



## **Agency Procedures for Handling Grievances**

Clients/guardians have the right to due process with regard to grievances against the agency and/or its personnel. All service recipients shall be notified of this right upon entering service; they shall be provided with access to a full copy of the *Rights of Recipients of Mental Health Services*, or the *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment*, whichever is applicable. Documentation of this notification shall take place using Licensing's prescribed form, which shall become part of the client record. For adult recipients, notification of their rights need only occur upon admission for service or whenever their rights change; however it is strongly recommended that adult recipients be provided with a biennial notice of their rights, with appropriate documentation on the prescribed form. Child or adolescent recipients and the parents/guardians **must** be provided with a notice of their rights upon admission to service, when their rights change, and every year on the annual anniversary of their entry into service or on the annual anniversary of the last change in their rights. If a client/guardian has a grievance about the agency, the procedures for resolving that grievance shall be as follows:

The agency staff person receiving the grievance shall immediately refer the grievant to the Chief Executive Officer, or designee, who shall inform the grievant of his/her due process rights under the law and explain the informal and formal grievance processes available, which vary depending upon whether the recipient is a child, adolescent, or an adult.

### **Grievances Involving Children and Adolescent Recipients**

The CEO, or designee, shall document the grievance in writing and attempt to resolve the issue to the client's/guardian's satisfaction in a timely manner. Full documentation of this shall appear in the client record. When successful resolution cannot be achieved at the agency level, the grievant shall be provided information and assistance, if desired, in filing a formal grievance with the Department of Health and Human Services in accordance with the procedures established by the Department. At a minimum, all grievants shall be provided with the DHHS Grievance Form, which must be completed and submitted to the Department in order to begin the formal grievance resolution process for a child or adolescent recipient.

For a full and complete explanation of the grievance process for children and adolescents receiving services under the auspices of the Department of Health and Human Services, please refer to the *Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment*.

### **Grievances Involving Adult Recipients**

There is a different process for handling grievances involving adult recipients of mental health services. The staff person receiving the grievance shall immediately refer the grievant

to the CEO, or designee, who shall inform the grievant of his/her due process rights under the law and explain the following levels of formal grievance available:

- Level I: Agency: Program Director or Executive Director
- Level II: Adult Services Program Manager of DHHS
- Level III: Commissioner of DHHS

**Level I:** The CEO shall document the grievance in writing, if it is not already, and shall make a formal written response to the grievant within five working days of receipt of the grievance. A five-day extension of time is available as long as the grievant is notified of such. If resolution has been achieved, the CEO shall follow-up with the recipient/guardian to ensure resolution and shall write a summary of all action taken regarding the grievance. If resolution has not been achieved, the grievant may appeal to Level II.

Any grievances that the grievant considers urgent shall be forwarded to Level II within one working day of receipt, who shall either arrange to hear the grievance within three working days, or in cases not determined to warrant urgent consideration, immediately refer the grievance back to Level I.

For a full and complete explanation of the grievance procedure for adults receiving services under the auspices of the Department of Health and Human Services, please refer to the *Rights of Recipients of Mental Health Services*.

Recipients shall be treated with dignity and respect at all times. No recipient shall be denied service because of a pending grievance or be subject to any kind of recriminatory comments or discriminatory behavior as a result of having filed a grievance.

All grievance information shall be kept confidential and shall be stored in a permanent file to be maintained by the CEO. Information concerning grievances and their resolution shall be presented to the agency's Board of Directors for review on a quarterly basis.