

## HOW TO FILE A CLIENT RIGHTS COMPLAINT

If you are **receiving services** for **mental illness, developmental disabilities, or substance abuse** in Wisconsin, then you are entitled to the patient rights that are referred to in this website.

If you feel that any of your patient rights have been violated, **you may file a grievance**. Providers of the services noted above **must** have a **grievance process** that complies with the provisions of Section III of **DHS 94**, Wis. Administrative Code.

The Grievance Procedure is a four-stage process. To begin that process, **you must** start at the **first level** of the procedure.

**[Note:** The State Grievance Examiner (SGE) and the Client Rights Office (CRO) have **no jurisdiction** over any patient rights complaints and **cannot get involved** in them **until** the grievance has gone through the other levels of the process. There is **only one exception** to that rule: If the service provider **does not have a grievance process** or **does not respond to your complaint** in a timely manner, the SGE can then get involved. The SGE has “original jurisdiction” over complaints related to the existence or operation of the grievance system under DHS 94.51, Wis. Administrative Code.]

- To begin the process, you must **file your complaint with the service provider**. If the service provider has an identified Client Rights Specialist (CRS), then your grievance should be directed to that CRS. If you are unsure of who the CRS is, then your grievance can be presented to the manager of the service provider.
- The CRS may have other roles at the agency, but that CRS **should be objective** in the review of your grievance.
- Grievances can be filed **orally**, but we **highly recommend** that you **put it in writing**. That minimizes the opportunity for misunderstanding of the nature of your complaint.
- Using a grievance **form is not required**. You can write a letter or note to start the process.
- Be clear that it is a **patient rights complaint** under **DHS 94**. That will ensure that it is treated appropriately in the process.
- If you file **more than one grievance** at a time, the **deadlines** for completion of the Level I review are **automatically extended**.

- Your complaint will be **handled** by the CRS in the manner they deem most **appropriate**, depending on the circumstances.
- There is an **option for using an informal resolution process**. The CRS may invite you to use the informal process, but it is not required. Use of the informal process **extends the due dates** for the decision.
- The CRS **may interview you** and staff of the service provider or may be able to reach a conclusion based solely on your complaint and the applicable laws and rules.
- When a decision is made in your grievance at Level I, **you will be informed of how to appeal** the decision if you are not satisfied with the outcome.
- Normally, you will have **10 days** from the day you received the decision to **appeal** it to the next level, unless there are special circumstances.
- The next level is most often the **manager** or owner of the **service provider**.
- That person will review your grievance and the Level I decision and issue a **Level II** decision on the matter. This review may include an interview with you, but that may not be necessary, depending on the circumstances.
- You will be **notified** in the Level II decision **how to appeal** to the next level.
- **If your county is paying** for your services, the **next level** should be the **County CRS**.
- If there is **no county involvement**, the next level will be the **SGE**.
- The SGE will conduct a review and issue a **Level III** decision. The review may include contact with you and with the service provider. The **SGE has access to your records** that the service provider created and may review those, too.
- When a Level III decision is issued, you **will be notified on how to appeal** to Level IV if you are not satisfied with the outcome.
- The **Level IV review** is conducted by the **Administrator** of the Division of Mental Health and Substance Abuse Services (DMHSAS) in the Department of Health Services (DHS).
- Level IV is the **final stage** of the process. You **may take the matter to court** after the Level IV decision has been issued, or at **any time** during the process.

- You are **not required to use the grievance process**. You may also take the matter **directly to court** under § 51.61(7), Wis. Statutes. (Note: If you file a grievance and then take the matter to court, too, the grievance may be dismissed as any court action would take precedence.)