



References:

- DHS Medicaid Waivers Manual
- Wis. Stats. s. 50.09, 51.01, 51.61
- DHS 83 and 94
- Executive Order 13166
- 42 C.F.R. § 441.301(c)(4)(iv) Home and Community Based Services Setting Rule

Approval and Responsibilities: These Rules and Instructions are the responsibility of the Compliance department, and require the approval of the Compliance Officer.

Basic Guideline: CFI complies with all State of Wisconsin laws and DHS regulations regarding client rights.

Definitions:

“Client” -- means any individual who is receiving services for mental illness, developmental disabilities, alcoholism or drug dependency.

“Developmental Disability” - means a disability attributable to brain injury, cerebral palsy, epilepsy, autism, Prader–Willi syndrome, intellectual disability, or another neurological condition closely related to an intellectual disability or requiring treatment similar to that required for individuals with an intellectual disability, which has continued or can be expected to continue indefinitely and constitutes a substantial handicap to the afflicted individual. “Developmental disability” does not include dementia that is primarily caused by degenerative brain disorder.

Client Rights regarding Informed Consent

1. Clients and legal representatives (families/guardians) must be informed of the benefits of treatment, treatment methods and treatment alternatives, and the composition of the service delivery team.
2. Clients who are unable to understand the information have the right to receive interpreting services or adaptive equipment at no additional cost to them.
3. Clients and/or their legal representatives must give written informed consent to treatment. The consent must state the time period for which the consent is effective (no longer than 15 months). Clients and/or their legal representatives must be re-consent to treatment annually.
4. Clients will be allowed and encouraged to actively participate in treatment decisions about their plan of care.
5. Clients shall have the right to use the licensed, certified and registered health care providers and pharmacist of their choice.
6. Before, upon or at a reasonable time after admission, Clients must be given information in writing about any personal liability for the cost of care and treatment and of the right to receive information about charges for care and treatment services.

7. Clients have the right to be given ample time to receive information in order to make decisions regarding their plan of care.
8. Clients have the right to make Advance Directives and to have this explained to them.
9. There shall be no retaliation for withdrawing consent.

Client Rights regarding Service Delivery

10. Clients have the right to be treated with respect and recognition of their dignity and individuality.
11. Clients have the right to a clean, safe and humane environment.
12. Clients have the right to reasonable comfort, safety and respect.
13. Clients have the right to privacy in toileting and bathing.
14. Clients have the right to prompt and adequate treatment.
15. Clients have the right to treatment in the least restrictive manner possible.
16. Clients have the right to be free from unnecessary and excessive medication.
17. Clients may refuse medication and treatment except as ordered by the court or to prevent serious physical harm to the patient or others.
18. Clients have the right to individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
19. Clients may not be subject to isolation, seclusion or physical restraints unless in an emergency or as part of a treatment program.
20. Clients have the right to not be subject to drastic treatment procedures such as electroshock therapy without their express and informed consent.
21. Clients have the right to be free from abuse, neglect, and misappropriation of funds.
22. All clients have a right to confidentiality regarding their care and treatment record. (See Rules regarding HIPAA)
23. Clients have the right to inspect, copy and challenge their records. (See Rules regarding HIPAA)
24. Clients have the right to not be recorded, photographed or filmed.
25. Except for personal housekeeping in shared living quarters, clients must be compensated for any work done.

Client Rights regarding Notification of Client Rights and Grievance Procedures

26. Clients must be notified of their client rights orally and in writing. The agency shall distribute copies of the following DHS brochures:
[P-23112 Client Rights and the Grievance Procedure for Community Services](#) and
[P-20195A Client Rights and the Grievance Resolution Procedure for In-Patient or Residential Services](#)
27. Clients must be provided with a notice regarding their client rights before treatment and must be renotified annually.
28. Clients receiving services for more than one year shall be orally re-notified of their rights at least annually and shall be given another copy of their rights in writing if they request a copy.
29. Posters announcing “Client Rights for Community Services” or “Client Rights for Inpatient and Residential Services” shall be posted in public locations in CFI or affiliate day facilities, in areas accessible to clients. A lead Client Rights Specialist shall be listed on the posters.

Rule: Client Rights

Note: Only the online version is current.

30. Staff and Clients must be educated in both the informal methods for resolving client concerns and formal procedures for grievances. (See Rule-Client Rights Investigations)
31. Clients may raise informal concerns and formal grievances regarding violations of client rights.
32. Clients may present grievances on their own behalf or on behalf of others to the staff or administrator.
33. Staff will not retaliate against a client that raises an informal concern or formal grievance.
34. CFI employs Client Rights Specialists to investigate and resolve client grievances.
35. Clients have the right to appeal decisions, programs, policies and circumstances that affect them.
36. Clients have the right to request a referral to another agency. It is the responsibility of the Case Manager to discuss this option with clients and then make the appropriate referral.
37. Clients will be given referral information or help in obtaining legal advice or representation.
38. Clients will be given information or help to access self-help and advocacy support services.
39. Clients shall not be prevented from talking to courts, government officials, grievance officials, or staff members of an advocacy agency.
40. Clients have the right to withdraw from agency services at any time, unless court ordered.

Client Rights specific to those in Group Homes and Adult Family Homes

41. Clients have the right to religious worship.
42. Clients have a right to send and receive sealed mail.
43. Clients have a right to make and receive a reasonable number of telephone calls.
44. Clients shall be permitted to see visitors every day.
45. Clients have the right to vote.
46. Clients must be provided with sufficient storage space.
47. A Client's room may be searched only when there is documented reason to believe that security rules have been violated.
48. Clients must be provided reasonable access to toilet articles, toothbrush and toothpaste, a shower or tub bath every two days, a barber or beautician and shaving equipment.
49. Clients may not be disciplined without prior notice of a rule.
50. Clients must generally be provided with unscheduled access to a toilet and sink.
51. Upon request, Clients must be provided with assistance in toileting and bathing from a member of the same sex.
52. Clients may provide their own room decorations subject to security and safety restrictions, except for sexually explicit, patently offensive or gang related displays.
53. Clients must be given social, recreational and leisure time activities away from the living unit to the extent possible with both sexes, physical exercise, an opportunity to be out of doors at regular and frequent intervals.
54. Clients must have a right to not have arbitrary decisions made about them.
55. Clients shall be allowed to conduct personal and business affairs so long as it does not interfere with their treatment plan, security, or the rights of other patients.
56. Clients must be provided with a nutritious diet.

57. Clients can use their own money; if the caregiver holds funds for the Client it must account for the money.
58. Clients may wear their own clothing. Clients shall be provided with laundry services or with access to washers and dryers.
59. Clients have a right of privacy for visits by spouses and domestic partners
60. Clients have a right of privacy regarding their health care.
61. Clients have a right to be transferred or discharged and to be given reasonable advance notice of transfer or discharge and the reason for transfer.
62. Clients have the right to use the health care provider and pharmacist of their choice.

Limitation or Denial of Rights

1. In accordance with s.51.61 (2), the following rights in s.51.61 (1) (p) through (t) may be limited or denied for cause when “medically or therapeutically contraindicated.” These rights include:

- the right to make telephone calls,
- the right to wear one’s own clothing,
- the right to use one’s own personal possessions,
- the right to have access to secure storage space,
- the right to have privacy in toileting and bathing, and
- the right to see visitors daily.

Rights may be limited or denied if the Program Manager has reason to believe that exercising said rights would create a security problem, adversely affect the person’s treatment, or seriously interfere with the rights or safety of others.

2. A Client Rights Limitation or Denial is to be documented on Wisconsin Department of Health and Family Services form F-26100 and provided to the Client or guardian.