

Disability Rights Ohio (DRO)

Who are they, what is their role, and what access do they have?

What is Disability Rights Ohio?

- Since October 2012, Disability Rights Ohio has served as Ohio's Protection and Advocacy (P&A) system and Client Assistance Program (CAP). It is governed by a Board of Directors, primarily consisting of people with disabilities and family members of people with disabilities.
- A protection and advocacy system is required for a state to receive federal funding.
- DRO was previously known as Ohio Legal Rights.

What access is DRO afforded by law?

- DRO may enter the home to complete a complaint survey or routine monitoring.
- DRO may request copies of certain records and documents.
- DRO may access all areas of the home accessible to the residents of the home.
- DRO may complete trainings specific to the people served, such as voting rights and I/O waivers.
- DRO will complete some representative payee reviews.
- DRO may take pictures/video of the home to document their observations.
- DRO may meet with the residents alone, even without guardian consent

Best practices when DRO is onsite for a visit:

- Always ensure that the reason for the visit is clear. Is it a complaint survey or basic monitoring visit?
- Always ensure that a home staff member is with a DRO representative and if any pictures are taken that you also take a picture of the same area or object.(although unaccompanied access is a right of the P&A)
- Document all conversations, including phone communication with a follow-up email.
- Notify all guardians of the visit and inquire if they wish to be present at a meeting if DRO will permit.

DRO access to the home

- In most instances, the provider will receive written notice that a visit will occur and schedule the visit. A complaint visit may be different.
- Providers are required to provide access within 24 hours unless the visit will interfere with treatment. If greater than 24 hours a physician statement may be required.
- The documentation through video/photos does **not** include photos/videos of the residents. Guardian permission is required for that access.
- In my experience, the date and time has been negotiable.

DRO access to records

- Individual records related to the intake, assessment, evaluation, education, training and other services.
- This includes medical records, financials records, and monitoring records for the individual. These records also cover those received by other service providers specific to the individual.
- Reports prepared by federal, state or local government agency or a private organization charged with investigating incidents of abuse, neglect, injury or death.

DRO access to records (con't)

- The reports include: the incident of abuse, neglect, injury or death, the steps taken to investigate the incidents, reports and records(including personnel records) prepared or maintained by the service provider, and supporting documentation.
- Discharge and planning records
- Information in professional, performance, building or other safety standards and demographic and statistical information relating to the service provider.

DRO record access(con't)

- DRO does **not** have authority to access other additional facility records, such as schedules, payroll records, policies, procedures, logs..etc(unless included in the investigation of an incident)
- DRO make may other recommendations, such as cleanliness, storage of supplies, expiration dates, etc...I suggest working with them on these issues
- DRO may also copy any information that they have legal access toand you may charge them a reasonable fee to provide copies.
- When in doubt...contact your attorney!!!!

What can providers do to protect themselves?

- Educate yourself!!!
- 45 C.F.R part 1326
- Notify your guardians immediately so that they are aware of any visit or individual meeting. They may be allowed to attend if DRO permits. DRO does have the right to meet alone with the individual.
- Contact OPRA/your attorney if you have any questions or concerns in regards to process
- Come testify at the bi-annual state budget.

What does a typical DRO visit look like?

- Schedule of visit
- Quick entrance conference with questions
- Tour of facility
- Individual meetings and monitoring of services and supports
- Quick exit meeting with any issue requiring immediate follow-up
- Letter outlining any identified issues/concerns and a request for a response. This may include either a follow-up visit or photo evidence.

Questions?

Empowering People Inc.

Kurt miller

kmiller@empowering-people.net

330-307-6816