

**Bates v. DHHS**  
**Consent Decree Paragraph 27**  
**Bi-Annual Report: Grievance Filings**  
**January 20, 2012-June 30, 2012**

As a component of the Bates vs. DHHS Consent Decree Settlement Agreement, DHHS Office of Adult Mental Health Services (OAMHS) is required to report on the numbers of grievances filed within the adult mental health system semi-annually. This report summarizes the Level 2 and Level 3 Grievances filed from January 1, 2012- June 30, 2012.

Paragraph 27 of the Settlement Agreement states: Defendants shall prepare semi-annual reports of all complaints and of all grievances appealed to the Superintendent of AMHI (Riverview), the Director of the Bureau of Mental Health (Office of Adult Mental Services) and the Commissioner. Said report shall summarize the issues raised and, findings made and remedial actions taken, and shall be submitted to the master, counsel for the plaintiffs and the Office of Advocacy.

**Level 2 Grievances: Community**

None reported

**Level 2 Grievances: Riverview Psychiatric Center**

Allegation: Client alleges that Riverview will not let her go to her house, coast guard base or the Villa.

Findings: Not substantiated

Response: The treatment team is working hard to help her find a placement that is appropriate to meet her needs. The treatment team is obligated to ensure that she have a place to go with the supports she needs before she can be discharged.

Level III Appeal: No

Allegation: Client alleges that staff told the psychiatrist that she had been filling out a lot of grievances. The client also alleges that when asking for a grievance form patients are harassed and intimidated. The fact of having to ask for a grievance form from staff makes it so that the staff are aware of each incident written up and are retaliatory because of this. The grievances should be kept in the space beside the grievance box itself so that clients do not have to ask staff for grievance forms.

Finding: Incomplete

Response: The Director of Nursing was approached to review the current process for how clients obtain grievance forms and come up with a solution that would eliminate this concern. The Director of Nursing was also asked to educate nursing staff on client's rights specifically the right to file grievance without fear of retaliation or harassment.

Appeal: No

Allegations: Client alleges she has been asking for wishbone pen refills. She was told that she needed to purchase them herself. She told staff that they were specific for her disability.

Finding: Substantiated

Response: Review found that the client must purchase the refills with her own funds. Denial of her request does not constitute a violation of the Rights of Recipients.

Appeal: No

Allegations: Client alleges a staff member is rude and disrespectful towards him. The staff member belittles and makes me feel terrible. The staff member has even called me a “shithead”. I have changed my behavior and I get the same results from this staff member. She gives me this terrible stare full of hatred and she is not trying to be helpful and honest.

Finding: Incomplete

Response: Upon review the client was extended an apology. It was conveyed to the client that because of staff confidentiality information can not be disclosed but was assured that Riverview takes these matters seriously and it is currently being looked into.

Appeal: No

Allegations: Client alleges that a staff member can do anything and get away with it. The staff member lies about everything when she writes her notes. The staff member says things to the client to ruin his day. The staff member only treats him nicely when it's to the staff members benefit. The staff member picks on the weak.

Finding: Incomplete

Response: Client was notified on 4/18/12 that this matter was being addressed and currently being looked into.

Appeal: No

Allegations: Client alleges that staff member on 2<sup>nd</sup> shift has been making sexually harassing comments that are degrading to her. She feels unsafe in the staff member's presence. The way the staff member is posturing and eye contact has been making me feel uncomfortable.

Finding: Not substantiated

Response: Referred to Human Resources

Appeal: No

## **Level 2 Grievances: Dorothea Dix Psychiatric Center**

Allegation: Client alleges staff from Affiliated Labs used a needle without a seal on it when drawing his blood. Client is concerned that it was not sterilized and he may get Hep-C, AIDS from the needle. Client wants to be tested for all possible STDs that could have been injected and the staff person to lose her job

Finding: Not substantiated

Response: Assured the client that there was concern about an unsterile needle being used on a person. There were 4 witnesses who heard the conversation the staff person had with him about the process of collecting blood. One witness reported that she was present and observed the staff person remove the needle from its sealed plastic container which was the needle that was used to collect his blood.

Level III Appeal: No

**Level 3 Appeals:**

None reported in the Community, at Riverview Psychiatric or at Dorothea Dix Psychiatric Center.

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