

ASSISTANCE IN THE EXERCISE OF RIGHTS

LAW

“Each **service provider shall assist** patients in the **exercise of all rights** specified under ch. 51, Stats., and this chapter.”

DHS 94.06(1), Wis. Admin. Code [Emphasis added.]

DECISIONS

1. The **notification of rights** is a **very important task** as it is intended to convey to clients that, indeed, **they have many rights** while receiving services, and that there are **mechanisms designed to protect their rights** – such as the DHS 94 **grievance resolution procedure**. Yet, as clients begin receiving services, they may be at various **functioning levels** in terms of their **ability to process** this information and understand their rights. The law emphasizes the **need for flexibility and follow-up** by providers as may be warranted in any given situation. For example, if a client is admitted to an inpatient setting in an **acutely psychotic state**, that may be a **time when the rights are the least meaningful or understandable**. Thus, someone will need to **follow up** with the rights notification at a later time when the client is **more likely to understand** them. There are creative and effective ways in which information can be shared, explained, and discussed to make it meaningful. Usually some combination of oral notification (unless a client states that is not wanted) **and written notification** followed by an **opportunity to ask questions**, **discuss** what the rights mean, ensure the client **knows who the Client Rights Specialist is**, etc., is effective. The key part of this entire process is **documentation**. Having a patient **sign an acknowledgement** of receipt of rights information is always a **good idea** but, **without more, this alone is not always meaningful**. If there is a question later, additional and **contemporaneous documentation** about what the rights notification process entailed is a **good protective measure** for both a client and agency. It is always positive to include such documentation in the client's record. Documentation of **annual re-notification** of rights is **also necessary**. Who does the follow-up in up to the provider, but logically the Client Rights Specialists should have some role. (Level III decision in Case No. 00-SGE-01 on 6/29/01)

[See: “Introduction to Digest-Date Last Updated” page.]