HOW TO MAKE A COMPLAINT ABOUT INPATIENT MENTAL HEALTH SERVICES

This handout tells you about the complaint process in state hospitals and state centers operated by the Texas Department of State Health Services (“TDSHS”). If you are receiving inpatient services in one of these facilities operated by TDSHS and you think that your rights have been violated, there are several steps you can take to have your complaint investigated. If your native language is not English or if you are deaf, you have the right to request an interpreter throughout the complaint process. If you are not being provided with one, please contact Disability Rights Texas for further assistance.

If you are receiving residential services in a facility not operated by TDSHS, such as a private psychiatric hospital, nursing home, or board and care home, and you think that your rights have been violated, it is possible that not all the resources listed below would be available to you. If you are not in a facility operated by TDSHS and you think that your rights have been violated, you should call Disability Rights Texas for further information and assistance.

ORGANIZATIONS AND PROCEDURES

There are a number of organizations and procedures inside and outside of the facility set up to protect your rights. A description of each, including an address and telephone number, begins on page two. They include:

➢ the Texas Department of Family and Protective Services;
➢ your treatment team;
➢ the facility’s Rights Protection Officer;
➢ the TDSHS, Office of Consumer Services and Rights Protection;
➢ the Public Responsibility Committee;
➢ Texas Mental Health Consumers; and
➢ Disability Rights Texas

The above-listed resources are described below with an explanation of the role each takes in resolving complaints. In cases other than abuse or neglect, we encourage you to make your complaint first to the facility or to TDSHS. http://www.dshs.state.tx.us/mhservices/MHConsumerRights.shtm Complaints of abuse or neglect should be reported immediately to the Texas Department of Family and Protective Services at 1-800-252-5400 or if it is an non-emergency situation, you may submit your complaint online at http://www.txabusehotline.org. If you feel that you are not receiving a proper response to your complaint, you should contact Disability Rights Texas.
Whenever you make a complaint, you should try to put your complaint in writing. Even if you made your complaint by telephone, it is a good idea to follow-up with a written complaint. Information that you put in your complaint should include:

- your name;
- where you are currently living;
- how to contact you, with address and telephone number;
- a clear statement of the concerns that you have;
- the specific date on which the incident you wish to complain about occurred and where it occurred;
- steps which you have taken to try to solve the problem;
- results of your efforts at trying to solve your problem;
- what you would like the person or agency to do to help you solve your problem;
- if you also made a complaint by telephone, the date you called and the name of the person you talked with.

A. TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

The Texas Department of Family and Protective Services (TDFPS) was created in 1992 to provide protective services to children, adults with disabilities, and elderly people. TDFPS investigates reports of abuse, neglect, or exploitation in the community and in facilities operated by TDSHS. Staff members are located throughout the state and are on 24-hour call seven (7) days per week. You should report abuse, neglect, and exploitation immediately by calling 1-800-252-5400 (toll-free) or online at [http://www.txabusehotline.org](http://www.txabusehotline.org). If possible, you should follow-up the telephone call with a letter to:

Texas Department of Family and Protective Services  
P. O. Box 149030 - Mail Code Y-940  
Austin, Texas 78714-9030.

B. TREATMENT TEAM

Your treatment team includes the psychiatrist, psychologist, case worker, nurse, a representative from the direct care staff (aide), and other representatives as necessary. Your treatment team is responsible for developing, with your participation, your individual treatment plan. Your treatment team also must review your treatment plan periodically. You can talk to your treatment team about your complaint during review of your treatment plan, or at any other time that you feel the need to. If your treatment team is not able to help you, you should ask to talk to the unit director. If you do not feel that you received a proper response, you should contact the facility's Rights Protection Officer.

C. RIGHTS PROTECTION OFFICER
The Rights Protection Officer is the staff member at each facility who is responsible for protecting the legal and human rights of clients receiving services from the facility. The duties of the Rights Protection Officer include:

- investigating all complaints made by you and providing the results of the investigation to you;
- providing a process for resolving complaints (for example, arranging a special staffing to discuss your complaint with the treatment team);
- problem-solving and providing individual advocacy services (for example, working with your social worker to make sure that he or she is applying for SSI benefits if you are eligible for such benefits); and
- representing you at facility committee meetings when necessary.

You may make a complaint with the Rights Protection Officer, or someone may file it on your behalf. You may make it verbally or in writing, but we suggest you follow-up any verbal complaint with a written one. After a complaint is received, the Rights Protection Officer will arrange a meeting to talk with you about your problem and will explain what she can do for you. The Rights Protection Officer will discuss with you how the investigation will work.

After this meeting, the Rights Protection Officer will begin an investigation of your complaint. If the complaint is a valid one, the Rights Protection Officer may discuss it with the unit staff and work out a plan to correct the problem. You will be informed by the Rights Protection Officer of any action taken to correct the problem.

You can find a listing of all mental health state hospitals or state centers via online at http://www.dshs.state.tx.us/mhhospitals and a listing of all community mental health centers at http://www.dshs.state.tx.us/mhcommunity.

If you do not feel that you received a proper response to your complaint from the facility’s Rights Protection Officer, you can contact the TDSHS Office of Consumer Services and Rights Protection in Austin.

**D. TDSHS OFFICE OF CONSUMER SERVICES AND RIGHTS PROTECTION**

The Office of Consumer Services and Rights Protection (OCSRP) is a division of TDSHS responsible for reviewing all complaints about client rights in all facilities or programs operated or licensed by the TDSHS. If you have a complaint about your rights in a TDSHS facility that you feel the facility did not handle properly, you can make a complaint directly to the OCSRP. You may call this office toll free from 8 a.m. to 5 p.m., Monday through Friday. The phone number is 1-800-252-8154 or (TTY) 1-800-538-4870. You can also make your complaint in writing and fax to 512.206.5770 or mail to:
It is the policy of the OCSRP to begin investigating all complaints that the office receives within 24 hours of receiving the complaint. In all cases, the OCSRP attempts to resolve each complaint within seven (7) working days of receiving the complaint. Once your complaint has been received, the OCSRP will contact the facility to discuss your complaint with the appropriate staff person(s). The OCSRP may conduct an additional investigation, if there is a question about how your complaint was investigated by the facility. The OCSRP is required to inform you about their findings, either orally or in writing.

E. TDPRS PUBLIC RESPONSIBILITY COMMITTEES

The Public Responsibility Committee (PRC) is a group of persons outside of the facility who provide their services on a voluntary basis and are not paid by the TDSHS. There are PRCs for each state hospital, state center, and also for each community mental health center. The PRC’s role is to help make sure that the legal rights of clients are protected. The duties of the PRCs include:

- protecting and advocating for your health, safety, welfare, legal and human rights;
- investigating and responding to your complaints;
- making sure that you are told about your rights and ways of protecting your rights;
- submitting cases of abuse or denial of rights to the proper authorities for action;
- participating as a member of your treatment team, when appropriate; and
- assisting you in obtaining a private attorney, when appropriate.

Contact the TDSHS facility or community MHMR center closest to your area to obtain the contact information for the PRC for your area.

F. TEXAS MENTAL HEALTH CONSUMERS

Texas Mental Health Consumers (TMHC) is a consumer-run, statewide organization that educations consumers about their rights in the community and facilities, and assists them in ensuring their rights are protected. TMHC provides information and referral, mediation, and advocacy services to assist in a smooth transition from facilities. TMHC works with treatment issues, abuse and neglect, rights complaints, and discharge issues. TMHC encourages calls from family members, as well as consumers.

G. Disability Rights Texas
Disability Rights Texas, formerly named Advocacy Inc., is the protection and advocacy agency for people with disabilities in Texas. It was established to protect constitutional and statutory rights and investigate complaints of abuse and neglect of:

- persons with mental illness residing in residential facilities including, but not limited to, state psychiatric hospitals, private psychiatric hospitals, nursing homes, room and board facilities, jails and prisons and in their own homes or
- persons who were mentally ill if the incident complained of occurred while the person was in a residential facility or within 90 days after discharge from the facility.

Disability Rights Texas has limited funds and cannot respond to every complaint we receive. We have had to establish priorities for the types of complaints to which we will respond. Our priorities are based on what people in Texas tell us to be the most serious kinds of problems facing people receiving mental health services. We questioned many people, including mental health professionals, consumers of mental health services, families, state officials and others, about what problems are most serious.

Disability Rights Texas has an intake unit which will receive your telephone call or letter. If your complaint does not concern an issue which we have established as a priority, we will refer you to someone outside of Disability Rights Texas who may be able to assist you. If your complaint concerns a priority issue, the intake staff will present your complaint to Disability Rights Texas staff assigned to work on cases involving persons with mental illness.

You can contact the Intake Unit of the Disability Rights Texas at 1.800.252.9108, between the hours of 8:00 a.m. - 7:00 p.m., Monday through Thursday or between the hours of 8:00 a.m. - 5:00 p.m. on Fridays.

Disability Rights Texas' goal is to make each handout understandable by and useful to the general public. If you have suggestions on how this handout can be improved, please contact the agency at the address and telephone number shown on our website home page [www.DisabilityRightsTx.org] or e-mail us at info@DisabilityRightsTx.org. Thank you for your assistance. This handout is available in Braille and/or on audio tape upon request. Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate. The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.