

Grievance Procedures

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WISCONSIN DEPARTMENT
of HEALTH SERVICES

Objectives

- Locate Wis. Admin. Code ch. DHS 85 requirements related to grievances.
- Identify grievance procedure standards to adopt from Wis. Admin. Code ch. DHS 94.
- Understand grievance training for guardian representatives.

Definitions

- Grievance – a complaint alleging unfair treatment due to actions or inactions of the corporate guardianship.
- Grievant – person who communicates a grievance.





Wis. Stat. ch. 54

Statutory - Rights of Wards

“An individual determined incompetent retains the power to exercise all of the following rights, without consent of the guardian: (...) the right to initiate grievances, including under state and federal law regarding resident or patient rights (...)”

- Wis. Stat. § 54.25(2)(b)1.

DHS 85 Requirement

Application

“(...) The applicant shall submit (...) A copy of the applicant’s written grievance procedure for use by wards and interested parties”

- Wis. Admin. Code § DHS 85.05(2)

Requirements

1. For use by wards and interested parties.

1

DHS 85 Requirement

Rights of Wards

“Every ward shall have the right (...) in relation to the corporate guardian: (...) File a grievance or a complaint without retaliation”

- Wis. Admin. Code § DHS 85.13(1)(h)

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!

2

Wis. Admin. Code ch. DHS 94

Patient Rights and Resolution of Patient Grievances

- Subchapter II – Patient Rights
- Subchapter III – Standards for Grievance Resolution Procedures

Adopt DHS 94

Flexible and Open Process

“A program shall establish a flexible and open process through which clients and those acting on behalf of clients can present grievances.”

- Wis. Admin. Code § DHS 94.41(1)(a)



Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.

Adopt DHS 94

Any Staff - Any Method

“A grievance may be presented to the program manager or any staff person in writing, orally or by any alternative method through which the client or other person ordinarily communicates.”

- Wis. Admin. Code § DHS 94.41(1)(b)

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.
4. Accepted by any staff by any method.

4

Adopt DHS 94

Provide Assistance

“If the grievance was presented orally or through an alternative form of communication (...) assist the grievant in putting the grievance into writing for use in the ongoing process (...)”

- Wis. Admin. Code § DHS 94.41(2)(b)

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.

Adopt DHS 94

Timeline – Grievance Presentation

“A client or a person acting on the client’s behalf shall present a grievance (...) within 45 days of the occurrence of the event or circumstance in the grievance (...)”

- Wis. Admin. Code § DHS 94.41(5)(a)1.

Adopt DHS 94

A large, faint hourglass is visible in the background of the slide, with sand falling from the top bulb to the bottom bulb.

Timeline – Communicate to Program Manager

“A staff person receiving a request for formal resolution of a grievance shall present the request to the program manager or his or her designee as soon as possible but not later than the end of the staff person’s shift”

- Wis. Admin. Code § DHS 94.41(5)(b)1.

Adopt DHS 94

Timeline – Assignment for Investigation

“The program manager or his or her designee shall assign a client rights specialist to the grievance within 3 business days after the request for formal process has been made”

- Wis. Admin. Code § DHS 94.41(5)(b)2.

Adopt DHS 94

Timeline – Investigation

“The client rights specialist shall complete his or her inquiries and submit the report under sub. (4) within 30 days from the date the grievance was presented to a program staff person”

- Wis. Admin. Code § DHS 94.41(5)(b)3.

Adopt DHS 94

Timeline – Written Resolution Decision

“A written decision (...) shall be issued within 10 days of the receipt of the report, unless (...) the grievant, (...) agree to extend this period of time while further attempts are made to resolve the matters still in dispute.”

- Wis. Admin. Code § DHS 94.41(5)(b)4.

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.
6. Provide expected timelines.

Ch. 54 & DHS 85 Requirement

Rights of Wards

“to have access to and communicate privately with representatives of the protection and advocacy agency under s. 51.62 and the board on aging and long-term care.”

- Wis. Stat. § 54.25(2)(b)3.

“communicate freely with the advocate of the ward’s choice.”

- Wis. Admin. Code § DHS 85.13(1)(g)

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.
6. Provide expected timelines.
7. 3rd Party review – Ombudsman.

DHS 85 Requirement

Rights of Wards

“Any person may file a complaint with a corporate guardian or the department regarding the operation of a corporate guardian. The department may investigate a corporate guardian as it deems necessary”

- Wis. Admin. Code § DHS 85.13(2)

DHS 85 Requirement

Guardian Duties

“Explain how to file a complaint with the department and provide the ward with the department’s toll-free complaint telephone number and the address and telephone number of the department’s division of quality assurance.”

- Wis. Admin. Code § DHS 85.14(1)(e)

Requirements

1. For use by wards and interested parties.
2. Retaliation prohibited!
3. Flexible & open process.
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.
6. Provide expected timelines.
7. 3rd Party review – Ombudsman.
8. DQA complaint information included.

DHS 85 Requirements

Initial Training

“each guardian representative shall receive training that includes (...)

(c) Ward’s rights and grievance procedures contained in chs. 54 and 55, s. DHS 85.13, and ch. DHS 94(...)

(f) Agency policies and procedures.”

- Wis. Admin. Code § DHS 85.10(1)

DHS 85 Requirements

Guardian Duties

“(...) At the first meeting, the guardian representative shall complete all of the following: (...) Explain how to file a grievance and how to obtain a written copy of the grievance procedures for the living arrangement or for a service provider and the guardianship program.”

- Wis. Admin. Code § DHS 85.14(1)(d)

Requirements

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3. Flexible & open process.
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.
6. Provide expected timelines.
7. 3rd Party review – Ombudsman.
8. DQA complaint information included.
9. Guardian representatives must be trained.

Explicit Procedure Content

1. For use by wards and interested parties.
2. Retaliation prohibited!
- ~~3. Flexible & open process.~~
4. Accepted by any staff by any method.
5. Assist putting grievance in writing.
6. Provide expected timelines.
7. 3rd Party review – Ombudsman.
8. DQA complaint information included.
- ~~9. Guardian representatives must be trained.~~

Questions?



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Resources



- Wis. Stat. ch. 54
- Wis. Admin. Code ch. DHS 85
- Wis. Admin. Code ch. DHS 94