

## INTRODUCTION TO THE COMMUNITY GRIEVANCE DECISION DIGEST

### Who this applies to:

Anyone who is **receiving services** for **mental illness, developmental disabilities**, or **substance abuse** in the state of Wisconsin has “patient rights”. Those rights are set forth in § 51.61, Wis. Stats., and DHS 94, Wis. Administrative Code. This digest does not apply to anyone receiving services from a state-operated facility. There are separate digests of case decisions for those facilities, made available through the DHS internal web site.

### What this digest is:

This is a compendium of **summaries** of the patient rights decisions issued at the state levels (Level III and Level IV) of the DHS 94 community grievance process. (The grievance process is set forth in Subchapter III of DHS 94, starting at DHS 94.40, Wis. Admin. Rules. A simplified flow chart of the grievance process is available on the Client Rights Internet Site.)

Each Level III or Level IV grievance decision that sets “precedent” by interpreting the laws and facts applicable to a given situation is summarized in this digest. The **law** and **rules** for each specific patient right are set forth first, followed by a brief description of the **facts** the **outcome** of the decisions that interpreted that section of the law.

### What the purpose is:

The purpose of setting forth the summary of decision “precedents” is to provide **guidance** for the interpretation of the patient rights laws and rules. Given a particular fact situation, the Client Rights Offices finds that it is helpful to allow both service providers and their clients to see what interpretations have been made in the past. We hope this will help everyone understand and comply with the complex patient rights laws and rules. It is hoped that this digest will promote consistency in decision-making and provide accessible, inexpensive technical assistance to consumers, client rights specialists and program administrators across the state.

### How it is organized:

The precedent set by the decision is set forth under the appropriate category. However, some cases are complicated and thus set several different precedents and thus may be listed under several different categories or even several times under the same category.

Cases are organized by **date of the decision**, rather than case number. The State Grievance Examiner's office assigns case numbers upon receipt. The first number is the year the grievance began. The middle section is "SGE" for State Grievance Examiner and the last section is the consecutive number of the case. Example: 10-SGE-09 is the 9<sup>th</sup> Level III grievance received by the SGE in 2010.

### **Can I get a copy of a Level III or Level IV decision?**

We are sorry but we cannot provide copies. Due to the amount of details in most of these decisions, it would be nearly impossible to block out all the information that might identify who the individual client was. We cannot risk violating someone's right to confidentiality of their treatment information by sending out copies of these decisions. That is why we summarize the decisions in this digest.

### **As a client, can I "cite" decision precedents in a complaint?**

Yes, you may. We intend these precedents to be usable by clients and service providers alike. You need to be aware, however, that the circumstances of your complaint may differ sufficiently from the facts of the case you "cited" so that the precedent may not, upon closer inspection, apply to your specific situation.

### **As a service provider, can we "cite" decision precedents in response to a complaint?**

Yes, you may. We intend these precedents to be usable by clients and service providers alike. We try to consistently apply the laws and rules, including our decision precedents, to given fact situations. If there is a clear precedent and the facts of a grievance are nearly identical, you should be able to rely on our precedents to respond appropriately to any complaints from your clients. This would not, of course, mean that the client could not still appeal any grievance decision to the state levels.

### **Will the digest be updated in the future?**

The digest will be updated periodically as new decisions are issued. Each section of the digest has a note at the very end about the last time it was updated.

### **Summary:**

The Client Rights Office (CRO) staff hope that both client rights personnel and patients alike find these precedents helpful. Any **questions** about them from clients should be **addressed to the service provider's Client Rights staff**. We would like the community client rights specialists to be the first line of response. The client rights staff can always ask CRO for further clarification if necessary.

**Last Updated:**

This digest was last updated on 8/18/2020