



Client Rights Update 2019

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Outline

- Purpose of client rights
- New developments in client rights
- Gist of client rights
- Summary of the grievance procedure
- Client rights limits and denials
- Questions



Two-Prong Goal of Client Rights

To help clients be and feel heard

To improve services where appropriate

Client Rights



Take-Home Messages

- The two-prong goal of client rights
- Client rights and the grievance process
- Places to go for more Information



Examples of Client Experiences



Client Rights Law and Policy

- Wis. Stat. §§ 51.30 and 51.61
- Wis. Admin. Code ch. DHS 94 – Patient Rights and Resolution of Patient Grievances
- Wis. Admin. Code ch. DHS 92 – Confidentiality of Treatment Records



Client Rights Overview

- Who client rights applies to
 - Developmental disability
 - Mental health
 - Substance use
- Where client rights apply
 - Inpatient services and outpatient services: group homes, clinics, hospitals, facilities, centers
 - Excluded: inmates, emergency room patients



What's new in client rights?

- Recently enacted legislation allows minors to receive outpatient mental health care for 30 days without their parent's consent. (Wis. Stat. § 51.138).
- Individuals on conditional or supervised release are entitled to client rights and use of the grievance procedure. This has always been true, but is now being made more accessible.



Inpatient vs. Outpatient

- Both services offered by community providers.
- Some client rights only make sense in one setting or the other.
- There are additional rights for people receiving inpatient services.



Examples of Empathy in Services Through Client Rights



Examples of Client Rights

- Treatment rights
 - Prompt and adequate treatment
 - Right to refuse treatment
- Record and privacy access
 - Confidentiality
 - Right to see records
 - Right to challenge accuracy of records



Examples of Client Rights

- Communication rights
 - Reasonable access to telephone
 - Send or receive mail
 - See or refuse visitors
- Personal rights
 - Least restrictive environment
 - Exercise
 - Refuse work
 - Have staff make non-arbitrary decisions



Examples of Client Rights

- Privacy rights
 - Consent to be filmed or taped
 - Privacy in toileting and bathing
- Other rights
 - Informed of rights
 - Dignity and respect
 - File complaints
 - Free from retaliation
 - Refuse drastic treatment



Outline of Client Rights Grievance Process

- Division directives
- Four-stage process
- Starts local and can be appealed to DHS
- Option to take directly to court
- Decision digests online:
<https://www.dhs.wisconsin.gov/clientrights/grievance.htm>



Wis. Stat. § 51.61(7m)

“Whoever intentionally deprives a patient of the ability to seek redress for the alleged violation of his or her rights under this section by unreasonably precluding the patient from doing any one of the following may be fined not more than \$1000 or imprisoned for not more than 6 months or both:

- (a) Using the grievance procedure ...
- (b) Communicating ... with a court, government official, [DRW] or legal counsel.”



Informal Grievance Procedure

- There must be a process to informally resolve complaints.
- It can't be a prerequisite for the formal grievance process.
- Time limits are suspended.
- Either party can initiate the formal grievance procedure.
- It may be used with or pending the formal grievance procedure.
- It must be adapted to the particular needs and strengths of the client.



Formal Grievance Procedure

- There must be a formal process.
- It must include training for a client rights specialist (CRS).
- It must include a way to protect CRS neutrality.
- It must include a way to protect CRS for retribution for unpopular decisions.
- It must include prepared reports—fact finding, etc.
- It must permit both staff and client equal opportunity to be heard.



Formal Grievance Procedure

- There are time limits. (30 days; 10 days)
- It must include a method to inform parties of the decisions.
- There must be a process for responding to decisions.



Ambassadors of Client Rights

- Client rights facilitators and specialists
 - State mental health institutes, state centers
 - Community clinics, hospitals, group homes
- Facility director or program administrator
- DHS Client Rights Office staff
- DCTS division administrator



How We Help

- Hear concerns
- Problem-solve
- Investigate grievances, apply law and precedent to facts, issue decisions
- Advise regarding rules and policies
- Approve research involving patients



More Information

<https://www.dhs.wisconsin.gov/clientrights/index.htm>



The screenshot shows the website header with the Wisconsin Department of Health Services logo and a search bar. A navigation menu includes categories like 'About DHS', 'Data & Statistics', 'Diseases & Conditions', 'Health Care & Coverage', 'Long-Term Care & Support', 'Prevention & Healthy Living', 'Partners & Providers', and 'Certification, Licenses & Permits'. Below this is an alphabetical index from A to Z.

The breadcrumb trail reads: Home > About DHS > Client Rights > Client Rights Office.

The main content area is titled 'Client Rights Office' and includes social media icons for Facebook, Twitter, and LinkedIn. A paragraph describes the office's mission: 'The Client Rights Office serves individuals receiving services for developmental disability, mental health, and substance use. Individuals may receive these services in a variety of inpatient and outpatient settings, including adult family homes, clinics, community-based residential facilities, facilities operated by the Wisconsin Department of Health Services, and group homes. Inmates, emergency room patients, and single-person provider clinic patients are not served by the Client Rights Office.'

Below the text are two expandable sections: 'Duties of the Office' and 'History of the Office'. A 'Laws and Codes' section is also present, with a link to 'Wis. Stat. § 51.30 - Records'.



Contact Us

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Questions