

Solutions to Your Client Rights Conundrums: A Panel Discussion on Difficult Dilemmas in Client Rights

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WISCONSIN DEPARTMENT of HEALTH SERVICES

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Introduction to Panel Members



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Client Rights Office: Introduction

- Promotion of client rights
- Consultation on client rights
- Grievance process
  - Community
  - Department of Health Services (DHS) facilities
- Approval of research

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## Client Rights

Who it applies to:  
Individuals receiving mental health, substance use, or developmental disability services in the community and at facilities managed by DHS (examples: Mendota Mental Health Institute, crisis programs, alcohol and other drug treatment providers)

Who it doesn't apply to:  
Individuals receiving services in hospital emergency rooms and prisons.

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## Examples

- Cost of care
- Dignity and respect
- Labor/work

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## New Development 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).
- The right to informed consent has been expanded to cover this situation.

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### Client Rights Highlights

- Implementation of client rights for people on conditional or supervised release has been improved.
- People in jails who receive services are entitled to client rights and are able to file grievances through the Wis. Admin. Code ch. DHS 94 grievance process related to these services. (For more information on providing services in your county jail, contact Rebecca Main, DHS criminal justice coordinator, 608-266-3145).

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### Traps to Avoid

- Awareness of each of the client rights and the related details about each right
- Fear of retaliation
- Failure to document adequately – on the part of staff and patients

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### What to do when client rights are violated?

- Initiate an informal discussion with parties involved and/or the provider/facility client rights specialist/client rights facilitator
- File a complaint

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**What to do when client rights are violated?**

If you still have questions you can:

- Contact Client Rights Office.
- Visit the Client Rights Office website [www.dhs.wisconsin.gov/clientrights](http://www.dhs.wisconsin.gov/clientrights).

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**Client Rights Grievance Procedure**

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**Community Grievance Resolution Procedures**

The Wis. Admin. Code ch. DHS 94 grievance procedure applies to adults and minors who receive services for:

- Mental illness
- Developmental disability
- Substance use

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**Community Grievance  
Resolution Procedures:  
Covered**

- Crisis programs
- Community Support Programs
- Day treatment
- Foster homes and group homes
- Hospitals
- Outpatient clinics

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**Community Grievance  
Resolution Procedures:  
Covered**

- Nursing homes
- Outpatient clinics
- Residential settings
- Substance use providers
- Vocational/day services

Any other program that provides these services  
or for people protectively placed under  
Wis. Stat. § 55.06

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**Community Grievance  
Resolution Procedures:  
Excluded**

- Private practitioners who work alone
  - In-house grievance process
  - Contracted client rights specialist
  - Legal action
- Emergency rooms

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### Community Grievance Resolution Procedures

- Level I-Program level review
- Level II-County level review (For county operated or county-contracted/authorized programs)
- Level III-State level review (For independently operated programs)
- Level IV-Final state level review

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### Grievance Procedure: DHS Facilities

- Central Wisconsin Center
- Mendota Mental Health Institute
- Northern Wisconsin Center
- Sand Ridge Secure Treatment Center
- Southern Wisconsin Center
- Winnebago Mental Health Institute

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### Grievance Procedure: DHS Facilities

- Stage 1-Client rights facilitator (Facility level)
- Stage 2-Facility director
- Stage 3-Client Rights Office (State level)
- Stage 4-Division of Care and Treatment Services (DCTS) administrator

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### Grievance Procedure: Court Action

- Patients may take their grievance to court at any time during the grievance process.
- A court action on the same issue will normally terminate the grievance process unless there is a good reason to keep the investigation open.

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### Traps to Avoid

- Advocating for the patient or facility
- Assuming a complaint isn't a rights issue or thinking it doesn't apply to your setting
- Failing to take a concern seriously
- Failing to document interactions with patient/provider

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### Client Rights Limitations or Denials

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### Client Rights Limitation or Denials (CRLDs)

- Right to access to a telephone
- Right to wear own clothing and use personal articles
- Right to privacy in toileting and bathing
- Right to access to a reasonable amount of storage space
- Right to see visitors daily

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### CRLDs: Rights Excluded

- Right to send/receive mail
- Right to file complaints
- Right to humane treatment
- Right to refuse treatment and medications (unless court ordered)

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### CRLDs: Reminders

- Only the treatment team can issue a CRLD
- Least restrictive standard
- Limit can only be imposed for as long as necessary
- Document
- Review periodically
- Specific conditions must be given for restoring the right

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### Common Pitfalls

- Trying to limit a right not specifically listed
- Imposing an unreasonable duration
- Denying a right when a limitation could instead be imposed

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### Additional Issues to Consider

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### Topics

- Privilege
- Outpatient services
- Confidentiality
- Minors
- Traps to avoid

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### Outpatient Services

- Respect and dignity
- Adequate treatment
  - Diagnosis issues
  - Medication issues
  - Discharge issues
- Retaliation
- Grievance procedure

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### Confidentiality

- Wisconsin Admin. Code ch. DHS 94.17: All records are confidential
- A patient or guardian may inspect, copy, and challenge the patient's records as authorized under Wis. Stat. § 51.30 and Wis. Admin. Code. ch. DHS 92
- Wisconsin Admin Code ch. DHS 94.18: Filming and taping

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## Minors

Records rights are often brought up in complaints

- Can a service provider withhold a minor's treatment records from a parent?
- Can a parent request the treatment records of a deceased minor?

[www.dhs.wisconsin.gov/clientrights/minors.htm](http://www.dhs.wisconsin.gov/clientrights/minors.htm)

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## Traps to Avoid

- Patients may have conditions that make them extra sensitive to staff members mood.
- Underestimating the depth and weight of client rights law.
- Lack of understanding of the grievance process and what it can and can not do.
- Dismissing treatment as unhelpful after a bad experience.

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## Group Questions



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## Questions and Answers



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## Client Rights Office Contacts: Client Rights Specialists

- **Laura Daley**  
Sand Ridge Secure Treatment Center  
608-267-7144
- **Emily Mickelson**  
608-267-7818
- **Laura O'Flanagan**  
Community providers  
608-266-9369
- **Dorothy Paler**  
State mental health institutes  
608-266-3102

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