



Eligibility Under the Assurance Grievance Procedure

An individual who believes that Disability Rights Tennessee (DRT) has violated any of the federal assurances set out below is eligible to file a grievance under the Assurance Grievance Procedure if that individual is also:

- (a) A person who is receiving or has received mental health services;
- (b) A family member of such a person who is receiving or has received mental health services; or
- (c) A representative of a person who is receiving or has received mental health services.

The federal assurances require that DRT must:

1. Be independent of service providers;
2. Have the capacity to protect and advocate for individual's rights;
3. Have trained staff;
4. Have the authority to investigate allegations of abuse and neglect;
5. Have the authority to pursue legal, administrative and other appropriate remedies;
6. Have access to clients, records and facilities;
7. Maintain confidentiality of records;
8. Not take actions on behalf of clients that are duplicative of actions taken by client's legal guardian, conservator or representative other than the State, unless such legal representatives request DRT's assistance;
9. Exhaust administrative remedies prior to legal action, except in an emergency;
10. Have a multi-member governing board which jointly develops priorities, and includes members who are broadly representative of DRT clients and the advisory council chair;
11. Have an advisory council that offers advice on policies and priorities, has 60% of its membership comprised of recipients, former recipients, or family members, and completes a section of the Annual Report;
12. Provide the public with an opportunity to comment on priorities on an annual basis;
13. Use court judgments to further purposes of federal laws; and
14. Use federal allotments to supplement, not supplant, non-federal funds.