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
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 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
Protecting and promoting the health and safety of the people of Wisconsin

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
Contact Us

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Questions