

RIGHTS OF FAMILY CARE CLIENTS

Family Care clients have certain rights under **DHS 10.51**, Wis. Admin. Code. That rule states:

“(1) **RIGHTS OF CLIENTS.** Clients have the right to all of the following:

- (a) **Freedom from unlawful discrimination** in applying for or receiving the family care benefit.
- (b) **Accuracy and confidentiality** of client information.
- (c) **Prompt** eligibility, entitlement and cost-sharing **decisions and assistance.**
- (d) **Access** to personal, program and service system **information.**
- (e) **Choice** to enroll in a CMO, if eligible, and **to disenroll at any time.**
- (f) **Information about** and **access to all services of resource** centers and CMOs within standards established under this chapter to the extent that the client is eligible for such services.
- (g) **Support** for all clients in **understanding their rights and responsibilities** related to family care, including due process procedures, and in providing their comments about resource centers, CMOs and services, including through grievances, appeals and requests for department review and fair hearings. Resource centers, CMOs and county agencies under contract with the department shall assist clients to identify all rights to which they are entitled and, if multiple grievance, review or fair hearing mechanisms are available, which mechanism will best meet client needs.
- (h) **Support** for all clients **in the exercise of any rights** and **available grievance and appeal procedures** beyond those specified in this chapter.

Note: Examples of other rights and procedures available to clients include those afforded to persons who receive treatment or services for developmental disability, mental illness or substance abuse under ch. 51, Stats. and ch. DHS 94, and those afforded to persons who reside in a nursing home, community-based residential facility, adult family home or residential care apartment complex, or who receive services from a home health agency under statutes and rules of those programs.

(2) **RIGHTS OF ENROLLEES.** Enrollees have the right to all of the following:

- (a) **Support from the CMO** in all of the following:
 - 1. **Self-identifying long-term care needs** and **appropriate** family care **outcomes.**
 - 2. **Securing information** regarding all services and supports potentially available to the enrollee through the family care benefit.
 - 3. **Actively participating in planning** individualized services and **making** reasonable service and provider **choices** for achieving identified outcomes.
- (b) **Receipt of services** identified in the individualized service plan.”

[Emphasis added]

Family Care clients who are **also** currently **receiving services** for **mental illness**, a **developmental disability**, or **substance abuse**, along with their rights under DHS 10, also have rights under the “Patient Rights” laws and rules (s. 51.61, Stats., and DHS 94, Wis. Admin. Code).

Clients, and their advocates and legal representatives, also have the right to use the DHS 94 grievance procedure if they believe any of the client’s “patient rights” have been violated. They may use that grievance process **along with or instead of** any other grievance process you may have access to. (Please see the rest of the Client Rights site, which explains “patient rights” and the grievance process.)