



Client Rights and the Grievance Procedure

Behavioral Health Division
1202 Northport Dr.
Madison, WI 53704

Client Rights

When you receive any type of service for mental illness, alcoholism, drug abuse, or a developmental disability you have the following rights under Wisconsin Statute sec. 51.61(1) and DHS 94 Wisconsin Administrative Code.

Personal Rights

- You must be treated with dignity and respect, free of any verbal, physical, emotional, or sexual abuse.
- You have the right to have staff make fair and reasonable decisions about your treatment and care.
- You may not be treated unfairly because of your race, national origin, sex, age, religion, disability, or sexual orientation.
- You may not be made to work except for personal housekeeping chores. If you agree to do other work, you must be paid.
- You may make your own decisions about things like getting married, voting, and writing a will, if you are over the age of 18, and have not been found legally incompetent.
- You may use your own money as you choose.
- You may not be filmed, taped, or photographed unless you agree to it.

Treatment and Related Rights

- You must be provided with prompt and adequate treatment, rehabilitation and educational services appropriate for you.
- You must be allowed to participate in the planning of your treatment and care.
- You must be informed of your treatment and care, including alternatives to and possible side effects of treatment, including medications.
- No treatment or medication may be given to you without your consent, unless it is needed in an emergency to prevent serious physical harm to you or others, or a court orders it. (If you have a guardian, however, your guardian may consent to treatment and medications on your behalf.)
- You may not be given unnecessary or excessive medication

- You may not be subject to electro-convulsive therapy or any drastic treatment measures such as psychosurgery or experimental research without your written informed consent.
- You must be informed in writing of any costs of your care and treatment for which you or your relatives may have to pay.
- You must be treated in the least restrictive manner and setting necessary to achieve the purposes of admission to the program, within the limits of available funding.

CCS-Specific Consumer Rights

Under DHS 36.19:

- You will be a member of your personal Recovery Team, will be able to select members of your Recovery Team, and will be involved in all aspects of your Recovery Planning and treatment.
- You must be offered choice in the selection of recovery team members, services, and service providers.
- You have the right to specific, complete, and accurate information about proposed services.
- Your participation in CCS is voluntary, and you or your parent/guardian may choose to leave the CCS program at any time.
- You have the right to request a review of the determination of need for psychosocial rehabilitation services. A written request for review of the determination of need for psychosocial rehabilitation services should be addressed to the Bureau of Prevention, Treatment and Recovery, 1 W. Wilson Street, Room 850, PO Box 7851, Madison, WI 53707-7851
- You shall not be required to use telehealth to receive services and an in-person option must be available.
- A copy of DHS 36 is available upon request.

Record Privacy and Access

Under Wisconsin Statute sec 51.30 and DHS 92, Wisconsin Administrative Code:

- Your treatment information must be kept private (confidential), unless the law permits disclosure
- Your records may not be released without your consent, unless the law specifically allows for it
- You may ask to see your records. You must be shown any records about your physical health or medications. Staff may limit how much you may see of the rest of your treatment records while you are receiving services. You must be informed of the reasons for any such limits. You may challenge those reasons through the grievance process.

- After discharge, you may see your entire treatment record if you ask to do so.
- If you believe something in your records is wrong, you may challenge its accuracy. If staff will not change the part of your record you have challenged, you may file a grievance and/or put your own version in your record.
- A copy of sec 51.30, Wis. Stats., and/or DHS 92, Wisconsin Administrative Code, is available upon request.

Grievance Procedure and Right of Access to Courts

- Before treatment is begun, the service provider must inform you of your rights and how to use the grievance process. A copy of the Program's Grievance Procedure is available upon request.
- If you feel your rights have been violated, you may file a grievance.
- You may not be threatened or penalized in any way for presenting your concerns informally by talking with staff, or formally by filing a grievance.
- You may, instead of filing a grievance or at the end of the grievance process, or any time during it, choose to take the matter to court to sue for damages or other court relief if you believe your rights have been violated.

Grievance Resolution Stages

Informal Discussion (Optional)

You are encouraged to first talk with staff about any concerns you have. However, you do not have to do this before filing a formal grievance with your service provider.

Grievance Investigation – Formal Inquiry

- If you want to file a grievance, you should do so within 45 days of the time you become aware of the problem. The program manager for good cause may grant an extension beyond the 45-day time limit.
- The program's Client Rights Specialist (CRS) will investigate your grievance and attempt to resolve it.
- Unless the grievance is resolved informally, the CRS will write a report within 30 days from the date you filed the formal grievance. You will get a copy of the report.
- If you and the program manager agree with the CRS's report and recommendations, the recommendations shall be put into effect within an agreed upon time frame.
- You may file as many grievances as you want. However, the CRS will usually only work on one at a time. The CRS may ask you to rank them in order of importance.

Program Manager's Decision

If the grievance is not resolved by the CRS's report, the program manager or designee shall prepare a written decision within 10 days of receipt of the CRS's report. You will be given a copy of the decision.

County Level Review

- If you are receiving services from a county agency, or a private agency and a county agency is paying for your services, you may appeal the program manager's decision to the County Agency Director. You must make this appeal within 14 days of the day you receive the program manager's decision. You may ask the program manager to forward your grievance or you may send it yourself.
- The County Agency Director must issue their written decision within 30 days after you request this appeal.

State Grievance Examiner

- If your grievance went through the county level of review and you are dissatisfied with the decision, you may appeal it to the State Grievance Examiner.
- If you are paying for your services from a private agency, you may appeal the program manager's decision directly to the State Grievance Examiner.
- You must appeal to the State Grievance Examiner within 14 days of receiving the decision from the previous appeal level. You may ask the program manager to forward your grievance to the State Grievance Examiner or you may send it yourself.
- The address is: State Grievance Examiner, Division of Care and Treatment Services (DCTS), PO Box 7851, Madison, WI 53707-7851

Final State Review

Any party has 14 days from receipt of the written decision of the State Grievance Examiner to request a final state review by the Administrator of the Division of Care and Treatment Services or designee. Send your request to the DCTS Administrator, PO Box 7851, Madison, WI 53707-7851

You may talk with staff or contact your Client Rights Specialist, whose contract information is shown below, if you would like to file a grievance, need assistance preparing your complaint, or want to learn more about the grievance procedure used by the program from which you are receiving services.

For CCS Clients

Dane County Client Rights Specialist
1202 Northport Drive
Madison, WI 53704
(608) 504-0062
ccs@danecounty.gov

For Behavioral Health Clients

Dane County Client Rights Specialist
1202 Northport Drive
Madison, WI 53704
Fax: (608) 242-6531
bhclientrights@danecounty.gov

Note: There are additional right within sec. 51.61(1) and DHS 94, Wisconsin Administrative Code. They are not mentioned here because they are more applicable to inpatient and residential treatment facilities. A copy of sec. 51.61, Wis. Stats. and/or DHS 94, Wisconsin Administrative Code is available upon request.

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