

<b>COMPLAINTS / APPEALS POLICY</b>		
<b>Policy #:</b> 10	<b>Date of Approval:</b> 7/31/09	<b>Date Policy is Effective:</b> 7/31/09
<b>Responsible Person:</b> ADRC Office Manager		<b>Author:</b> Revised John Grothjan 2/1/21
<b>Reference:</b> DHS: Appeal Policy for Adverse Benefit Determinations Last Revised: September 2020		<b>Approved By:</b> Eagle Country Governing Notified of State Changes Jan 2021
<b>Cross Reference:</b> §46.283(6)(b)(9) Stats. 2009 ADRC Contract, Art. IV(B)(4)(j-k). ADRC of Southwest Wisconsin-North Regional Governing Board Minutes of 4/3/09.		

### **Complaint and Grievance Policy Last Revised by DHS: September 2020**

This policy applies to Aging & Disability Resource Centers (ADRCs) and Tribal Aging & Disability Resource Specialists (Tribal ADRS) herein referred to as “agency” or “staff.”

#### **Purpose**

To ensure ADRCs and tribes implement and maintain due process policies and procedures to review and resolve complaints and grievances.

This policy describes the customer’s right to file a complaint or grievance and the process for resolving customers’ complaints and grievances related to the work of the agency. The goal of the complaint and grievance procedure is to allow customers of the agency to exercise their due process rights with a simple and easily understood process.

The agency will cooperate with any review of complaints and grievances conducted by the Wisconsin Department of Health Services (DHS), an external quality review organization, or an external advocacy organization.

#### **Definitions**

- 1. Complaint or Grievance:** An expression of dissatisfaction about a situation that the person making the complaint or grievance wants to see rectified.
- 2. Complaint and Grievance System:** The overall system the agency implements to handle grievances as well as the processes to collect and track information about them.

#### **Procedure for Informing and Assisting Customers in Exercising Their Rights**

Any customer, or person acting on a customer’s behalf, may express or file a complaint or grievance regarding the agency. The agency will support customers in the complaint and grievance process and will refrain from any reprisal or threat of reprisal against any individual registering a complaint or grievance.

The agency will give all of its customers a complaint and grievance brochure with information on their rights, procedures and contact information for external advocacy agencies.

## Procedure for Complaints and Grievances Regarding the ADRC

There are two different processes for ADRC customers to share a complaint or grievance regarding the ADRC. Regardless of which process a customer chooses, all complaints and grievances regarding ADRC services will be taken seriously and prioritized for internal review. Customers may choose to share their complaint or grievance by:

- Sharing the complaint or grievance with the ADRC. This can be done in a variety of ways, as described in more detail below.
- Formally sharing the complaint or grievance with the Office for Resource Center Development (ORCD) at the Department of Health Services. ORCD is the state agency responsible for contractual oversight of ADRCs.

All agency staff will be knowledgeable about the complaint and grievance processes available to customers. All agency staff will be able to explain the process to the customer and assist them, if necessary, with their complaint or grievance. Customers may select whichever process they prefer for submitting their complaint or grievance. Customers may also decide to utilize a different process for their complaint or grievance at any time or simultaneously use both processes if they so choose.

## Internal Complaint and Grievance Process and Procedure

A customer may make an informal complaint or grievance verbally or in writing. Informal complaints or grievances may also be identified through suggestion boxes, surveys, phone calls, email, etc. Any customer or person acting on a customer's behalf, including service providers or agency representatives, may use the informal complaint or grievance procedure.

The agency will complete the complaint or grievance process within ten business days of the date the complaint or grievance of receipt. Agency staff will document the complaint or grievance, the steps taken toward resolution, and the conclusions of their internal review in the client tracking database.

Management will investigate and record a written summary of findings of all complaints and grievances.

If a specific customer or other persons are identified within a complaint or grievance, the agency director will arrange to meet with them, along with any staff person(s) named in the complaint or grievance. When a complaint or grievance is related to Disability Benefit Services (DBS) or Elder Benefit Services (EBS), the agency director will share a copy of the complaint or grievance with the benefit specialist supervising attorney who is responsible for the DBS' or EBS' individual case handling.

### **The agency director will:**

1. Seek to identify and clarify the matter or issues and explain the process for resolving the complaint or grievance.

2. Offer to assist the customer in putting the complaint or grievance in writing if this has not already occurred.
3. Provide a copy of the written complaint or grievance to the customer.
4. Schedule a meeting at a mutually agreed-upon time.
5. Attempt to resolve the complaint or grievance at the scheduled meeting.
6. If resolution in this initial meeting is not possible, conduct a further inquiry into the incident or conditions that led to the complaint or grievance. This inquiry is to gather additional information with the intent of resolving the complaint or grievance.

If further inquiry or investigation is necessary, this may include interviews with relevant persons, a record review, or other efforts to form an accurate and factual basis for the resolution of the complaint or grievance. The director will prepare a written report that summarizes the complaint or grievance, and the steps taken to resolve the complaint or grievance including:

1. The name of the contact person for the complaint or grievance.
2. A summary of the steps taken on behalf of the customer to resolve the issue.
3. Information on how the customer may request an external review by the Department if they disagree with the decision.

The agency director will complete their inquiry and the report within ten days from the date the formal complaint or grievance was first presented and will send copies of the report to the customer or the person acting on the customer's behalf. If the agency director, the customer and/or the person acting on the customer's behalf agree to the facts, conclusions and recommendations of the report, then the complaint or grievance may be considered resolved. If there is disagreement with the facts, conclusions or recommendations, then the agency director may continue the attempt to seek an agreeable resolution. If an agreement resolution cannot be achieved, then the agency director will inform the individual about the option for requesting a formal external review by DHS.

## External Review Process and Procedure

An external review occurs when an ADRC customer submits a complaint or grievance to DHS. ADRC customers have the right to submit complaints and grievances to DHS at any time. Upon receipt of an ADRC complaint or grievance, DHS will complete a timely review, investigation and analysis of the facts in an attempt to resolve concerns and problems expressed by a customer. The agency/tribe will routinely inform customers of their right to submit complaints and grievances to DHS. Customers may seek external review at any time or after the internal formal complaint and grievance resolution process is concluded but the customer is unsatisfied with the resolution.

Complaints or grievances related to services provided by an ADRC or Tribal ADRC should be made directly to DHS by writing, calling, or emailing:

Aging and Disability Resource Center/Tribal Aging and Disability Resource Specialist  
Complaints  
Office for Resource Center Development Division of Public Health  
Wisconsin Department of Health Services

1 W. Wilson St., Room 551  
Madison WI 53703  
Phone: 608.266.2536  
Fax 608.267.3203  
Email: dhsrcteam@wisconsin.gov (Please indicate “ADRC/Tribal ADRS of \_\_\_\_\_  
Complaint” in the subject line)

## Training

The agency will train staff to support customers in this process and be courteous and professional. Staff will encourage customers to express their concerns as a way to address ongoing quality improvement within the agency. The agency will train staff on steps necessary to investigate grievances. Staff will be familiar with all advocacy organizations available to customers and when customers should be referred. Staff will be familiar with policies and procedures for filing a grievance to fully and adequately assist customers with their grievances.

## Continuous Quality Improvement

The agency will track all grievances related to the work of the agency in such a way to allow systematic review. The agency will analyze data for trends and used to devise methods to improve customer service. The agency will share grievance data with staff. In accordance with Wisconsin Statute s. 46.283(6), the agency will include governing board members in the summary review of grievances to help them identify unmet needs within the service area of the agency and to assist in identifying areas in need of quality improvement.

### History:

8/6/01 Resource Center Advisory Board reviewed and approved the draft policy, procedure and forms. As required by the State, it was then submitted to the State and was approved by the DHFS/Family Care program 9/4/2001. As required, the policy was resubmitted in January, 2003 and approved 6/3/2003. 3/19/2004 Updated address/phone/email address for where to send grievances and appeals. Also updated timelines per 2004 Resource Center contract. As required, the policy was then resubmitted to the State on 3/31/2004 for annual approval; approved 4/14/2004. Updated contact information for Fair Hearing request and resubmitted to State for annual approval 3/31/2005. 07-20-07 Updated policy number and some wordage to reflect the integration of Elderly Services and the Resource Center to create the Aging & Disability Resource Center. 12-26-08 Made numerous updates based on 2009 ADRC-State contract, Section H., p. 43-46. Major change is different addresses to send formal external complaints to, based on the nature of the complaint, i.e., ADRC, managed care organization or IRIS. Also added contact information for managed care ombudsman. Changes effective 1/1/09. The role of the ADRC Regional Governing Board and Grievance Committee as prescribed by contract added by board action 4/3/09. In Sept of 2020 the state modified this form and moved the state fair hearing information to a different policy

### Annual Review Dates

Reviewed and updated 9/2003. Reviewed and updated 3/2004. Reviewed and updated 3/2005. Reviewed and updated 7/2007. Reviewed and updated 12-26-08. Reviewed and updated March 2009. Amended 7/31/09 Amended and approved by North Governing Board 9/3/09 Reviewed and approved by North Governing Board 10/5/12. Reviewed updated and amended Jan 2021 to match the updated state policy which was updated Sept of 2020