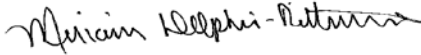




STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



Commissioner's Policy Statement

SUBJECT/POLICY NAME:	DMHAS Client Grievance Policy
POLICY CHAPTER:	Chapter 6 – Clinical and Facilities
APPROVED BY:	 Miriam Delphin-Rittmon, Ph.D., Commissioner Date: 02/11/2021
EFFECTIVE DATE:	DATE: (01/15/1997)
LAST REVISED DATE :	DATE: (02/11/2021)
POLICY OWNER:	Office of the Commissioner, Client Rights and Grievance Specialist

STATEMENT OF PURPOSE:

The Connecticut Department of Mental Health and Addiction Services (DMHAS) and its staff will address complaints in a timely and non-adversarial manner at the lowest possible level to protect the rights of people and promote their recovery from psychiatric disability and or substance use disorders.

SUMMARY:

DMHAS uses the *DMHAS Client Grievance Procedure* to work with clients in resolving complaints defined as grievances under State of Connecticut Regulations of the Department of Mental Health and Addiction Services, Connecticut General Statutes Sections 17a-451(t)-1 through 17a-451(t)-20 and this Commissioner’s Policy Statement.

Grievances are a client’s written complaint DMHAS denied, involuntarily reduced or involuntarily terminated services. A grievance is also a written complaint from a client who believes DMHAS or DMHAS staff:

- i. Violated rights provided by law or DMHAS directive
 - ii. Treated the client in an arbitrary or unreasonable manner
 - iii. Failed to provide services authorized by a treatment plan
 - iv. Used coercion to improperly limit the client’s choice
 - v. Failed to reasonably intervene when the client’s rights were put at risk by another client in a setting controlled by a DMHAS facility or program
 - vi. Failed to treat the client in a humane and dignified manner
- This Commissioner’s Policy statement and the *Implementing Procedure for the DMHAS Client Grievance Procedure* adheres to State of Connecticut Regulations of the Department of Mental Health and Addiction Services, Connecticut General Statutes Sections 17a-451(t)-1 through 17a-451(t)-20 (Fair Hearing Regulations).

- The *DMHAS Client Grievance Procedure* and Fair Hearing Regulations applies to direct mental health and or substance use disorder services provided by DMHAS to promote a client’s recovery by arresting, reversing, ameliorating or stabilizing the client’s psychiatric disability or substance use disorder.
 - Matters under the exclusive jurisdiction of the Psychiatric Security Review Board are not covered by the *DMHAS Client Grievance Procedure* and Fair Hearing Regulations.
 - The DMHAS Commissioner may exempt those DMHAS programs from the *DMHAS Client Grievance Procedure* which do not provide direct mental health and or substance use disorder services or which have an alternative complaint resolution procedure approved by the DMHAS Commissioner.
- The *DMHAS Client Grievance Procedure* is used by DMHAS to address Americans with Disabilities Act, Title II complaints from DMHAS clients.
- Both the *DMHAS Client Grievance Procedure* and Fair Hearing Regulations define “client” as a person with a psychiatric disability, a substance use disorder or both who has received mental health or substance use disorder services, is receiving mental health or substance use disorder services or is seeking to receive mental health or substance use disorder services.
 - For the purpose of this Commissioner’s Policy Statement and the *Implementing Procedure for the DMHAS Client Grievance Procedure* (Implementing Procedure) “client” also refers to patients of DMHAS operated facilities and persons under the care of a DMHAS clinician.
- Grievances are submitted to the Client Rights Officer or designee of the DMHAS facility where the complaint(s) occurred by the client or their authorized representative. Once the grievance is addressed by the DMHAS facility the client may request a Commissioner’s Review as provided by Fair Hearing Regulations and Implementing Procedure. Clients can seek other remedies at any time.
- Any form of retaliation and or discrimination by DMHAS staff towards a client making a complaint or submitting a grievance is prohibited.

REFERENCES:

- 28 CFR Part 35 F § 35.170 (Americans with Disabilities Act Title II)
- Connecticut General Statutes (CGS) including but not limited to: Section (§)17a-101; §17a-412; §17a-451(u); §§17a-540 through 17a-550; §17b-451; §46a-11b; Public Act §18-86
- Connecticut General Statutes, Title IV (Management of State Agencies) Chapter 54, §4-176 (Agency Hearings) and §4-177 (Contested cases)
- Connecticut Regulations regarding Fair Hearings Regs. Conn State Agencies §§17a-451(t)1-17a-451(t)19
- Court rulings including but not limited to:
 - Doe v. Hogan H88-239 (1989)
 - Phoebe v. Solnit 252 Conn. 68 (1999)
- DMHAS Commissioner’s Policy Statements:
 - Chapter 6- Clinical and Facilities: Client Abuse
 - Chapter 6- Clinical and Facilities: DMHAS Client Rights Policy
 - Chapter 6- Clinical and Facilities: ADA Title II Equal Access to DMHAS Programs, Services and Activities
- Implementing Procedure for the DMHAS Client Grievance Policy