

Aging & Disability Services (ADS): AAA

References: California Code of Regulations, Title 22, Division 1.8, Chapter 3, Article 5

Effective Date: 07/01/2015

Last Updated: 11/22/2023

Approved by Board of Supervisors: 12/19/2023

Grievance Procedure – Complaints Against the AAA As A Service Provider

Policy

The Human Services Agency, Area Agency on Aging provides a number of direct services, and as such encourages our customers to voice any concern or dissatisfaction with our programs and services through the grievance and appeals process. This may include complaints regarding the amount or duration of a service, denial or discontinuance of a service, dissatisfaction with the service being provided or with the service provider. If the complaint involves an issue of professional conduct that is under the jurisdiction of another entity, such as the California Medical Board or the State Bar Association, the complainant shall be referred to the proper entity. Customers have the right to file a grievance for any reason within sixty (60) days from the date the incident or action occurred which caused the customer to be dissatisfied.

How to File a Grievance

1. Any customer (complainant) who judges himself or herself to be aggrieved should submit a written complaint to the attention of the Division Manager over the AAA. The complaint should include the following information:
 - a. The name, mailing address and telephone number, if any, of the complainant or person authorized to act on behalf of the claimant.
 - b. The type of service and staff involved.
 - c. The names of the individuals involved.
 - d. The issue of concern or dispute.
 - e. The date, time and place that the issue of concern or dispute occurred.
 - f. The names of witnesses, if any.
2. If the complainant cannot or doesn't want to submit a written complaint, AAA staff shall verbally accept the complaint and document the following:

AREA AGENCY ON AGING PROGRAM MANUAL

- a. The name, mailing address and telephone number, if any, of the complainant or person authorized to act on behalf of the claimant.
- b. The type of service and staff involved.
- c. The names of the individuals involved.
- d. The issue of concern or dispute.
- e. The date, time and place that the issue of concern or dispute occurred.
- f. The names of witnesses, if any.

Such information will be emailed to the Division Manager.

3. Complaints will be resolved within 45 days of receipt of the complaint and include all of the following:
 - a. The number of days from the receipt of a complaint in which the informal review will commence.
 - b. An impartial investigation of the complaint and an attempt to informally resolve the issues with the parties involved.
 - c. Staff will clearly state the timeframe when the impartial investigation will occur.
 - d. A written report will be prepared which will show the results of the investigation. A copy of the report will be sent to the parties involved. In addition, the report shall advise the complainant of his/her right to an administrative hearing if dissatisfied with the results of the review.
 - e. The Division Manager over the AAA will ensure that any agreements reached during the informal review are fulfilled.

Grievance Process

1. Once the grievance has been received, the Division Manager will assign staff to investigate the grievance.
2. The Division Manager will log the grievance in the grievance database, which is used for generation, aggregation and tabulation of grievances. The grievance log records at minimum the following information:
 - a. The date and time the grievance is filed.
 - b. The name of the person filing the grievance and/or the person representing the customer.
 - c. A description of the grievance.
 - d. Type of grievance.
 - e. Information regarding physical or language requirements that are relevant to ongoing communication with the customer or the customers representative.
 - f. Designation if the grievance has a cultural and/or linguistic component.
 - g. Designation if the grievance has a disability component.
 - h. A description of all actions taken to investigate and resolve the

AREA AGENCY ON AGING PROGRAM MANUAL

- grievance and the dates the actions were taken.
 - i. The proposed resolution.
 - j. The date that the customer is notified of the proposed resolution.
 - k. A dated record of all member contacts.
 - l. The name of the person responsible for resolving the grievance.
 - m. The date that the issue is resolved.
- 3. Written acknowledgement will be provided within five calendar days of receipt. This acknowledgement advises the customer that the grievance has been received, the date of the receipt, and provides the name and telephone number of the person that will be contacting them.
- 4. Staff will investigate the grievance. Confidentiality provisions will be made to protect the complainant's rights to privacy. If the complaint is regarding an AAA service provider, only information relevant to the complaint may be released without the person's consent.
- 5. The customer has the right to have a representative, advocate and/or lawyer assist in the grievance process.
- 6. The customer has the right to language translation during any part of the grievance process. Correspondence is available in threshold languages. Staff will determine if the grievance involves any cultural or linguistic issues to ensure that the grievance process is accessible and fair for all customers. Staff will also identify if there is any disability component to the grievance.
- 7. Customers have the right to propose a solution to a grievance.
- 8. The complainant will be given the opportunity to present evidence, facts, and law in support of their grievance.
- 9. Staff will consult as needed with other staff responsible for the areas of service that are subject to the grievance.
- 10. The Division Manager will review for and document any grievance that has a disability component on the grievance log and in their resolution, as appropriate.

Appealing the Decision

- 1. If the complainant is not satisfied with the resolution, they shall be informed of their right to appeal the decision to the Division Manager within thirty (30) days of the decision. The complainant may be represented by any person of his/her choosing. The request for an appeal hearing shall be made either orally or in writing.
- 2. From receipt of a hearing request, the county staff shall notify the complainant and the other party(ies) involved of both of the following:
 - a. The date, time and location of the hearing (to be held no later than 45 days from receipt of the hearing request).
 - b. The complainant's and other party's(ies) right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.

AREA AGENCY ON AGING PROGRAM MANUAL

3. The hearing will be conducted by an impartial hearing officer/panel in an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to be present at the hearing and present evidence and witnesses.
4. After the hearing, a final decision will be rendered in writing within 30 days. The decision will include a description of each issue and a statement as to the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included.
5. The proposed decision shall be forwarded to either of the following, as appropriate, for the issuance of a final decision. The ADS Division Manager unless the complaint is against the Division Manager. If the grievance is against the ADS Division Manager, the ADS Deputy Director will be notified of the final decision.
6. No later than 30 days after receipt of the proposed decision, the Division Manager of ADS shall either: adopt the proposed decision as the final decision or write a new final decision that shall be immediately transmitted to the parties involved. This decision shall be final and not subject to appeal. The process shall include procedures for ensuring that the remedies, if any, specified in the final decision are implemented.

Definitions

1. Grievance: a written or oral expression of dissatisfaction regarding the Human Services Agency, Area Agency on Aging and/or providers, including quality of service concerns, and may include a complaint, dispute, request for reconsideration or appeal made by a customer or the customers representative to the AAA. Where the department is unable to distinguish between a grievance and an inquiry, it shall be considered a grievance.
2. Complaint: is the same as "grievance."
3. Customer Appeal: a request to reconsider an initial denial decision of services or services that were requested but had not yet occurred.
4. Complainant: is the same as "grievant," and means the person who filed the Grievance, a representative designated by the customer, or other individual with authority to act on behalf of the customer.
5. Resolved: the grievance has reached a final conclusion with respect to the Customers submitted grievance, and there are no pending appeals within the AAA's grievance system.
6. Potential Quality Issue (PQI): these are potential issues with the quality of care or service delivered by providers. AAA provides a mechanism for peer review for PQI's in the form of a committee that meets to evaluate the need to alter the provider's participation in our programs based on evidence of serious quality deficiencies.