

# YOUR RIGHTS AND THE GRIEVANCE RESOLUTION PROCESS

TREATMENT RIGHTS • PERSONAL RIGHTS • COMMUNICATION AND PRIVACY RIGHTS • RECORD PRIVACY AND ACCESS • RIGHT OF ACCESS TO COURTS

All patients and clients receiving services from state-operated facilities—Mendota Mental Health Institute, Winnebago Mental Health Institute, Northern Wisconsin Center, Central Wisconsin Center, Southern Wisconsin Center, Wisconsin Resource Center, and Sand Ridge Secure Treatment Center—have certain rights under state law. These rights are set forth in Wis. Stat. § 51.61 and Wis. Admin. Code ch. DHS 94. Each facility must display a poster explaining your rights and responsibilities where everyone can easily see it. Your rights must be explained to you. You may also keep this handout.

## Treatment rights

You must be provided prompt and adequate treatment, rehabilitation, and educational services appropriate for your condition.

You must be allowed to participate in the planning of your treatment and care. After giving consent for treatment, parents of minors and guardians of patients may also choose to participate in treatment and care planning.

You must be informed of your treatment and care, including alternatives and possible side effects of 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, your guardian can consent to treatment and medications on your behalf.

You must not be given unnecessary or excessive medication.

You may not be subject to electroconvulsive therapy or any other “drastic treatment measures” such as psychosurgery or experimental research without your consent.

You must be informed of any costs of your care and treatment that you or your relatives may have to pay.

You may not be restrained or placed in a locked room (seclusion) unless in an emergency when it is necessary to prevent physical harm to you or to others. (There are some security exceptions for night locks and emergency lockdowns in some facilities, and for restraint of certain patients during transport. Staff will explain these exceptions to you.)

You must be treated in the least restrictive manner and setting necessary to safely and appropriately meet your needs. Note: This right does not apply to forensic patients at state mental health institutes.

## Personal rights

You must be treated with dignity and respect, free of any verbal or physical abuse.

Your surroundings must be kept safe and clean.

You must be given the chance to exercise, go outside for fresh air regularly and frequently, and go to off-unit recreational facilities where possible.

You have the right to have staff make fair and reasonable decisions about your treatment and care.

You can decide whether you want to participate in religious services.

You cannot be made to work except for personal housekeeping chores. If you agree to do other work, you must be paid.

If you are an adult, you can make your own decisions about things like getting married, voting, and writing a will.

## Communication and privacy rights

- You may use the telephone daily.\*
- You may see or refuse to see visitors daily.\*
- You must have privacy when you are in the bathroom.\*
- You may wear your own clothing.\*
- You may keep and use your own belongings.\*
- You must be given a reasonable amount of secure storage space.\*
- You must be given the opportunity to have your clothes washed.
- You may send and receive private mail.\*
- Staff cannot read your mail unless you or your guardian asks them to read it to you. Staff may check your mail for contraband in your presence.
- You may call or write to public officials or your lawyer or advocate.
- You cannot be filmed or taped unless you agree to it. (There are some security exceptions.)
- You may use your own money as you choose, within some limits.

Some of your rights may be limited or denied for reasonable treatment or safety reasons. Those rights have an asterisk (\*) after them. Your wishes and the wishes of your guardian should be considered. If any of your rights are limited or denied, you must be informed of the reasons for doing so. You may ask to talk with staff about it. You may also file a grievance about any limits of your rights.

## Record privacy and access

Your treatment information must be kept confidential. Your records cannot be released without your consent, unless the law specifically allows for it.

You can ask to see your records. You must be shown any records about your physical health or medications. Staff may limit how much you can see of the rest of your records while you are at the facility. You must be informed of the reasons for any such limits. You can challenge those reasons by filing a grievance. After discharge, you can see your entire record if you ask to do so.

If you believe something in your records is not correct, you can challenge its accuracy. If staff do not change the challenged part of your records, you can insert a statement into your records that corrects what you think is the mistake.

## Right of access to courts

Involuntary patients can ask a court to review the order placing them in a facility.

You may sue someone for damages or other court relief if they violate any of your rights.

Legal materials are available upon request. You can request forms or general advice from legal services at the mental health facilities and secure treatment centers for some court matters. Ask staff how to contact those services.

You may call your attorney or patient rights staff at reasonable times. If you cannot afford such calls, the facility must provide them to you free of charge.

**Note:** Clients of Northern Wisconsin Center, Central Wisconsin Center, and Southern Wisconsin Center have additional rights under federal law and state rules. These rights are found in Code of Federal Regulations, Title 42, Section 483.420 and Wis. Admin. Code ch. DHS 134. See each center's client rights staff for further information about these rights.

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## Grievance resolution process

A grievance is a complaint or disagreement you may have about your rights. You have the right to file complaints. You cannot be threatened or penalized in any way for filing grievances.

The grievance process has the following rules:

- You, or anyone else on behalf of a client, may file a grievance. Forms for filing grievances must be easily available to you. If you need help filling out a form, ask the facility's client rights staff or other staff.
- You may file as many grievances as you want. However, it will take more time to investigate your grievances if you file more than one at a time.
- The grievance process may end at any time if you feel that the matter has been resolved.
- You do not have to use the grievance process. You may take your grievance directly to court. However, if you do file a grievance and then go to court, your grievance may be dismissed when the court process begins.

### Your client rights staff contact information is:

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## Grievance resolution stages

### Optional: Informal discussion

You are encouraged to first talk to staff about any problems you have. You may ask the client rights staff to help you resolve a problem. You do not have to do this before filing a grievance.

### Stage 1: Grievance investigation

If you want to file a grievance, you must do so within 45 days of when you become aware of the problem. The client rights staff will try to resolve your problem. If it is not resolved, they will report their findings in a Stage 1 decision. That decision will usually be issued within 45 calendar days of receipt of your grievance. The time for completing it may be extended if you have many pending complaints.

Grievances about discrimination may be filed within 180 days. But if you believe you were treated unfairly because of your race, national origin, sex, age, religion, disability or sexual orientation, the sooner you file a grievance, the easier it will be to investigate and resolve it.

### Stage 2: Facility director's decision

If you disagree with the Stage 1 decision, you will be informed how to appeal it to Stage 2.

### Stage 3: Client Rights Office review

If you disagree with the Stage 2 decision, you will be informed how to appeal it to Stage 3.

### Stage 4: Administrator's decision

You or the facility director may appeal the Stage 3 decision to Stage 4.

For more information or to file a complaint, contact your facility's client rights staff.

## Additional resources

### Division of Quality Assurance

You may also file a complaint with the Division of Quality Assurance (DQA) if you believe your complaint involves violations of hospital regulations. The DQA address is PO Box 2969, Madison, WI 53701-2969. Telephone: 608-266-8481; toll free: 800-642-6552. DQA will review your complaint, and if it is a complaint about other rights issues, they will refer it to the grievance resolution process.

### Medicare recipients

Patients receiving Medicare benefits may also file a complaint with the facility's Peer Review Organization. To do so, contact the facility's client rights staff.

### Disability Rights Wisconsin

Disability Rights Wisconsin (DRW) investigates grievances of client abuse or neglect and other rights violations. Telephone: 800-928-8778. You may call DRW at reasonable times while at a facility. If you cannot afford such calls, the facility must provide them to you free of charge.

## Your responsibilities

To get the best treatment in the shortest amount of time possible, you have some responsibilities as a patient. You should:

- Comply with the rules where you reside.
- Participate in your treatment planning. Communicate and cooperate with staff who help implement your plan. Ask staff questions if you do not understand your plan, and accept the consequences if you don't follow the plan.
- Provide staff with information about your past medical, social, and psychiatric history to help staff better meet your needs.
- Inform medical staff if you are having any pain. Work with staff to assess your pain and develop a pain management plan. Comply with the plan, and tell staff if your pain continues.
- Treat other patients, staff, and property with respect. If you damage property, you may have to repay the value of that property.
- Meet any financial obligations promptly once you are aware of them.