

GRIEVANCE PROCESS - GRIEVABILITY

[NOTE: The decisions cited in this section of the digest have to do with whether or not a specific issue can be brought as a grievance.]

DECISIONS

1. The DHS 94 grievance process has **no jurisdiction over issues raised by an individual under the control of the Department of Corrections**. The individual was redirected to appeal through the DOC inmate complaint system. (Level III decision in Case No. 98-SGE-01 on 2/6/98.)
2. A patient's **ex-husband attempted to file a grievance** on his ex-wife's behalf about the **fees charged for her mental health services**. He had been ordered by the divorce court to pay that bill. He **lacked standing to bring the complaint or appeal it through the grievance process without his ex-wife's consent**. **Patient rights attached to her, not her ex-husband**, since she was the one receiving the treatment. (Level III decision in Case No. 00-SGE-06 on 4/14/00.)
3. A patient being **emergency detained** complained about **being shackled** by the **sheriff officers during transport**. This is their standard practice. The **grievance process has no jurisdiction over the actions of law enforcement agencies**. (Level III decision in Case No. 00-SGE-04 on 4/9/01.)
4. **Financial assistance for housing is not an issue covered by client rights** and such decisions **cannot be challenged in the grievance process** in DHS 94. (Level III decision in Case No. 01-SGE-02 on 6/6/01.)
5. A client **also filed a complaint** with the Department of Health and Family Services **Bureau of Quality Assurance (BQA)**, which certifies providers and clinics. The issues raised in that context were reviewed as part of a separate process. The **grievance procedure reviews complaints in the context of DHS 94 rights**, and **does not deal with licensing or certification issues**. Thus, **there is no standing to raise licensing and certification issues in the grievance process**, too. (Level IV decision in Case No. 00-SGE-11 on 8/26/02, upholding the Level III decision.)
6. An ex-patient complained that an inpatient treatment facility **overcharged** him for some smoking materials. **County funds paid for those materials**, rather than the patient. The issue was thus between the county and the facility and the issue was **not appropriate for the grievance process**. (Level III decision in Case No. 02-SGE-05 on 3/19/03.)

7. A father **wanted to audio-tape staff's meetings** where they discussed his son's treatment. The **facility refused to allow this**. This is **not a patient rights issue**. The only relevant patient right is the right **not** to be filmed or taped. The facility offered to write up the outcomes of the meetings for the father. This was a reasonable resolution, but the father refused to accept it. (Level III decision in Case No. 03-SGE-03 on 7/17/03)
8. A **court decision to order medications cannot be challenged in the grievance process**. (Level III decision in Case No. 03-SGE-10 on 10/23/03.)
9. **Sheltered workshops** that have been **approved by DWD** [or the federal Department of Labor] to **pay sub-minimum wages** are, by such approval, deemed in compliance with the client wage requirements of § 51.61(1)(b), Stats. The DHS 94 grievance procedure has **no jurisdiction** over issues of **compliance** with the **federal Fair Labor Standards Act**. (Level IV decision in Case No. 04-SGE-04 on 11/11/04)
10. A **diagnosis** made by an independent, outpatient clinician was that **clinician's opinion**, which **cannot be challenged** in the **grievance process**. The client has the right to get a second opinion if she disagrees with the diagnosis. (Level IV decision in Case No. 06-SGE-09 on 9/27/06)
11. A man whose adult son had been protectively placed with him as an Adult Family Home provider **requested to be reimbursed** from the county for the "respite" hours and mileage he had provided when the assigned respite staff did not show up to take his son out. That issue is **not grievable** as a client rights issue. Rather, it is an issue between the provider/father and the county to work out. (Level IV Decision in Case No. 06-SGE-03 on 9/01/10)
12. A client complained about a **clinic policy that did not affect him** personally, so he **lacked standing** to bring this issue. However, it was determined that the issue **would be reviewed** since it **had significant importance to other patients**. (Level III decision in Case No. 10-SGE-13 on 3/03/11)