaints if they feel their rights have been violated.

Major Unusual Incidents are defined as events involving DSAS clients which deviate significantly from the department's normal operational procedures, which require immediate crisis response, which endanger or threaten to endanger the safety or life of a consumer, staff (if the threat comes from a consumer), or others, or could indicate a liability for the agency in a client issue.

The key distinction between an MUI and Client Rights Issue is that the MUI is reported by the DSAS worker, where the Client Right's issue is reported by the client. Depending on the nature of the MUI, a Client Rights investigation may be opened at the discretion of the Client Rights Officer. The Cuyahoga County Inspector General's Office and/or Cuyahoga County Prosecutor's Office may be contacted to handle the investigation, as per Section II(B) of this policy.

The Client Rights Officer (CRO), and designated backup, with assistance from the Deputy Administrators, is responsible for overseeing and implementing the processes below. The CRO for DSAS is Lauren Forbes (216), 698-4844, lauren.forbes@jfs.ohio.gov. The CRO backup is Kit Newell, (216) 698-6672, kit.newell@jfs.ohio.gov

A "Client" is defined as any person who has received services through DSAS. However, the CRO will attempt to address any complaint from a potential client who has inquired about DSAS services.

In addition, any client served through programs funded by the Older Americans Act-OAA (DSAS clients served through the Information and Outreach Unit/WRAAA) must be notified of the WRAAA grievance procedure if they are dissatisfied with their services, in addition to the DSAS procedure for filing complaints. (Appendix A).

PROCEDURES

I. Procedure for informing clients of their rights and responsibilities

- A. All clients of DSAS will be given a copy outlining their rights and responsibilities at the time of their assessment for DSAS programs and at reassessments if the policy has changed since their initial assessment.
- B. Clients will also receive instructions on how to file a complaint, either within the DSAS office, or through other avenues available to the client in other governmental agencies.
- C. If a client has difficulty reading the rights and responsibilities, the worker present will attempt to read the rights to the client.
 - 1. All clients should sign a form indicating that they have received a copy of their rights.
 - 2. If the client refuses to sign, the worker will check a box on the form indicating that client refuses, and will sign the form as a witness themselves.
- D. Additional copies of the client rights and responsibilities will be given to clients if requested.
- E. The rights and responsibilities, and information on contacting a client rights officer, will be posted in prominent locations within DSAS.
- F. The Client Rights Officer (CRO) will ensure that all staff are educated about client rights on a yearly basis.

II. Procedure for handling client rights complaints within DSAS

- A. If a client or someone close to the client has a complaint, they should attempt to resolve this complaint with their direct service provider and that provider's team. If this does not provide satisfactory resolution, they may call the CRO.
- B. If a serious allegation is made (i.e. theft, assault), then the CRO should be notified to complete an investigation, regardless of the client request.
 - A. The CRO will refer complaints regarding theft, assault, and violations of the Cuyahoga County Ethics Ordinance to the Cuyahoga County Inspector General's Office.
 - B. Depending on the nature of the allegation, the CRO may recommend to the client to file a police report.
 - C. Depending on the nature of the allegation, the CRO may also consult with the Cuyahoga County Prosecutor's Office.
- C. Complaints may also be submitted in writing. If the client requests to submit a complaint in writing, a Consumer Complaint form will be made available to them.
- D. The CRO will speak with the client or the client's representative, taking down as many notes as possible, and store those notes on the DSAS shared drive. The complaint will be logged in a spreadsheet, which is also on the DSAS shared drive.
- E. If someone other than the client calls in, the CRO will listen to their complaint regardless of what releases have been signed, but the CRO will ensure that a HIPAA compliant release of information to the client has been signed before divulging information about the client's care, including divulging whether client is an active client with DSAS or not.
- F. The CRO will provide assistance and support to the client through the complaint/grievance process as needed.
- G. The CRO taking the call will give the client a clear timeline for when they will receive a response to the complaint.
- H. The CRO will conduct an investigation into the claim within the outlined timeframe, contacting all involved parties, and attempting to mediate towards a satisfactory resolution for all parties. Every effort will be made to resolve all claims within 5 business days of receipt of the complaint, and no later than 30 days. Notes of all steps taken in the case will be kept on the DSAS shared drive.
- I. If clarification on the investigation is needed or requested by the client, or the client or person making the complaint disagrees with the CRO's findings, a written resolution to the client explaining the outcome of the complaint will be mailed.

- J. The outcome of the investigation is to be logged in notes on the DSAS shared drive, as outlined in Section II (D) above.
- K. Should the client not be satisfied with the resolution, they may seek other external avenues to voice their complaint. Such organizations (e.g. the Cuyahoga County Inspector General's Office) are provided to the client during their orientation to DSAS programs.

III List of client rights:

As a participant in Division of Senior and Adult Services (DSAS) programming, clients have the right to:

- A. Receive a full explanation of rights and responsibilities and the complaint process in a manner understandable to the client. Translation services can be provided as needed.
- B. Receive services and be treated equally and without discrimination regardless of age, race, creed, religion, gender, national origin, or sexual orientation, HIV status, veteran status, marital status, or physical and mental disability.
- C. Receive a full explanation about the services the client is receiving in a manner understandable to the client, including the cost of services, be able to modify a service plan at any time, and to participate in services the client has consented to (please note: clients involved with Adult Protective Services (APS) may receive services without consent as per ORC 5101.60).
- D. Know the name and manner in which the agencies providing the client services can be contacted, and expect contact within a reasonable amount of time.
- E. Expect considerate and respectful treatment from all service provider staff and to expect that all staff entering your home will treat the client, the premises and property with due care, dignity and respect.
- F. Receive care from staff who are qualified through education and/or experience to carry out the duties which they are assigned.
- G. Be referred to other and/or organizations which may assist in care.
- H. Know the names and duties of service provider staff that have contact with the client.
- I. Expect that all communications and records about the client, the client's family, and services provided are held in confidence by the staff, unless the client gives permission for the release of information, or the client is in a situation where the client's safety is compromised and DSAS is required to release information to protect the client. If a client is involved with Adult Protective Services, APS may discuss client information with DSAS's attorney and Probate Court.
- J. Have access to his/her records should the client wish, providing this access would not cause the client harm.
- K. Expect privacy while receiving services.
- L. Receive a full explanation about the content and purpose of any form the client is asked to sign.
- M. Participate in decisions about services, expecting staff to be the client's advocate in coordinating other services.
- N. Be informed if the client's services might be terminated and reasons for termination of services.
- O. Be informed of the client's progress in response to services provided.
- P. Make a complaint or grievance and seek a solution without reprisal or discrimination.
- Q. The right to have an advocate, friend, or interpreter present during the complaint process.

IV. List of Client Responsibilities

As a participant in Division of Senior and Adult Services (DSAS) programming, clients have the following responsibilities. Documented, repeated failures to adhere to any of these requirements may result in termination from the program. Any program termination will be done following a review of the case by the Program Manager and Deputy Director.

- A. Provide the agency with complete and accurate reports about health information (hospitalizations, medications, insurance) and necessary personal information (including personal financial information for determining program eligibility).
- B. Treat staff with courtesy and respect at all times.

- C. Contact one's care provider immediately if one will not be available for a scheduled service/appointment.
 - 1. Clients who cancel three (3) or more times within a six (6) month time period without providing at least 24 hours' notice may have their services terminated.
 - 2. These situations will be discussed by the caseworker/nurse with their immediate supervisor and Program Manager.
 - 3. The Program Manager, who may consult with the Deputy Director if needed, will have final discretion on the decision to terminate the case or if there are extenuating circumstances which will allow the case to remain open.
 - 4. The Client's Rights Officer will complete an investigation if further information is needed.
- D. Inform the agency immediately (or as soon as possible) of any problems or dissatisfaction with one's services.
- E. Keep valuables out of sight.
- F. Accept a fill-in staff in one's regular provider is not available (for clients receiving Homemaking and Personal Care). Clients must accept any worker sent to them without regard to age, race, religion, national origin, or sexual orientation, gender (allowances may be given on a case-by-case basis for gender considerations in home based care).
- G. Only ask for what is reasonable and within the provider's scope of work (e.g. Homemakers only do light housekeeping. They are not maids who clean everything from top to bottom).
- H. Pay all co-pays and fees on time, if applicable. Failure to do so can result in termination from programming.
 - 1. Clients will be notified by DSAS of past due balances at 30, 60 and 90 days from date of payment due date and will be provided opportunities to make payment arrangements.
 - 2. The case manager assigned to the case may also contact the client to inform him or her of delinquent payments.
 - 3. All case closures will be determined by a Case Closure Consultation Team to ensure the safety and well-being of the client.
- I. Clients who have a past due balance and re-apply for DSAS Options for Independent Living or Home Support programs will not be admitted until past due balances are paid.
- J. Refrain from using cigarettes, alcohol or other drugs (both client and others in the home) while the provider is in the home. Clients may not be intoxicated while their provider is in the home.
- K. Never give gifts, tips, or bribes to workers who provide services. If extra money is requested by a provider, clients should call DSAS immediately.
- L. Be clothed appropriately at all times other than when receiving Personal Care. No sexually suggestive behaviors are allowed with providers.
- M. Provide a physical environment for the provider that is free of threats to personal safety, and provides a minimum level of comfort to the provider (for example: allowing for adequate lighting and ventilation).
- N. All firearms owned by the client should be safely stored while a provider is visiting.
- O. Cases may be closed or services may be restricted or modified by DSAS for failure to comply with all Client Responsibilities listed under the Client Responsibilities section of this policy, or due to any situation where the safety of DSAS staff is at risk.
 - 1. At the discretion of the DSAS Unit Supervisor, a Behavioral Contract may be sent to the client prior to the case closure.
 - a. This contract will specify which Client Responsibilities were violated.
 - b. The client must sign this contract and agree to comply with all responsibilities.
 - c. Failure to adhere to the Behavioral Contract within 30 days will result in case closure.
 - 2. Clients who wish to appeal their case closure should contact the DSAS Client Rights Officer.
 - 3. The Client Rights Officer will investigate the client's appeal and will render a decision within 30 days.

4. Clients who disagree with the findings of the Client Rights Officer regarding the case closure may contact an agency listed in the Contact section of this policy.
5. Clients who have had a case closed due to a failure to adhere to the all client responsibilities may be denied admission to DSAS programs at the discretion of the supervisor and final authority of the DSAS Deputy Administrator.

V. Procedure for revision of rights and responsibilities

- A. When DSAS staff identify a need for revision of rights and responsibilities, this should be brought to the attention of the CRO. After conferring with the supervisor and other relevant parties, revisions can be discussed.
- B. Rights and responsibilities will be reviewed and revised as necessary at Manager's Meeting/AgencyStat meetings or equivalent on a yearly basis.

VI. Major Unusual Incidents (MUI)

- A. Examples of MUI's include, but are not limited to: suicides, suicide attempts, and suicide threats made to DSAS workers; homicidal threats made by a client against another person, or specific and credible threats to do serious harm to another person or property made by a client; accidental or suspicious deaths of clients; client injuries while a worker is on site; any time a worker calls 911 to assist a client; exploitation of clients; client or client associate assaults a staff or another client; property damage that can be reasonably assumed to have been caused by DSAS staff; medication errors; misappropriation; inappropriate sexual relationships; hoarding if the hoarding causes an immediate and serious risk to client or community health and safety; and other areas where the client may have been exposed to dangerous situations while on DSAS's watch (e.g. not all client dangers may be reported, only those that occur while interacting with DSAS staff, or where DSAS may have had at least some ability to prevent the incident).
- B. All major unusual incidents involving DSAS clients and visitors will be reported within 24 hours of the incident to Human Resources, immediate supervisor, unit manager and Client Right's Officer using the MUI form provided in this policy.
- C. No information about the MUI should be indicated in the client's case record.
- D. MUIs involving clients and visitors will be reported and investigated by the Client Rights Officer.
- E. In the event that a client or visitor contacts DSAS to file a liability claim associated with the reported Major Unusual Incident, the Client Rights Officer will collect additional information from the individual regarding specific reason(s) the individual is requesting to file a liability claim. He/she will document that information on a second MUI Report.
 1. The Client Rights Officer will immediately notify the Administrator, Deputy Administrators and Cuyahoga County Public Works, Division of Risk Management of the liability claim request.
 2. The MUI Reports for both the initial incident and the liability claim will be immediately sent to the Administrator, Deputy Administrator and Public Works, Division of Risk Management for review and follow-up investigation.
 3. The Client Rights Officer will document all incidences are provide a yearly update to the DSAS Administrator and Deputy Administrators
- F. In instances where the client is unsatisfied with the outcome of the investigation, he/she has the right to appeal the decision. They may do so by contacting the DSAS Client Rights Officer or by contacting agencies listed in Appendix A in this policy.

Appendix A-List of Contacts for clients to complain/grieve a client rights issue:

Primary Contacts

DSAS Client Rights Officer
13815 Kinsman Road
Cleveland, OH 44120
(216) 698-6844 or (216) 698-6672

Cuyahoga County Inspector General
1219 Ontario St.
Cleveland, OH 44113-1021
216-698-2101

Alternate Contacts-All DSAS Programs

Ohio Legal Rights Services
50 West Broad Street #14
Columbus, OH. 43215
(614) 466-7264
disabilityrightsohio@gmail.com

Office for Civil Rights
U.S. Department of Health & Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (800) 368-1019

Alternate Contact-Adult Protective Services

Office of Families and Children
50 West Town Street, 6th Floor
Columbus, Ohio 43215
Phone: (614) 466-1213
Fax: (614) 466-4359
Help Desk: (866) 635-3748, Option 2

Alternate Contact-Information Services and Counseling Services

Western Reserve Area Agency on Aging
925 Euclid Ave.
Cleveland, OH 44115
216-621-8010

Alternate Contacts-Home Support

Ohio Department of Health
Complaint Unit
246 N. High Street
Columbus, OH 43215
1-800-342-0553
HCComplaints@odh.ohio.gov

Long Term Care Ombudsman
2800 Euclid Avenue, Suite 200
Cleveland, Ohio 44115
800-282-1206 • 800-365-3112
www.ltco.org

An investigation of the complaint will begin within 5 business days of receiving the complaint



CUYAHOGA COUNTY DIVISION OF SENIOR AND ADULT SERVICES

MAJOR UNUSUAL INCIDENT REPORT

Client's Name _____

DSAS Program(s): _____

Employee's Name/Title: _____

Other Agency(ies) involved if applicable: _____

Date/Time of Incident: _____

Location and Address of Incident: _____

Description of Incident:

Medications Involved (if applicable): _____

Action Taken/Notifications Made (include names/dates/time of notification, duty to warn, and mandated reporting, if applicable:

Other Comments

Signature: _____

Supervisor Signature: _____

APPENDIX B-GRIEVANCE PROCEDURE FOR CLIENTS SERVED THROUGH THE OLDER AMERICANS ACT (OAA)

(Applies only to DSAS Information Services clients served through WRAAA/ADRN)

PROCEDURES:

- A. When applying for benefits through WRAAA, clients will be notified that they have the right to be fully informed about services offered by WRAAA, and have the right to participate in planning and services changes.
 - 1. Clients have the right to be treated with respect.
 - 2. Clients' property will also be treated with respect.
 - 3. Client records will be kept confidential.
 - 4. Clients will be notified that they have a right to file or voice a grievance with respect to any service offered by DSAS, or fails to provide, without fear of reprisal or discrimination as a result of filing or voicing the grievance.
 - a. Clients will be notified of the grievance procedure at the time of application for services, if they are denied services, if any changes are made to their service delivery plan, and if they are terminated from services.
 - 5. Clients have the right to be fully informed, in advance, about each service that DSAS offers to the individual, and about any change in the services being received by the individual that may affect their well-being.
 - 6. Clients have the right to participate in any process for planning and changing services provided under the OAA by DSAS unless the client has been judicially adjudicated incompetent.
 - 7. Clients have the right to be informed orally and in writing of the individual rights under the OAA in advance of receiving services.
- B. DSAS will provide a list of agencies that clients may contact to resolve their grievance (See page 5 of this policy), which includes the Long-Term Care Ombudsman's Office and the WRAAA.
- C. Any grievance filed by the client will receive a written response by DSAS.
- D. Any client served through WRAAA has the same rights as all other DSAS clients and is covered by all sections of this policy, including having the right to contact the DSAS Client Rights' Officer.