

Complaint and Grievance Procedures

12/22/23

Purpose:

The purpose of this policy is to establish a clear and comprehensive framework for addressing complaints and grievances related to the developmental disabilities waiver services provided by LifeROOTS. This policy is aligned with the Developmental Disabilities Waiver Service Standards, to ensure the rights and well-being of individuals receiving services are upheld and that their concerns are addressed promptly and appropriately.

All complaints and grievances are handled by our Human Resources department—state-funded participants, non-state funded participants, and all employee complaints.

Scope:

This policy applies to all individuals receiving developmental disabilities waiver services from LifeROOTS, as well as their families, guardians, advocates, and any other involved stakeholders. It covers all aspects of complaints and grievances, including the submission, investigation, resolution, and documentation of such concerns.

Definitions:

Complaint - An expression of dissatisfaction or concern about the quality of services, actions, or lack of action by LifeROOTS.

Grievance - A formal written complaint or appeal submitted by an individual or their representative regarding the denial, reduction, suspension, or termination of services.

1. Service Provider:

LifeROOTS Procedure:

1. The client is notified of the service provider's complaint or grievance procedure.
2. A complaint may be made orally or in writing with the Human Resources Director;
3. LifeROOTS' Human Resources Director will meet with the complainant if a complaint is made. If the complainant is not the client, the client shall be notified of the meeting and allowed to attend.
4. The complainant and the client may have a representative(s) of his or her choice present at the meeting.
5. The complaint will be decided by an impartial person who is not involved in the incident complained of but who may be an employee of the service provider.
6. The complainant and his or her representative, if any, will receive a written brief written response within 15 days of the complaint. The response will contain the nature of the complaint and the result (s) requested by the complainant, the disputed facts, if any, the undisputed facts, if any, the resolution of the complaint of the attempts made to resolve the complaint.
7. The complainant has a right to file his or her complaint with the department if the complainant is not satisfied with the service provider's response; and
8. LifeROOTS can assist the client in filing a complaint with the division upon request.

Other Details:

- The timeline of 15 days may be extended by mutual agreement of the complainant and LifeROOTS. LifeROOTS will maintain a copy of each written response in the client's record and within Human Resources.

If the complaint alleges abuse or neglect, the service provider shall, in addition to any other requirements, provide a copy of the response to child protective services or adult protective services. If the complainant alleges abuse or neglect or if the complaint involves a dangerous condition or a risk to the client's health or safety, LifeROOTS will provide a copy of the written response to the office.

- Any failure to respond to a client's complaint in writing shall be separate and independent grounds for filing a complaint with the division.

2. Quality Assurance – Expedited Investigation:

In addition to the investigation and review procedures described herein, if the office has reason to believe that the health or safety of the client (s) is in jeopardy, the division shall, in cooperation with other agencies as necessary, take steps to ensure that the client is safe while the complaint is under investigation and shall expedite the investigation and issue preliminary findings within 10 days of receipt of the complaint. If the complainant alleges abuse or neglect or the office has reason to believe that abuse or neglect has occurred or is occurring, the office shall make an immediate referral to child protective services or adult protective services for investigation.

1. If the complaint is not resolved, a complaint may be filed with the division's designated office. The complaint must be made orally or in writing within 20 days of the date of the written response of LifeROOTS, unless the service provider has failed to respond in writing, or the complainant is filing the initial complaint with the office.
2. The complaint shall be a brief statement of the act(s) that is the basis of the alleged violation. The complaint may be made orally or in writing. The complainant may provide the office with a copy of the service provider's written response.
3. If the office has reason to believe that abuse or neglect has occurred or is occurring, the office shall make an immediate referral to child protective services (CPS) or adult protective services (APS) so that they may investigate the complaint immediately. The division shall coordinate with and assist CPS and APS as necessary.
4. The office shall examine each complaint and determine whether the complainant alleges that a service provider, its employee, or a person under contract with the provider has violated rights of the client set forth in federal or state constitutions, statutes, or applicable department regulations or policies. If the complainant does not allege such violation of the rights of the client, or if the allegation is not against a service provider or its employee or contractor, the office shall refer the complaint to any federal, state, or local governmental body or private entity with authority over the issue or subject matter unless the client objects the referral.
5. The office shall notify the service provider of the complaint within 5 days of receipt of the complaint. If the complainant initiated the complaint with the service provider, the service provider shall provide the office with a copy of its written response to the unresolved complaint upon request.
6. The office shall review the complaint and determine whether an expedited investigation is necessary. If an expedited investigation is not necessary, the office will determine whether a full investigation is necessary to resolve the complaint. If the office determines that a full investigation is not necessary because the facts are not in dispute or the facts can be determined without a full investigation, the office shall issue a report within 15 days of receipt of the complaint.

7. If the office initiates a full investigation of the complaint, the office shall contact and interview the client and his or her representative, if any. The office shall interview the client in person unless:
 - a. The client has the capacity to be interviewed by telephone and
 - b. The complaint does not involve a dangerous condition, a risk to the client's health or safety, a significant rights violation, or other serious circumstances. The complainant, the service provider, and any other person having relevant information shall be given the opportunity to present facts and documents relevant to the complaint.
8. The office shall prepare a written report of the results of the investigation within 45 days of receipt of the complaint. The written report shall include a statement of the complaint, a summary of the findings of fact, a determination whether the allegation(s) is substantiated, and the reasons for the determination. If the alleged violation is substantiated, the written report shall include a recommendation of proposed action.
9. The director shall review the office's written report. The director shall issue a written decision within 10 days of receipt of the written report, unless the director extends the time.
 - a. The director shall either adopt the findings of fact or return the matter to the office with specific instructions for additional investigation and findings if he or she determines that there is insufficient information on which to base a decision. If the director returns the complaint to the office for additional investigation and findings, the director shall state the deadline for completion of the investigation and additional findings, which shall be no more than 14 days unless the director determines that circumstances require additional time.
 - b. The Director shall determine whether there is reason to support the complainant's allegations and determine what action, if any, should be taken. If the director reflects the findings of fact or modifies the recommendation of the proposed action, the director shall state the reasons for his or her decision.
10. The written decision of the division director is final unless the complainant requests an administrative hearing.

3. Appeals Process:

Administrative Hearing (Optional):

- A complainant can request an administrative hearing if dissatisfied with the director's decision.
- The Director's decision is final unless an administrative hearing is requested.

Retaliation:

LifeROOTS does not allow retaliation for complaints and grievances brought forward. Anyone who engages in retaliation will be subject to potential corrective action.

Compliance:

All staff members are trained on policies annually. LifeROOTS is in the process of updating, rewriting, and creating new policies for the organization, and once completed, all employees will be trained on the new policies.