



*Our mission is to reunite people
living with physical disabilities
with the community.*

POLICY: RECORDING AND ADDRESSING WAIVER PARTICIPANT COMPLAINTS AND GRIEVANCES

EFFECTIVE: August 2011

PURPOSE: This policy describes NHTD waiver provider agency responsibilities for responding to complaints raised by Participants, their families, or advocates. Participants will understand that all complaints will be addressed, investigated without reprisal, discrimination or unreasonable interruption of care or services by Wheels of Progress.

DEFINITIONS: Complaints may include the following:

Administrative Complaint: This category consists of problems in the general operations of the agency. These may include—but are not limited to—billing discrepancies and personnel issues.

Participant Care Complaints: This category consists of problems related to the care being provided to Participants. These include—but are not limited to—inconsistent service, dissatisfaction with care provided, delay in service or reduction in hours/visits provided.

Other Complaints: This category consists of problems that are not administrative or Participant care issues. These may include—but are not limited to—issues related to Participant's housing, theft or non-service related item.

INFORMATION:

All Participants on admission to the Wheels of Progress Nursing Home Transition and Diversion Waiver will receive information on how to file a complaint.

All Employees of the Wheels of Progress Nursing Home Transition and Diversion Waiver will be oriented initially and annually on how to address and document each Participant's complaint, and, if possible, resolution.

All complaints pertaining to the Participant's plan of care are to be documented in the Agency's **COMPLAINT LOG.**

Complaints may be initiated by anyone: in person, by mail or telephone.

Anonymous complaints will be accepted.

The Participant may not be subjected to restraint, interference, coercion, discrimination or reprisal as a result of filing a complaint.

PROCEDURE:

1. Participants are provided information upon admission regarding: the Complaint Process and toll free complaint reporting hotline as well as information regarding agency address, telephone number and hours of operation of the Service Coordinator, all service providers and their supervisors, and the Regional Resource Development Specialist (RRDS).
2. Participants may submit complaints about care and services provided or not provided and complaints concerning lack of respect for the individual's rights and property.
3. Participants are given support and direction from the Service Coordinator and the RRDS for resolving waiver participant's concerns and complaints about services and service providers.
4. Complaints may be directed to the agency employing the service provider, any outside representative of the individual's choice or the Department of Health, and must be investigated.
5. Participants will be informed that all complaints are reviewed, investigated and documented by Wheels of Progress.
6. Participants will be informed that all complaints regarding policy, care or services will not result in reprisal, discrimination, or unreasonable interruption of care or services. Complaints are to be written in the complaint log, dated and signed by the individual receiving the complaint.
7. Receipt of complaints will be acknowledged in writing with phone follow-up for immediate resolution. A Complaint Form will be initiated that reviews relevant information, witnesses as available, and appropriate follow-up.
8. The responsible Supervisor will investigate complaints, including anonymous complaints, and a report will be provided to the Director of the NHTD Waiver.
9. The Director of Wheels of Progress will be responsible for investigating all complaints related to the activities of the Supervisors.
10. The Director of Wheel of Progress, responds to the complaint by follow up and assisting staff to modify the

Plan of Care as it relates to the complaint. The complaint is resolved if possible.

11. If the complaint is not resolved the complaint is referred to the Professional Advisory Committee for immediate attention.
12. The Director of Wheels of Progress will be responsible for referrals to appropriate professional organizations if misconduct by a professional staff person is suspected.
13. Written complaints and oral complaints will receive a written response no later than 30 days upon receipt. The response will include:
 - a. A description of the complaint investigation findings and decision rendered by the agency.
 - b. Notice of the complainants right to appeal the outcome of the investigation, the agency appeals process and
 - c. The complainants right to complain to the New York State Department of Health complaint Hotline 1-800-228-8201.
14. The CEO shall be kept informed of the progress of investigations and ultimate outcome/resolution of complaints.
15. Complaints and results of investigations will be trended and reported to the Quality Assurance Program Committee on a quarterly basis.

APPEALS PROCESS:

1. The complainant has the right to appeal the agency's decision.
2. The complainant can request a review of the complaint by the Ad Hoc Committee of the Quality Assurance Program Committee.
3. The results of the committee's review will be submitted to the complainant within thirty days of receipt of the appeal.
4. A further appeal process, in which all of the relevant information is forwarded to the RRDS, who will assist in resolving the difficulties (to be completed in no more than 15 days from receipt of the information).
5. If the RRDS is not able to resolve the difficulties, the matter will be forwarded to the DOH's waiver management staff for review and final resolution.