



Member Rights Preservation

Community Care members have the same rights as everyone unless limited by the court.

Wisconsin Chapter 51 (State of Wisconsin Mental Health Act) lists these five rights:

1. the right to make and receive telephone calls;
 2. the right to wear one's own clothing and use one's own possessions;
 3. the right to secure storage space;
 4. the right to privacy in toileting and bathing; and
 5. the right to see visitors.
- Additional information relative to many other rights that members have can be found at the following Wisconsin Department of Health Services web site: <http://www.dhs.wisconsin.gov/clientrights/limitDenial.htm>
 - Rights can be restricted or limited only if the member, when exercising the right, poses a security problem, an adverse effect on member's treatment; or interferes with the rights or safety of others.
 - Rights restrictions or limitations can be imposed for only as long as necessary to protect security, treatment, or rights/safety of others.

Rights Limitation/Denial Process- Provider Action

- If any or all of the five rights noted above are to be limited or denied, complete the form found at this link: <http://www.dhs.wisconsin.gov/forms1/f2/f26100.pdf> and provide the form or a copy to the care team.
- If any right is being limited/denied, the member needs to be informed of the following information in writing:
 - what right is being limited/denied,
 - the reason,
 - conditions to meet to have the right restored,
 - date the limitation/denial is to begin,
 - member comments at the hearing if one is requested,
 - the hearing outcome,
 - signature of the person holding the hearing,
 - the review date of the restriction/denial.
- *Denial* of a right may only be made when there are documented reasons to believe there is not a less restrictive way of protecting the threatened security, treatment, or rights/safety interests of others.
- No right may be denied when a limitation can accomplish the purpose, and no limitation may be more stringent than necessary to accomplish the purpose.
- Because members' challenging behaviors are directly correlated with rights limitations/denials, providers must inform the care team and the care team will meet with the Behavioral Health Specialist to determine if the member requires a behavior support plan.
- If a behavior support plan is required, providers should work with the care team to develop behavior tracking data that will help determine if the rights limitation/denial is maintained or the right should be restored.
- In the event of any disagreement concerning a rights limitation or denial, please contact the care team, who can have their Behavioral Health Specialist review and assess the member's behaviors.
- Community Care also has a Restrictive measures Lead who can provide technical assistance and help to resolve disagreements.

Additional information can be found at:

Wisconsin Department of Health Services (DHS) Chapter 51: Mental Health Act
<https://docs.legis.wisconsin.gov/statutes/statutes/51.pdf>

Wisconsin Department of Health Services (DHS) Chapter 94: Patient Rights and Resolution of Patient Grievances
https://docs.legis.wisconsin.gov/code/admin_code/dhs/030/94.pdf

Wisconsin DHS Guidelines and Requirements for the Use of Restrictive Measures
<https://www.dhs.wisconsin.gov/library/p-02572.htm>