

CLIENT RIGHTS LIMITATION OR DENIAL DOCUMENTATION (CRLD) PROCESS

THE LAW

"A patient's rights guaranteed under **[51.61] sub. (1)(p) to (t)** may be **denied for cause** after review by the director of the facility, and may be denied when **medically or therapeutically contraindicated** as documented by the patient's physician, licensed psychologist, or licensed mental health professional in the patient's treatment record. The individual shall be **informed in writing** of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an **informal hearing** before the director of the facility or his or her designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or his or her representative may petition for **review of the denial** of any right under this subsection through the use of the grievance procedure provided in sub. (5) or, for review of the denial of a right by a licensed mental health professional who is not affiliated with a county department or treatment facility, through the use of one of the grievance resolution procedure options required under s. 457.04(8). Alternatively or in addition to the use of the appropriate grievance procedure, a patient or his or her representative may bring an action under sub. (7)."

§ 51.61(2), Wis. Stats. [Emphasis added.]

"(1) No patient right may be denied except as provided under s. 51.61(2), Stats., and as otherwise specified in this chapter.

(2)(a) **Good cause for denial or limitation** of a right exists only when the director or designee of the treatment facility has reason to believe the exercise of the right would create a security problem, adversely affect the patient's treatment or seriously interfere with the rights or safety of others.

(b) 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 management interests.

(c) No right may be denied when a limitation can accomplish the stated purpose and **no limitation may be more stringent than necessary** to accomplish the purpose.

(3) At the time of the denial or limitation, **written notice** shall be provided to the patient and the guardian, if any, and a copy of that notice shall be placed in the patient's treatment record. The written notice shall:

- (a) Inform the patient and the guardian, if any, of the right to an **informal hearing or a meeting with the person who made the decision to limit or deny the right**;
- (b) State the specific **conditions required for restoring or granting the right** at issue;

- (c) State the **expected duration** of denial or limitation; and
- (d) State the specific **reason for the denial or limitation**.

(4) **Within 2 calendar days** following the denial, **written notice shall be sent** as follows:

- (a) If the patient is a **county department patient**, to the county department's client rights specialist and, in addition, if the patient is in a department-operated facility, to the department's division of care and treatment facilities; and
- (b) If the patient is **not a county department patient**, to the treatment facility's client rights specialist and, in addition, if the patient in a department-operated facility, to the department's division of care and treatment facilities.

(5) The treatment facility director or that person's designee shall hold an **informal hearing or arrange for the person who made the decision to limit or deny the right to hold a meeting within 3 days after receiving a hearing request or a request for a meeting with the person who made the decision from** a patient whose rights have been denied or limited. The treatment facility director or designee, in the case of a hearing, or the person who made the decision to limit or deny the right, in the case of a meeting, shall consider all relevant information submitted by or on behalf of the patient when rendering a decision.

(6) The service provider shall inform a patient whose rights are limited or denied in accordance with this subsection that the patient may file a grievance concerning the limitation or denial."

DHS 94.05, Wis. Admin. Code [Emphasis added.]

"No patient may be required to waive any of his or her rights under ch. 51, Stats. Or this chapter as a condition of admission, or receipt treatment and services."

DHS 94.06(2), Wis. Admin. Code [Emphasis added.]

[NOTE: A Client Rights Limitation or Denial Documentation (CRLD) form is available for use to meet the above notice requirements. Its use is optional for community providers. See the CRLD section of the Client Rights Office website for details.]

DECISIONS

[None at this time.]

[See: "Introduction to Digest-Date Last Updated" page.]