

**SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER
POLICY & PROCEDURE MANUAL**

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Policy 175 – Consumer Grievance Procedure

I. POLICY

Southern Highlands Community Mental Health Center strives to assure the rights for individuals receiving behavioral health services, as outlined in the Center’s Consumer Rights Policy 170, are maintained and enforced. The Center endeavors to resolve all complaints regarding consumers’ treatment in a timely and fair manner.

II. DISCUSSION

This policy demonstrates this Center’s dedication to respecting and safeguarding behavioral health consumers’ rights. To show this dedication, an investigation process is outlined that addresses any alleged violation of consumer rights. This process establishes a uniformity that identifies and defines the roles and obligations of parties involved. Most importantly, this policy ensures due process is given to both consumers and professionals in the investigation and resolution of all charges of alleged violations of consumer rights. If grievance is related to privacy complaints regarding Protected Health Information see HIPAA Policy 531.

Right of Advocacy and Grievance Procedure

A consumer has the right to be informed of and receive a written copy of the Center’s grievance procedure.

A consumer, or another person acting on a consumer’s behalf, has the right to file a grievance with the Center concerning any alleged violation of their rights. A grievance may be made in writing or verbally.

A consumer has the right to discuss a grievance with their professional behavioral health care provider(s) or with an advocate of his or her choosing.

A consumer has the right to receive a reasonable and timely written decision from the Center.

A consumer may, after receipt of the decision or lack of a timely decision on his or her grievance, request a hearing by the Secretary of the Department of Health and Human Resources or bring action in circuit court against the Center.

A consumer has the right to withdraw his or her grievance at any time.

The final order by the Secretary of Department of Health and Human Resources after a hearing shall be binding upon the parties, unless appealed in accordance with West Virginia Code.

A consumer has the right to pursue other relief even if he or she does not file a grievance.

A consumer has the right to report any reasonable suspicion of abuse or neglect to civil and criminal authorities in accordance with the applicable adult protective services act or child protective services act, in addition to using the grievance procedure of the Center.

III. CONSUMER AWARENESS OF GRIEVANCE PROCEDURES

The Intake Worker or Case Manager will inform each consumer upon entry into the system of their rights (Policy 170), the grievance procedure, and process for filing a grievance (Policy 175). The consumer shall sign a form, SH-88, acknowledging this information has been provided. This documentation will be kept with the Chief Compliance Officer.

IV. GRIEVANCE PROCEDURE

- A. The Center will inform each consumer upon entry into the system of their rights, the grievance procedure, and the process for using the procedure. The consumer will sign a form acknowledging receipt of the information. This documentation will be filed in the consumer's clinical record.
- B. The Center's consumer grievance procedure, a statement of consumer rights and the name and telephone number of an available advocate will be posted at each clinic site.
- C. A consumer, employee or any other individual may make a complaint to the Chief Executive Officer. All staff must report to the Chief Executive Officer or designee within twenty-four (24) hours regarding all violations, or suspected violations, of a consumer's rights.
- D. Immediate notification of the Chief Executive Officer or designee will be made in the case of physical abuse. These grievance complaints may be made by a consumer, employee, or any other individual.
- E. Persons unable to write the complaint may be assisted by a staff person or an advocate to assure that the grievance report is fair and accurate. An oral grievance

carries the same weight as a written complaint and all procedures set forth in this policy will be followed for a verbal grievance. The consumer has the right to access an available advocate of their choice in order to understand, exercise and protect his or her rights.

- F. The Chief Executive Officer or designee will initiate an investigation within twenty-four (24) hours after receiving a grievance report. This investigation will be completed by the Chief Residential & Compliance Officer and another member of management that does not directly supervise the staff or program the grievance is being filed against. The Chief Executive Officer may utilize the Human Rights Committee to complete the investigation. The employee accused of the violation of consumer rights could be placed on administrative leave during the investigation depending on the severity of the complaint.
- G. When the Human Rights Committee is designated as the investigating body, the committee will meet to review the facts of the case. A consumer will be identified by case number only. The names of a complainant and of any consumer involved in the complaint or investigation, and any information that could lead to their identification, shall be kept confidential and shall not be disclosed without their consent. Before disclosure of investigative information to the public, such identifying information shall be deleted, unless the public interest requires disclosure in the particular instance.
- H. Upon concluding its investigation, a written report will be submitted to the Chief Executive Officer no later than twenty-one (21) days following the request for the investigation.
 - 1. The report will follow this format:
 - a. A statement of the complaint
 - b. A summary of the investigation
 - c. Conclusions
 - d. Recommendations
 - 2. The Chief Executive Officer will review the report and recommendations of the investigation and make a decision of the action to be taken within seventy-two (72) hours after receiving the investigation report.
 - 3. The complainant, the consumer's case manager or advocate, members of the Human Rights Committee (if applicable), investigators, involved employee(s) and the supervisor of such employee(s) will receive written notification of the Chief Executive Officer's decision. The CEO will make a recommendation if the grievance should be filed in the medical record.

- I. When the Human Rights Committee is **not** the investigating body, the committee will receive a report from the Chief Residential & Compliance Officer of the findings, action taken for review, actions to be taken to prevent further occurrences, and further recommendations.
- J. The Center will be prohibited from discriminating against a consumer by whom, or on whose behalf, such a complaint has been submitted or who has participated in a complaint investigation. The Center will be prohibited from discriminating against any employee who has submitted a complaint or assisted in any complaint related investigation for the reason of such submission or assistance.
- K. If the action of the Chief Executive Officer taken on behalf of the consumer regarding the violation of the consumer's rights is unfavorable, insufficient, or not forthcoming within a reasonable period of time (15 days), the consumer or his/her representative may appeal to the Center's Board of Directors, or the state licensure body (OHFLAC), the West Virginia Advocates, or the Secretary of Department of Health and Human Resources.
- L. Provisions will be made for suspension or reassignment of staff when the Chief Executive Officer believes the continued presence of the employee accused of abuse would pose a danger to the health and safety of the consumer (s).
- M. All persons involved in grievance investigations will conduct them with respect for consumer's or other employees' rights to confidentiality. No Center employee will discuss investigation of consumers' rights violations with any unauthorized persons.
- N. The duty of the Center to conduct an administrative investigation under these guidelines is independent of any investigation conducted by the police or prosecuting attorney whether there has been or has not been a violation of criminal law. The Chief Executive Officer of the Center has not fulfilled the obligation to protect consumers by referring the matter to legal authorities for investigation. Complaints of violations of consumer's rights, once filed, require an administrative response. The Center may delay or defer its investigation until law enforcement authorities have completed their investigation only if the administrator concludes that a delay will not adversely affect the health and safety of the consumers.

