

BHRS Problem Resolution Process for AOD

July, 2019

WHAT IS A GRIEVANCE?

“Any expression of dissatisfaction” about the services we provide

- **A legal right protected against retaliation**
- **All complaints are grievances. All grievances are “formal”**
- **No need to say “file”, “grievance”, “complaint”, etc.**
- **Even if no remedial action is requested. Even if client states NOT wanting to file a grievance**
- **Not a clinical occurrence**

GOALS OF THE GRIEVANCE PROCESS

- **To hear our clients' concerns and respond appropriately**
- **To improve services we provide**
- **To repair client/provider relationship**
- **To educate providers, clients and the system about one another's perspectives, cultures and experiences**
- **Comply with Federal and State regulations**

GRIEVANCES & APPEALS TEAM: OCFA + QM + AOD*

- **Coordinates** grievance resolution process
- **Impartial: Protects** the integrity of the Process
- **Assists** clients filing grievances
- **Guides** the program investigators
- **Documents:** Logs, correspondence, data, trends
- **Reports:** To State and to BHRS Director

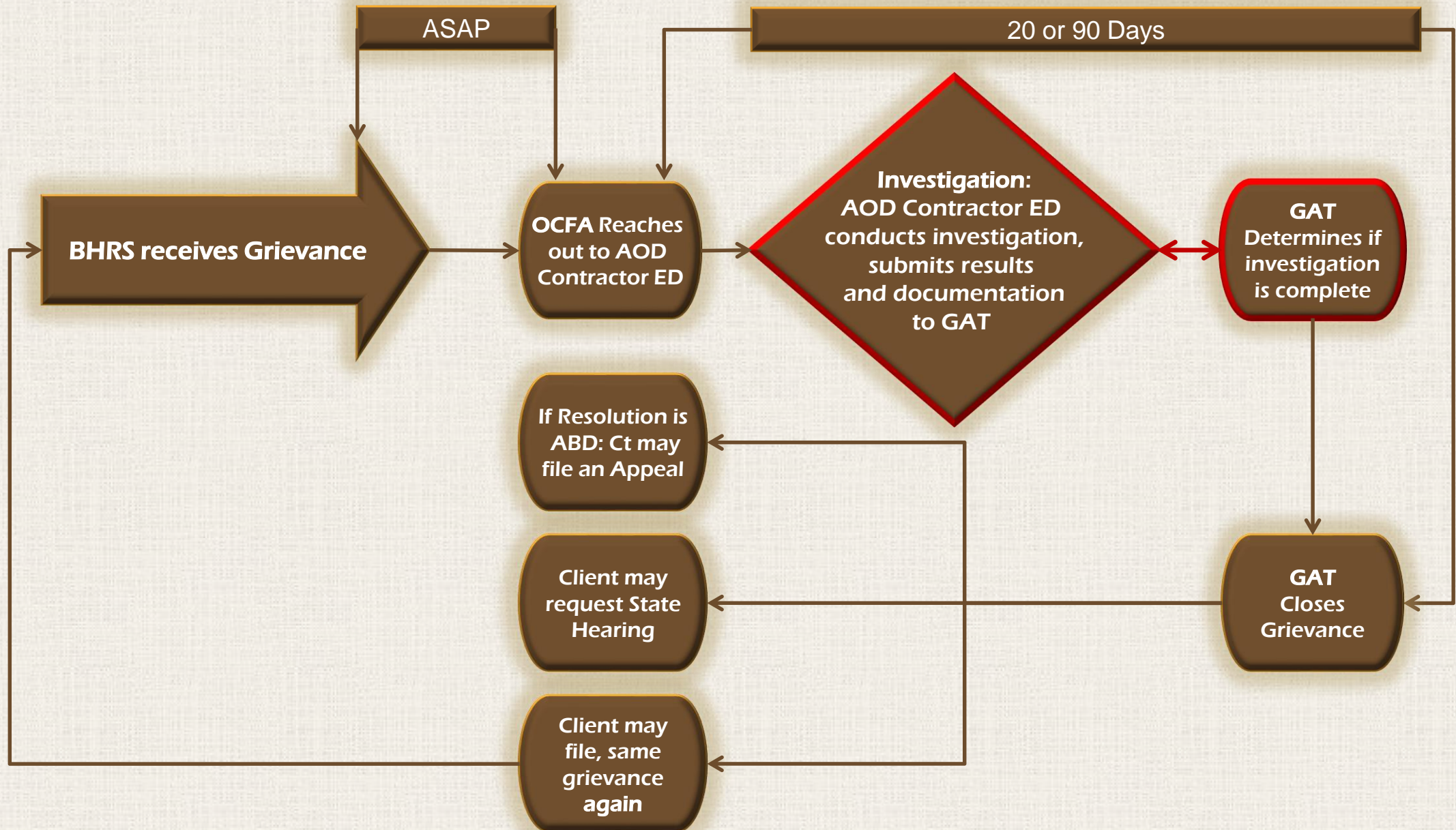
GRIEVANCE RESOLUTION PROCESS

- **GAT submits questions to contractor to guide the investigation**
- **Contractor acknowledges grievance, appoints investigator**
- **Investigator evaluates claims, submits updates to GAT, proposes resolution**
- **GAT + AOD managers and contract monitor evaluate contractors response**
- **GAT determines resolution**

SAMPLE INVESTIGATION GUIDING QUESTIONS

- **What actions were taken to address Ct's concerns?**
- **What actions were taken, by whom, to repair relationship and the outcome?**
- **What policies/procedures/standards were reviewed with the provider? By whom?**
- **What changes will be implemented as result of Ct's grievance?**

GRIEVANCE RESOLUTION FLOW



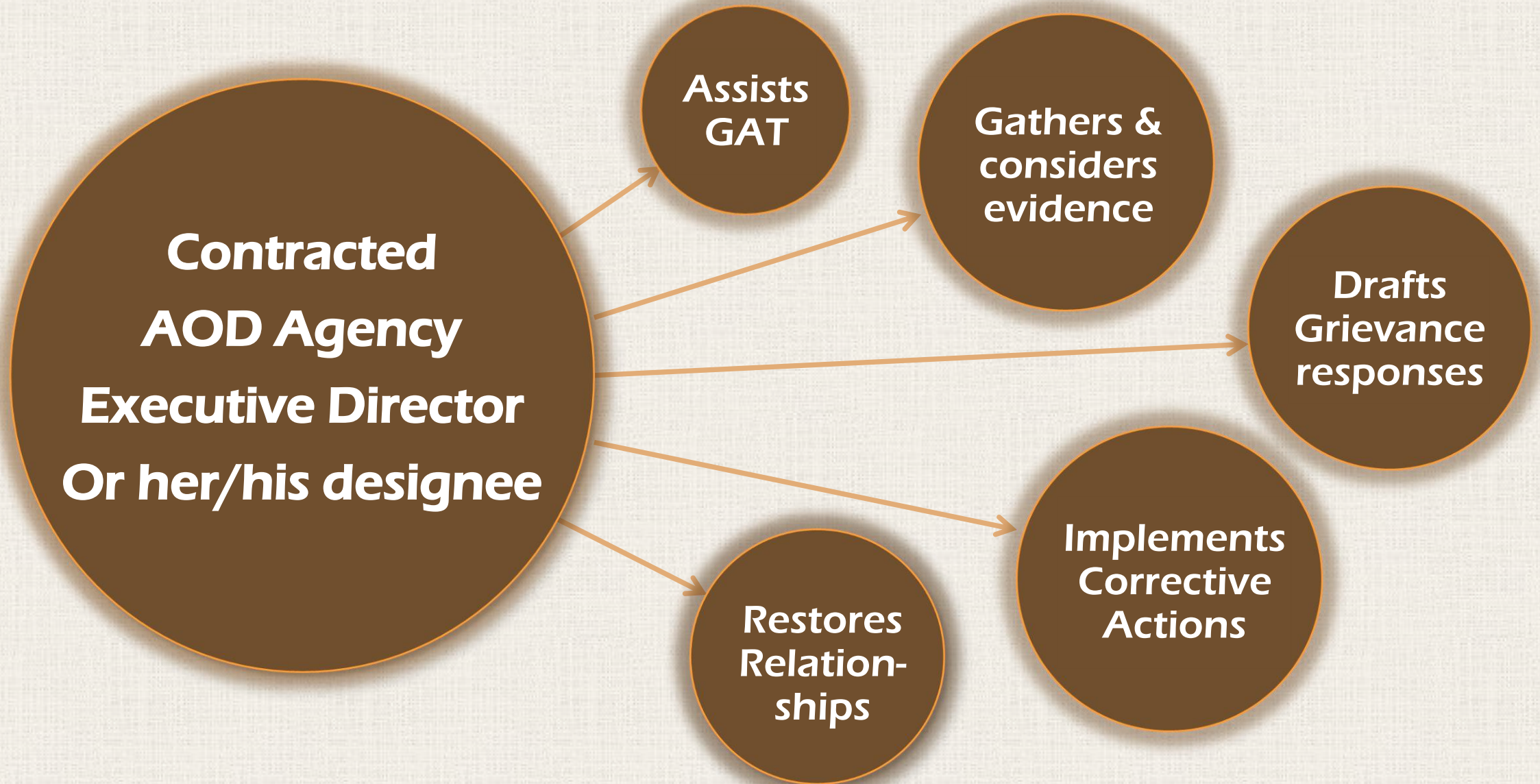
THE CONTRACTOR'S INVESTIGATOR

- **Not implicated in grievance, or subordinate**
- **Has appropriate level of expertise**
- **Coordinates the Agency's response with GAT**
- **Evaluates claims and reviews evidence**
- **Formulates an assessment of the situation**
- **Proposes & implements resolution actions**
- **Submits updates and documentation as requested**

THE PROCESS MUST:

- **Leave no outstanding items, such as “we will call the case manager”**
- **Strive to repair client trust and the relationship with the provider**
- **Observe deadlines and ensure no idle time during investigation**
- **Ensures no retaliation against client**
- **No grievance mention on client’s clinical chart**

WHAT ARE THE INVESTIGATOR'S DUTIES?



SAMPLE GRIEVANCE

- **Grievance: “My case manager never comes to see me and does not help me**
- **GAT: Speaks with Ct, captures grievance**
- **GAT starts process: sends letters, update logs**
- **Submits to AOD Contractor’s ED (investigator) along with guiding questions, deadlines.**
- **Include AOD Manager**
- **Reports to State**

SAMPLE GRIEVANCE

- **Investigator: Discusses with Ct's CM, reviews CM progress notes and sends copies to GAT. Determines that frequency of CM has been occasionally lower due to staff shortage. Proposes resolution: Staff to meet Ct, explain shortage, create support plan during shortage, repair relationship.**
- **Investigator: Reports findings to GAT, including outcome.**

CONSUMER PROTECTION MANDATES

- **Federal Regulations: Title 42 CFR 438**
- **California Welfare and Institutions Code
Title 9, Chapter 11 Sc 5**
- **CA Health and Safety Code**
- **Medi-Cal Consumer Rights**
- **Civil Rights Act of 1964**
- **HIPAA Regulations**
- **BHRS Policy 19 - 01**

QUESTIONS?

Jairo Wilches - jwilches@smcgov.org

(650) 573 - 2890