

**WESTBROOK HEALTH SERVICES
OPERATING POLICIES
POLICY 1.K.3**

CLIENT COMPLAINT and GRIEVANCE

POLICY

In accordance with Westbrook Health Services Client Rights and Responsibilities Policy and in compliance with licensure standards, all clients and/or their representative have the right to file a complaint or grievance. WHS will inform clients and/or their representative of this right and how to report a complaint/grievance.

- WHS shall provide and adhere to a procedure for receiving, reviewing, resolving, and responding to client complaints and/or grievances in a timely manner.
- WHS staff will inform clients that complaints/grievances may be made in writing or verbally to a staff member. This staff will then relay this to QA staff for logging and resolution.
- WHS QA staff will maintain a log of complaints/grievances received.
- WHS Quality Assurance/Compliance staff will work collaboratively with appropriate, qualified people to review and provide guidance for resolutions to select client grievances as appropriate.
- All clients and/or client representatives may file a complaint or grievance without fear of retaliation and/or barriers to service.
- Clients or their representatives may file a grievance with any other state agency, accrediting board, or legal representative of their choice independent or in conjunction with the WHS grievance process.

PROCEDURE

1.K.3.a

- At intake, Westbrook Health Services will inform all clients and/or Legal Representatives of these Complaint, Grievance and Appeals Procedures. Intake staff will explain the process to clients and document that they have been informed in their file.
- Upon request, Westbrook Health Services will arrange for clients and/or Legal Representatives or anyone requesting them, to have ready access to:
 - The Westbrook Health Services Complaint, Grievance and Appeals Procedures and forms.
 - The Westbrook Health Services Client Rights and Responsibilities Statement, which includes references to the right to complain, grieve and appeal, and
 - The name (s) and contact information for available advocates.
- Complaints and Grievances should be made as soon as possible within fifteen (15) calendar days of the occurrence of the circumstance. Complaints and Grievances regarding legal obligations may be made at any time. In general, grievances should be written, although they may be verbal in some specific cases. Verbal grievances must be committed to writing.
- Complaints and Grievances filed about suspected or actual occurrence of violation of a client's rights will be reported to the CEO or designee within 24 hours. Westbrook staff will follow mandatory reporting requirements regarding reports of alleged, suspected, or actual occurrence of abuse, neglect, or emergency condition.
- Westbrook Health Services will conduct administrative investigations of grievances as follows:

- Clients and/or representatives must file a complaint or grievance in writing with the Compliance Department of Westbrook Health Services.
 - Westbrook Health Services will conduct administrative investigations of complaints and grievances independently from investigation by law enforcement.
 - The CEO or designee will initiate thorough investigations of complaints and grievances within 24 hours of receiving reports, if warranted
 - Investigation will follow procedure Critical Incident Procedures
 - A written response will be submitted to the CEO within 21 days of the incident. The response will include:
 - A restatement of the case.
 - A summary of the investigation.
 - Conclusions.
 - Recommendations.
 - The CEO will review reports and make decisions about dispositions within three (3) workdays of receipt.
 - Copies of the decision will be filed with:
 - The grievant.
 - The grievant case manager or another advocate, if applicable.
 - Employees and supervisors involved; and
 - The Westbrook Human Rights Committee (by verbal report).
- A brief note will be placed in the client's file indicating the incident and the effect may have had on the client's illness or treatment if any;
- Clients may have less serious complaints about things with which they do not agree or may choose to appeal some element (s) of their treatment. In general, this may be a less serious issue that does not require filing a formal written grievance, as defined above. Clients may register their complaints with any Westbrook staff. After registering their complaint, if not resolved to their satisfaction, they may utilize other avenues to assure their concern is addressed, which may include filing a Grievance. In general, the internal process for less serious complaints is:
 - Complaints will be addressed at the lowest possible level.
 - Complaints:
 - The Clients or Legal Representative will indicate their complaint with respect to something with which they disagree.
 - It is not always necessary for simple complaint resolutions to be formally documented, although they may be mentioned in clinical notes.
 - If the simple complaint cannot be resolved at the front-line level per above, the complaint can be escalated following the chain of command.
- Westbrook will not tolerate retaliation (including discharge or discrimination) against any individual or person served by Westbrook , any workforce member or other individual has filed or assisted in the filing of a complaint or grievance or has investigated or acted on a complaint or grievance. Any staff member who becomes aware of retaliation should immediately contact the CEO.
- Westbrook Health Services realizes that due process mechanisms exist beyond the internal actions of Westbrook Health services. Complaints, Grievances, and Appeals may be filed directly to the bodies listed below or if issues are not resolved by Westbrook to the satisfaction of a client and/or legal representative they may be appealed to and follow the appeal procedures of these bodies:

- An advocacy body (such as the WV Ombudsman, Disability Rights of West Virginia (Advocate), and etc.);
 - The State Licensing authority, OHFLAC.
 - Bureau for Medical Services.
 - WV DHHR
 - Other means to remedy their grievances outside of these procedures (see below).
- When a client or representative files complaints, grievances or appeals to others (APS, Medicaid, BMS, Waiver, etc.), these actions are not part of Westbrook Health Services' Complaint, Grievance and Appeals process and not subject to the provisions of these procedures;
 - Westbrook staff members who are a party in a complaint or grievance may not provide assistance. In this instance, supervisors should assign someone else to assist the client or Legal Representative themselves or refer to other advocates for assistance;
 - If a client or Legal Representative is able to file a complaint, grievance or appeal independently, Westbrook staff will encourage them and provide support;
 - If Westbrook staff assist a client in filing a complaint, grievance or appeal, staff should assure that the written document is a fair and accurate representation of the allegation. Staff should take care to say or write exactly what the individual reports. Staff should not interpret or make any corrections unless the individual approves the interpretation or correction. Staff should always read what is to be filed to the individual to assure accuracy. Staff who assist with a complaint, grievance or appeal should document:
 - The date and time of dictation of the document;
 - The name of the client or representative who dictated the document;
 - The name of the staff who wrote the document;
 - The name of the staff who filed the written document;
 - The name of the staff who received the document;
 - Exactly what was said;
 - Clients and/or representatives should always sign or make "their mark" on complaints, grievances or appeals. Staff should witness the mark or signature.

1.K.3.b

- Complaints and Grievances should be made as soon as possible within fifteen (15) calendar days of the occurrence of the circumstance. Complaints and Grievances regarding legal obligations may be made at any time. In general, grievances should be written, although they may be verbal in some specific cases. Verbal grievances must be committed to writing.
 - Complaints and Grievances filed about suspected or actual occurrence of a violation of a client's rights will be reported to the CEO or designee within 24 hours. Westbrook staff will follow mandatory reporting requirements regarding reports of alleged, suspected, or actual occurrence of abuse, neglect, or emergency condition.
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 - Copies of the decisions will be filed with:
 - The grievant.
 - The grievant's Case Manager or another advocate, if applicable.
 - Employees and supervisors involved; and
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 - It is not always necessary for simple complaint resolutions to be formally documented, although they may be mentioned in clinical notes.
 - If the simple complaint cannot be resolved at the front-line level per above, the complaint can be escalated following the chain of command.
 - Westbrook will not tolerate retaliation (including discharge or discrimination) against any individual or person served by Westbrook, any workforce member or other individual who has filed or assisted in the filing of a complaint or grievance or has investigated or acted on a complaint or grievance. Any staff member who becomes aware of retaliation should immediately contact the CEO.
- Westbrook Health Services realizes that due process mechanisms exist beyond the internal actions of Westbrook Health Services. Complaints, Grievances and Appeals may be filed directly to the bodies listed below or if issues are not resolved by Westbrook to the satisfaction of a client and/or legal representative they may be appealed to and follow the appeal procedures of these bodies:

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 - WV DHHR.
 - Other means to remedy their grievances outside of these procedures (see 9, below).
 - When a client or representative files complaints, grievances or appeals to others (APS, Medicaid, BMS, Waiver, etc.), these actions are not part of Westbrook Health Services' Complaint, Grievance and Appeals process and not subject to the provisions of these procedures;
- Westbrook Health Services recognizes that client and/or representatives may need help in filing a complaint, grievance, or appeal. Westbrook staff have a responsibility to advocate and assist clients:
 - Westbrook staff members who are a party in a complaint or grievance may not provide assistance. In this instance, supervisors should assign someone else to assist the client or Legal Representative themselves or refer to other advocates for assistance;
 - If a client or Legal Representative is able to file a complaint, grievance or appeal independently, Westbrook staff will encourage them and provide support;
 - If Westbrook staff assist a client in filing a complaint, grievance or appeal, staff should assure that the written document is a fair and accurate representation of the allegation. Staff should take care to say or write exactly what the individual reports. Staff should not interpret or make any corrections unless the individual approves the interpretation or correction. Staff should always read what is to be filed to the individual to assure accuracy. Staff who assist with a complaint, grievance or appeal should document:
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- Client and/or representatives should always sign or make "their mark" on complaints, grievances or appeals. Staff should witness the mark or signature.