



Ohio Administrative Code

Rule 5122-26-18 Client rights and grievance procedure.

Effective: August 1, 2026

(A) As used in this rule:

- (1) "Client advocate" means the individual designated by a provider with responsibility for ensuring compliance with the client rights and grievance procedure rule as implemented within each provider or board. "Client advocate" has the same meaning as client rights officer or client rights specialist.
- (2) "Grievance" means a written complaint initiated either verbally or in writing by a client or by any other individual or provider on behalf of a client regarding denial or abuse of any client's rights.

(B) Each provider is to have all of the following:

- (1) A written client rights policy that lists all of the client rights identified in this rule;
- (2) A written client grievance procedure;
- (3) A policy for maintaining, for at least two years from resolution, records of client grievances that include, at a minimum, the following:
 - (a) A copy of the grievance;
 - (b) Documentation reflecting process used and resolution/remedy of the grievance; and
 - (c) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty business days.

(C) Posting of client rights

- (1) The client rights policy and grievance procedure is to be posted as follows:
 - (a) In each location in which services are provided, unless the provider location is not under the control of the provider (i.e., a shared location such as a school, jail, etc., and it is not feasible for the provider to do so); and
 - (b) On the provider's website in a conspicuous location, along with contact information for the client advocate. At a minimum, the contact information for the client advocate includes the client advocate's name, telephone number, and email address.
- (2) The client rights policy and grievance procedure is to be posted in a conspicuous location that is accessible to individuals served, their family or significant others, and the public.



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- (3) When a location is not under the control of the provider and it is not feasible for the provider to post the client rights policy and grievance procedure, the provider is to assure that copies are available at the location for each individual that may request a written copy.
- (D) Except for clients receiving forensic evaluation service as defined in rule 5122-29-07 of the Administrative Code from a certified forensic center, or attending a driver intervention program as defined in rule 5122-29-12 of the Administrative Code, each client has all of the following rights:
 - (1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
 - (2) The right to protection from physical, sexual or emotional abuse, neglect, and inhumane treatment and sexual exploitation.
 - (3) The right to receive services or supports in the least restrictive, feasible environment.
 - (4) The right to participate in any appropriate and available service or support that is consistent with an individualized treatment plan, regardless of the refusal of any other certified service or support, unless that certified service or support is a necessity for clear treatment reasons and involves the individual's participation.
 - (5) The right to give informed consent to or to refuse any certifiable service or support.
 - (6) The right to participate in the development, review, and revision of one's own individualized treatment plan and receive a copy of it.
 - (7) The right to freedom from unnecessary or excessive medication, and to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others.
 - (8) The right to be informed of and refuse any unusual or hazardous treatment procedures.
 - (9) The right to be advised and the right to refuse observation by others and by techniques such as one-way vision mirrors, tape recorders, video recorders, television, movies, photographs or other audio and visual technology. This right does not exclude a provider from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms or sleeping areas.



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- (10) The right to confidentiality of communications and personal identifying information within the limitations and constraints for disclosure of client information under state and federal laws and regulations.

With respect to an adult client receiving residential and withdrawal management substance use disorder services as described in rule 5122-29-09 of the Administrative Code, the right to confidentiality of communications includes the right to write or receive uncensored, unopened correspondence subject to the provider's rules regarding contraband when such rules do not conflict with federal postal regulations.

With respect to an unemancipated minor client receiving residential and withdrawal management substance use disorder services as described in rule 5122-29-09 of the Administrative Code, the right to confidentiality of communications includes the right to write or receive mail subject to the provider's policy regarding contraband and directives from the parent or legal guardian, when such rules and directives do not conflict with federal postal regulations.

- (11) The right to have access to one's own client record unless access to certain information is restricted for clear treatment reasons. If access is restricted, the treatment plan is to include the reason for the restriction, a goal to remove the restriction, and the treatment being offered to remove the restriction.
- (12) The right to be informed in advance of the reason for terminating participation in a certifiable service or support, and to be provided a referral, unless the certifiable service or support is unavailable or not necessary.
- (13) The right to be informed of the reason for denial of a certifiable service or support.
- (14) The right not to be discriminated against for receiving certifiable services or supports on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner forbidden by local, state or federal laws.
- (15) The right to know the cost of certifiable services or supports.
- (16) The right to be verbally informed of all client rights and receive a written copy upon request.
- (17) The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations.



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- (18) The right to file a grievance.
- (19) The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested.
- (20) The right to be informed of one's own condition.
- (21) The right to consult with an independent treatment specialist or legal counsel at one's own expense.

(E) Client rights - forensic evaluations

A client receiving a forensic evaluation service from a certified forensic center has all of these rights:

- (1) The right to be treated with consideration and respect for personal dignity.
- (2) The right to be evaluated in a physical environment affording as much privacy as feasible.
- (3) The right to service in a humane setting which is the least restrictive feasible if such setting is under the control of the forensic center.
- (4) The right to be informed of the purpose and procedures of the evaluation service.
- (5) The right to consent to or refuse the forensic evaluation services and to be informed of the probable consequences of refusal.
- (6) The right to freedom from unnecessary restraint or seclusion if such restraint or seclusion is within the control of the forensic center.
- (7) The right to be advised of and refuse observation by techniques such as one-way vision mirrors, tape recordings, televisions, movies, or photographs, or other audio and visual technology, unless ordered by the court, in which case the client has to be informed of such technique. This right does not exclude a provider from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms.
- (8) The right not to be discriminated against in the provision of certifiable services or supports on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner forbidden by local, state or federal laws.



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- (9) The right to be fully informed of all rights.
- (10) The right to exercise any and all rights without reprisal in any form.
- (11) The right to file a grievance.
- (12) The right to have oral and written instructions for filing a grievance including an explanation that the filing of a grievance is exclusively an administrative proceeding within the behavioral health system regulated by the department and will not affect or delay the outcome of the criminal charges.

(F) Client rights - driver intervention programs

Each client participating in a driver intervention program has all of these rights:

- (1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
- (2) The right to protection from physical, sexual or emotional abuse and inhumane treatment.
- (3) The right to give informed consent to or to refuse any certifiable service or support.
- (4) The right to be free from restraint or seclusion unless there is immediate risk of physical harm to self or others.
- (5) The right to be informed of and refuse any unusual or hazardous procedures.
- (6) The right to be advised and the right to refuse observation by others and by techniques such as one-way vision mirrors, tape recorders, video recorders, television, movies, photographs or other audio and visual technology. This right does not exclude a provider from using closed-circuit monitoring to observe seclusion rooms or common areas, which does not include bathrooms or sleeping areas.
- (7) The right to confidentiality of communications and personal identifying information within the limitations and constraints for disclosure of client information under state and federal laws and regulations.
- (8) The right to have access to one's own client record.
- (9) The right to be informed of the reason for terminating participation in a certifiable service or support.



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- (10) The right to be informed of the reason for denial of a certifiable service or support.
- (11) The right not to be discriminated against for receiving certifiable services or supports on the basis of race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner forbidden by local, state or federal laws.
- (12) The right to know the cost of certifiable services or supports.
- (13) The right to be verbally informed of all client rights, and to receive a written copy upon request.
- (14) The right to exercise one's own rights without reprisal, except that no right extends so far as to supersede health and safety considerations.
- (15) The right to file a grievance.
- (16) The right to have oral and written instructions concerning the procedure for filing a grievance, and to assistance in filing a grievance if requested.
- (17) The right to be informed of one's own condition.
- (18) The right to consult with an independent treatment specialist or legal counsel at one's own expense.

(G) Provision of client rights

- (1) The provider is to explain and maintain documentation in the ICR of explanation of rights to each individual served prior to or when beginning assessment or certifiable treatment services or supports.
- (2) In a crisis or emergency situation, or when the client does not present for certifiable services or supports in person such as through a hotline, the provider may verbally advise the client of at least the immediately pertinent rights only, such as the right to consent to or to refuse the offered treatment and the consequences of that agreement or refusal. Full verbal explanation of the client rights policy is to be provided at the first subsequent meeting.
- (3) Clients or recipients of referral and information service or consultation service as described in Chapter 5122-29 of the Administrative Code may have a copy and explanation of the client rights policy upon request.



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- (4) Explanations of rights is to be in a manner appropriate for the individual's understanding.
- (H) All staff are expected to follow the client rights policy and client grievance procedure. There is to be documentation in each employee's personnel file, including the file of contract staff, volunteers, and student interns, that each staff member has received a copy of the client rights policy and the client grievance procedure and has agreed to abide by them.
- (I) The client grievance procedure is to have provisions for at least the following:
 - (1) Statement to whom the client is to give the grievance. At least one person to whom the client may give a grievance will be available on site during a core number of hours each day the provider is open. This person does not have to be a client advocate but is to be a person trained to receive a grievance and pass it along to the client advocate.
 - (2) Designation of one or more client advocates who will be available onsite or through videoconferencing or other virtual means for a core number of hours each week the provider is open to assist the client in filing a grievance. If the provider offers a videoconferencing or other virtual option for access to a client advocate, the provider is to offer each client who chooses to access the client advocate in this way a private space on the provider's premises, along with the necessary equipment, to meet with the client advocate through videoconferencing or other virtual means. The client advocate is to have their name, title, location, hours of availability, telephone number, and email address included with the posting of client rights as necessitated by paragraph (C) of this rule.
 - (3) Necessitate that the grievance be in writing. The grievance may be made verbally and the client advocate is to be responsible for preparing a written text of the grievance.
 - (4) Necessitate that the written grievance is to be dated and signed by the client, the individual filing the grievance on behalf of the client, or have an attestation by the client advocate that the written grievance is a true and accurate representation of the client's grievance.
 - (5) Necessitate that the grievance include, if available, the date, approximate time, description of the incident and names of individuals involved in the incident or situation being grieved.



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- (6) Statement that the provider will make a decision on the grievance within twenty business days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended has to be documented in the grievance file and written notification given to the client.
- (7) Statement that a client has the option to file a grievance with outside organizations, that include, but are not limited to, the following, with the mailing address and telephone numbers for each stated:
 - (a) Applicable board of alcohol, drug addiction, and mental health services;
 - (b) Ohio department of behavioral health;
 - (c) Disability rights Ohio; and
 - (d) U.S. department of health and human services, civil rights regional office in Chicago.
- (8) Necessitate that a written acknowledgment of receipt of the grievance be provided to each grievant. Such acknowledgment is to be provided within three business days from receipt of the grievance. The written acknowledgment is to include, but not be limited to, the following:
 - (a) Date grievance was received;
 - (b) Summary of grievance;
 - (c) Overview of grievance investigation process;
 - (d) Timetable for completion of investigation and notification of resolution; and
 - (e) Provider contact name, address, and telephone number.