

[Client Rights \(pdf\)](#)

1. We are updating our Client Rights statement and in IAC 132.142(d)(7) it says the client must be informed of "the right to contact the public payer or its designee and to be informed of the public payer's process for reviewing grievances." We have those words on the form and wonder if we need to have more. 1) Does public payer mean DMH or DHS? 2) Are there specific pieces of information we should be listing on our form such as phone numbers, email addresses, snail mail addresses and if so, what are they? 3) Does this apply to grievances on payment or to treatment issues or both? 4) Are there specific instructions to be given on the process for reviewing grievances and if so, what are they? We have the information sent out June 1, 2008 which states "A grievance procedure is in place. It is in the Consumer and Family Handbook with print copies as well as on the Illinois Collaborative website at..."

Answer: You must have more detail. IAC 132.142 has 2 sections referring to the right to present grievances: staff shall inform the client prior to evaluation services of: The right to present grievances up to & including the provider's executive director or comparable position. The client/guardian will be informed on how grievances will be handled at the provider level. A record of grievances & responses shall be maintained by provider. The executive director's decision on the grievance shall constitute a final administrative decision (except when reviewable by the provider's governing board, in which case the governing board's decision is the final authority at the provider level). Next is the right to contact the public payer or its designee & to be informed of the public payer's process for reviewing grievances. Consumers & their guardians must be informed of their right to present complaints/grievances on payment & services at the DMH level, a function administered by the IL MH Collaborative. More information and a toll-free number is available in the Consumer & Family Handbook on the IL Mental Health Collaborative website

2. July 30, 2008 we were told during the Q&As that the review of client rights should not just contain a reference to the fact that there is a grievance process available from DHS (the public payer), but also include what that process is for reviewing grievances. Today, in response to a question asked, we were told that having a list of agencies (OIG, DHS, etc.) with phone numbers would be sufficient for the review of rights. Can you please clarify what is the requirement, versus what might just be best practice? Would it be okay to state something like "The grievance review process which DHS will use is listed on page X of the Client Handbook" in our clients rights statement?

Answer: The list of numbers is ok, but there needs to be evidence that they were explained to the client. Reference to a specific page number in the Handbook will require an update every time the Handbook is updated, so you may want to avoid that.

3. We would like clarification on what constitutes a restriction of rights. Are you, for example, talking about someone who is mandated by the court or DCFS to attend 90 days of services? In that case, we are not the ones restricting the rights, so would we have to develop a plan for restoration of rights? Would this be someone who is ordered medications over his/her objections?

Answer: Answer: Restriction of rights is specific to the rights enumerated in the Mental Health and Developmental Disabilities Code. This is available at: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1496&ChapterID=34>. The rights section is at <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=040500050Ch%2E+11+Art%2E+1&ActID=1496&ChapterID=34&SeqStart=4800000&SeqEnd=7000000>. All rights stated in this law as applying to individuals in state facilities also apply to individuals served in the community. Anytime one of those state rights is restricted, then there must be an agreed to plan with a timeframe for restoring those rights. The client must be an active part in developing the plan. (9/1/12)

4. How strict is the annual timeframe for informing the client of her/his rights? For example, if rights were explained on Feb. 1, 2013 and on Feb. 1, 2014 the client is not in service and has not been in for several weeks, can we inform them of their rights when, if, they return to service?

Answer: A provider cannot inform a client of his/her rights on the one year anniversary date if the client is not receiving services at that time. It should be clear in the client's record that no services are being provided. Please note that just because the client isn't seen in the office doesn't mean that staff seeing them elsewhere shouldn't share their rights with them. (6/1/14)