



**Chapter: Constituent Services and Complaints**  
**Subject: COMPLAINTS AND GRIEVANCES REGARDING COMMUNITY SERVICES**

**Applicability:**  
Department of Behavioral Health & Developmental Disabilities State and Regional Offices, Service Providers, and State-Operated Community Services

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**Approved:**

**References:**  
Official Code of Georgia Annotated (O.C.G.A.) § 37-2-5.2(a)(9); § 37-2-11.2; § 30-5-1 et seq.

*Consuelo L. Campbell*  
Consuelo L. Campbell, Director  
Office of Legislative & Constituent Affairs

The procedures established by this policy shall not supplant the complaint procedures governing complaints alleging violation(s) of a patient's rights under the Rules and Regulations for Patient's Rights, Chapter 290-4-6 or a client's rights under the Rules and Regulations for Client's Rights, Chapter 290-4-9.

*10/14/09*  
Date

*Frank E. Shelp*  
Frank E. Shelp, M.D., M.P.H., Commissioner

**Attachments:**  
None

*10-21-09*  
Date

## COMPLAINTS AND GRIEVANCES REGARDING COMMUNITY SERVICES

### POLICY

The Department of Behavioral Health and Developmental Disabilities (DBHDD) ensures that consumers, representatives, guardians, associations, agencies, contractors, sub-contractors, or those who seek to become involved with the delivery or receipt of services may file complaints and grievances. All complaints and grievances are accepted, reviewed, and investigated; in addition, a response is provided promptly to the individual(s) who submitted the complaint or grievance in accordance with the procedures in this policy. No person is retaliated against or denied services for making a complaint or grievance. Complaints involving allegation of abuse, neglect, or other reportable incidents are managed in accordance with DBHDD policies regarding reporting of incidents, and are not subject to the procedures included in this Complaints and Grievance policy.

### DEFINITIONS

**Complaint** - Complaints are allegations made by consumers, representatives, guardians, associations, or agencies concerning the delivery or receipt of disability services which may violate rules and policy, or adversely affect a consumer's health and well-being.

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**Grievance** – A grievance is a problem, perceived by the consumer to involve unfair treatment or violation of client/patient rights and privileges accorded by law, DBHDD policy, or established practice.

**Provider or Service Provider** – For the purposes of this policy, the terms provider or service provider refer to organizations or individuals that provide consumer services that are financially supported in whole or in part by funds authorized through DBHDD.

**Regional Office** – A unit of DBHDD which serves as the entity for the administration of disability services in a region.

### **GENERAL PROCEDURES**

- A. Complaints and grievances may be filed against the Department of Behavioral Health & Developmental Disabilities (DBHDD) State Office, Regional Offices, service providers having a contract or letter of agreement with the DBHDD, and state-operated community service providers. DBHDD recognizes that complaints are dealt with at all levels throughout the system.
- B. DBHDD State Office, Regional Offices, and providers each designate staff to receive, process, investigate, follow-up and report complaints and grievances.
- C. Within the DBHDD State Office, Constituent Services is the designated entity for the management of complaints and grievances, and follows a standard process for managing complaints and grievances. Complaints and grievances should be handled as close to the point where the problem is initiated. Constituent Services is especially focused on complaints and grievances that occur frequently, that relate to high risk situations, and/or that may reflect some type of larger systemic problem.
- D. Complaints and grievances must:
  - Be taken, whether received via telephone, in person, in writing, by referral, fax, email;
  - Be documented, either by the complainant or by the person taking the complaint or grievance;
  - Identify the provider, where applicable;
  - State the nature of the complaint or grievance;
  - Identify the person(s) involved (if possible), and/or the name and contact information of the person (if possible) filing the complaint or grievance; and
  - Be kept on file for 5 years.
 Constituent Services can provide tools for documentation of this information upon request.
- E. Staff encourage individuals who have a complaint or grievance regarding a provider to initiate their complaint/grievance process according to the provider's internal policy.

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A party may file an initial complaint or grievance to the DBHDD State Office. In such event, the following steps are taken:

1. The complaint/grievance is sent to DBHDD Constituent Services  
Phone: 404-657-5964  
Fax: 404-657-1137  
Email: [DBHDDconstituentservices@dhr.state.ga.us](mailto:DBHDDconstituentservices@dhr.state.ga.us)
2. Constituent Services sends out an email to the applicable Regional Coordinator (RC), Regional Services Administrator (RSA), their Administrative Assistant; and other state staff when appropriate.
3. The complaint/grievance is assigned by the RC, RSA, or State Office staff to the appropriate staff member for follow-up and resolution in accordance with this policy;
4. Staff performs follow up and provides the RC, RSA, or State Office staff with a summary or their initial response to the complainant, which is then communicated to Constituent Services within two (2) business days; and
5. Regional or State Office staff notifies Constituent Services, within five (5) business days of receiving the complaint or grievance, of the finding(s) and the recommendation(s) for resolving the complaint or grievance.
6. The Regional, State Office, or Constituent Services contacts the complainant to follow up with the findings and recommendation for resolving the complaint or grievance.

#### F. Reporting complaints and grievances to Legal Services

During conversation with the complainant, the Regional Office, when possible, determines if the matter under complaint or grievance is the subject of pending or current litigation. If the complaint or grievance may be or is the subject of current litigation, the Regional Office immediately contacts the DBHDD Office of Legal and Risk Management Services for guidance.

### **PROCEDURES SPECIFIC TO COMPLAINTS AND GRIEVANCES AGAINST SERVICE PROVIDERS**

- A. Individuals being served or other stakeholders may register complaints or grievances with service providers.
- B. The Regional Office follows specific steps in addressing complaints and grievances made directly to the Regional Office regarding providers or services. Upon receipt of a complaint or grievance, the Regional Office first determines whether the complaint or grievance will be processed by the Regional Office or whether the complaint or grievance must be referred to another agency or entity. If the complaint or grievance involves legislators or media then the Regional Office notifies Constituent Services.

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1. **Step 1 - Complaints requiring referral outside the Regional Office:** If the complaint or grievance will not be processed by the Regional Office, the Regional Office staff notifies the complainant, by telephone or in writing, within five (5) business days of receipt of the complaint or grievance, explaining the reason(s) the Regional Office cannot properly address the complaint or grievance. For example, complaints or grievances involving client rights should be first referred to the Client's Rights Subcommittee for the provider serving the complainant. Whenever possible, staff of the Regional Office provide sufficient information to the complainant for referral to the appropriate entity for relief.
  
2. **Step 2 - Complaints involving providers:** The Regional Office determines whether the complainant has filed the complaint or grievance first with the provider, and if any resolution was suggested by the provider.
  - a. If the complainant has filed the complaint or grievance with the provider, but:
    - The complainant is dissatisfied with the provider's suggested resolution; **or**
    - The complainant does not want to or refuses to communicate with the provider; **or**
    - The provider has not taken any action regarding the complaint or grievance,

Then the Regional Office reviews and attempts to resolve the complaint or grievance. If complaint or grievance is of a client's rights nature, Regional Office requests that the provider immediately transmit to the Regional Office a copy of the provider's decision, together with a copy of the Client's Rights Subcommittee' recommendation and other documents utilized in the review. If the complaint relates to reportable incidents in accordance to DBHDD policies, then those policies are followed.

- b. If the complainant has not filed the complaint or grievance with the provider, the Regional Office:
      - Advises the person that it is generally best to address their complaint or grievance to the provider, unless circumstances warrant otherwise and offers the complainant the option of either addressing it themselves or having the Regional Office staff forward the complaint/grievance to the provider.
      - If necessary, records the complaint or grievance and forwards it to the provider.
      - Informs the complainant that the complaint or grievance has been forwarded to the provider and that the provider will contact the complainant to resolve the matter.

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- Follows up with the provider within five (5) business days of the referral to verify that the complaint or grievance has been or is in the process of being resolved. The Regional Office is not prohibited from reducing the time period for this follow up.
- c. When following up on a referral of the complaint or grievance to the provider, the Regional Office may find that the following pertains:
- No process for resolution has commenced. The Regional Office then records the reason(s) why no process has begun and conducts a review of the complaint or grievance as described below; or
  - The provider has begun to review the complaint or grievance and is working toward a resolution, the Regional Office records that information and requests that the provider forward to the Regional Office notice of resolution of the complaint or grievance. The Regional Office does not need to take additional action unless the circumstances demand further inquiry or action.
3. **Step 3 - Regional Office Review/Investigation:** The Regional Office conducts and completes a review of the complaint or grievance within five (5) business days of receipt of the complaint or grievance or within five (5) business days of the date it is determined the provider has not begun a resolution process.
- a. Review elements: The Regional Office's review/investigation provides, at a minimum, that:
- Informal resolution, where appropriate, is utilized;
  - Investigative methods deemed most suitable to determine the facts are utilized. Such methods may include, but are not limited to, personal interviews, telephone calls, and/or review of documents and correspondence. The reviewer/investigator has access to all documents and records and personnel relevant to the investigation. In addition, the Regional Office may request the assistance of other offices in DBHDD;
  - Confidential information is protected against unauthorized disclosure;
  - Conflicts of interest are avoided and where discovered, immediately corrected; and
  - Whenever appropriate or necessary, a signed release of information is obtained.
- b. Extensions: The Regional Coordinator may grant an extension of this time frame upon request and upon a showing of good cause, such as the complexity of the issue(s) or if fact gathering warrants additional time. If the Regional Coordinator approves an extension, the Regional

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Office notifies the complainant of the extension and indicates the approximate time frame within which the review will be concluded. Where applicable, a copy of the notice of extension is also forwarded to the provider. If an extension exceeds twenty (20) business days from the date of receipt of the complaint or grievance, the complainant receives an update from the Regional Office.

4. **Step 4 - Findings/Resolution:** The notification of findings/resolution of any complaint or grievance related to client rights includes an explanation of the appeal process. A copy of the findings and recommendations is kept on file along with the complaint or grievance and a copy must be forwarded to the provider, if applicable.

If complaint or grievance is of a client's rights nature, the Regional Office sends a copy of the complaint and recommendations to the complainant and Constituent Services.

5. **Step 5 - Appeal:** When a complainant is dissatisfied with the resolution proposed by the Regional Office, the complainant may request that the Regional Office forward a copy of the complaint or grievance, all relevant material, and all proposed resolution(s) to DBHDD Constituent Services. A complainant is not precluded from filing an appeal directly to the DBHDD Commissioner or Constituent Services, in which case the Commissioner or designee contacts the Regional Office to request copies of all material(s) relevant to the complaint or grievance. If possible, the Commissioner or designee completes the review of the complaint or grievance within ten (10) business days of receipt of the appeal and all relevant materials. The Commissioner or designee provides a resolution for the complainant that is final. A copy of the final resolution is forwarded to the Regional Office and, if applicable, to the provider. The Regional Office and where applicable, the provider, must maintain on file a copy of the final resolution of all complaints and grievances for no less than six (6) years.

C. In addition to an appeal, a party may file an initial complaint or grievance to the DBHDD State Office. The DBHDD website <http://dbhdd.georgia.gov> includes information about how to do so. In such event, the following steps are taken:

1. The complaint/grievance is sent to DBHDD Constituent Services upon receipt or notification;
2. Constituent Services sends out an email to the applicable Regional Coordinator (RC), Regional Services Administrator (RSA), the DBHDD office or division, their Administrative Assistant; and other state staff when appropriate.
3. The complaint/grievance is assigned to the appropriate staff for follow-up and resolution;

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4. Staff performs follow up and provides an initial response to the RC and RSA, which is then communicated to Constituent Services within two (2) business days; and
  5. Regional Office notifies Constituent Services, within five (5) business days of receiving the complaint or grievance, of the finding(s) and the recommendation(s) for resolving the complaint or grievance.
  6. The Regional office or constituent services contacts the complainant to follow up with the findings and recommendation for resolving the complaint or grievance.
- D. Upon request, providers submit to the Regional Office a copy of the provider's policies and procedures for receiving, considering, and resolving client complaints and grievances.
- E. Each provider's policies and procedures address, at a minimum, the following:
1. Instructions on how a complaint or grievance may be filed with the provider.
  2. A description of the review/investigation process for resolving the complaint or grievance, including reasonable applicable time frames and extensions, if permitted, for review by and response from the provider.
  3. A description of the Client's Rights complaint and grievance process.
  4. Directions for the complainant to appeal to the Regional Office if a satisfactory resolution is not reached at the provider level.
  5. Directions for the complainant to appeal to the DBHDD if an unsatisfactory decision is made by the Regional Office.
  6. Information that is displayed prominently at each service location: name, title, location, hours of availability, and telephone number (a 1-800 number is preferred for multi-county locations) of the designated person whose responsibility it is to accept and oversee the process of any complaint or grievance on behalf of the provider.
  7. Maintenance of copies of all complaints and grievances received and reviewed by the provider and complaints and grievances reviewed by the Regional Office, copies of appeals made to the DBHDD Commissioner or Constituent Services, notices of extension of the time to conduct and complete a complaint or grievance review/investigation, and copies of all "final" rulings or resolutions.
  8. Method to ensure that each individual served by the provider receives information explaining the provider's complaint and grievance procedure, including appeals, in a manner that is understandable to the person served.
  9. Method to ensure that each individual receives information explaining his/her rights and the client rights complaint and grievance procedure, including appeals, in a manner that is understandable to the person.
  10. Assurance that the filing of a complaint or grievance will not result in retaliation or barriers to service.

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11. Requirement that all provider staff receive training regarding the provider's complaint and grievance policy and procedure, including the duty to assist individuals in reporting complaints and grievances.
12. Description of how complaint and grievance information is utilized for continuous quality improvement.

Provider policies and procedures address and include the following expectations:

- Complaints and grievances are to be handled in best interest of the complainant.
- The handling of complaints and grievances is done in a manner that demonstrates flexibility, responsiveness and timeliness.
- Resolution of complaints and grievances is done in collaboration with the complainant and/or representative.
- The provider exhausts all possible options and choices to reach a mutually satisfactory resolution.
- All appropriate parties are informed about resolution of the complaint and/or grievance.
- The provider demonstrates good customer service skills while working to resolve complaints and grievances.

F. Reporting of complaints and grievances

1. Providers maintain information about complaints and grievances including but not limited to the following information:
  - Types and dates of all complaints and grievances;
  - Originator of complaints and grievances;
  - Complaints and grievances new in the current quarter and those unresolved from previous quarters;
  - Of resolved complaints and grievances, the numbers of substantiated and unsubstantiated complaints and grievances;
  - Days to resolution for each complaint or grievance;
  - Disability and program involved; and
  - Identified systems issues and corrective measures taken, if any.
2. Constituent Services maintains information about complaints and grievances including the following:
  - Number of complaints and grievances;
  - Types of complaints and grievances;
  - Originators of complaints and grievances;
  - Days to resolution for complaint or grievance;
  - Disabilities and programs involved;

G. Reporting complaints and grievances to Legal Services:

During conversation with the complainant, the Regional Office, when possible, determines if the matter under complaint or grievance is the subject of pending or

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current litigation. If the complaint or grievance may be or is the subject of current litigation, the Regional Office immediately contacts the DBHDD Office of Legal and Risk Management Services for guidance.

### **HOSPITAL COMPLAINTS AND GRIEVANCES**

Complaints and grievances regarding DBHDD Hospitals are handled in accordance with hospital specific policies and procedures.