



State of Alaska
Department of Health and Social Services
Behavioral Health

Policy & Procedure

Topic: State Behavioral Health Requirements for Grantee Grievance Procedures

Policy: All Behavioral Health (BH) grantee treatment organizations are required to develop grievance procedures by which all clients, without regard to services used or funding source, including those clients denied services, may seek redress of grievances. The procedures, written in plain language, should be developed with meaningful consumer participation utilizing the general guidelines established by State Behavioral Health. A copy of the procedures must be filed with BH and should also be posted at the grantee organization's facility(s).¹

Intent: The Department of Health and Social Services (DHSS) by law is required to adopt regulations to assure patient rights², to establish standards for treatment facilities and to keep related records³, and to investigate complaints made by a patient⁴. This policy outlines the DHSS BH guidelines for grantee grievance procedures, explains BH's role in response to grievances, and lists relevant policy clarifications and all related references of the Alaska Statutes and the Alaska Administrative Code.

Grievance Procedure Guidelines: Grantee consumer grievance procedures must, at a minimum, meet the following criteria:

1. Provision(s) that ensure the right of consumers to file a grievance without intimidation
2. Provision(s) that ensure there is NO retaliation perpetrated against consumers who have filed a grievance

¹ 7 AAC 13.135 Grievance procedures; 7 AAC 71.220 Grievance procedures

² AS 47.30.590 Comprehensive services

³ AS 47.37.030 Powers of Department; AS 47.37.140 Public and Private Treatment Facilities

⁴ AS 47.30.660 (b) (12) Powers and duties of department

3. Provision(s) that outline a process by which consumers may easily file a grievance, to include:
 - a. A simple form written in plain language that also provides for an optional waiver of confidentiality which consumers may complete and submit,
 - b. Procedure(s) that allow consumers to submit a grievance orally
 - c. Procedure(s) that allow consumers to submit a grievance over the phone or via email
4. Explanation of agency's grievance procedure / policy provided to ALL consumers upon entry to services, to include the following:
 - a. Copy of agency procedure / policy
 - b. A form for consumers to sign, which shall be maintained in the consumer's clinical record, that declares their receipt and understanding of the agency procedure / policy
5. Provision(s) for consumers to designate a representative or advocate to assist them with all steps of the grievance process
6. Procedure(s) for the agency, upon consumers request, to assist the consumer with filing a grievance, which should include either:
 - a. Identifying specific agency staff to provide assistance
 - b. Written referral to other consumer advocacy resources such as the Disability Law Center and NAMI-Alaska
7. Step-wise procedures, limited to the following, for resolving ALL grievances:
 - a. **Resource and means for commonly resolving consumer disputes to minimize the need to invoke the grievance process**
 - b. Communication with consumer upon receipt of grievance that the agency has begun the process to resolve the grievance
 - c. Direct resolution through dialogue with the agency staff member involved or with the staff member's supervisor, or with both as consumer requests
 - d. Resolution through the agency Executive Director
 - e. Resolution through the agency Governing or Advisory Board
 - f. Referral of grievances unresolved at the agency's highest level to DHSS Behavioral Health for technical assistance
8. Established time frames to include the following that ensure prompt hearing of grievances:
 - a. Initiation of resolution (according to the procedures noted in # 7 above) within 5 days of receiving a grievance
 - b. If agency is unable to adequately initiate resolution within 5 days, a written notification shall be sent to the consumer by the end of 5 days from receipt of grievance explaining why and identifying when the grievance process will initiate
 - c. Satisfactory resolution to grievances within 30 days of receipt of grievance
 - d. Referral to BH, within 5 business days, for technical assistance with grievances that remain unresolved after 30 days.

9. Provision(s) for immediately elevating to the Governing or Advisory Board level any grievances that involve abuse, neglect or unnecessary seclusion or restraint.
10. Procedure(s) that provide for the creation, maintenance and storage of files for each individual grievance which shall contain all related documents, records, actions and communications.
11. Provision(s) that address maintenance of consumer confidentiality throughout the grievance process

BH Role & Responsibility: DHSS BH shall initially represent the Department of Health and Social Services for any grievance referred for technical assistance involving BH grantee treatment organizations. BH shall take the following steps to assist with these grievances:

1. **Exercise the primary responsibility of DHSS BH to orient consumers, or other individuals calling on behalf of consumers, to the grievance process and procedures available thru the involved grantee organization**
2. For questions regarding grievances which have been heard according to the involved grantee organization's grievance procedures, BH may:
 - a. Review any written response from the involved grantee organization regarding their findings and resolution to the grievance.
 - b. Investigate whether the involved grantee organization complied with the following, as indicated, in regards to processing the consumer grievance:
 - i. Alaska Statute / Behavioral Health Regulations
 - ii. Medicaid Regulations
 - iii. Special Conditions of Grant Award
 - c. Determine if resolution of the grievance is reasonable based on resources available to the grantee organization
 - d. Share BH findings with both the consumer and the involved grantee organization
3. In the course of providing technical assistance for any consumer grievance BH may:
 - a. Communicate with any involved party to seek clarification of information, or to obtain access to supporting documents
 - b. Consult with other Department or division resource
 - c. Refer case to other Department or division resource for continued technical assistance or action
 - d. Take any other action deemed prudent or necessary to assist consumer and / or grantee organization

Policy Clarifications:

- 1) The Department of Health and Social Services is authorized to review, obtain, and copy confidential and other records and information about clients, including services requested or furnished, to evaluate a grantee organization's compliance with statutes (AS 47.30.520 – 47.30.620)⁵
- 2) For substance abuse treatment facilities and programs, DHSS has adopted by reference the standards contained in the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) *Standards for Behavioral Health Care, 2004 – 2005*.⁶ The Department also provides for exemption from the provisions regarding substance abuse facilities or programs established by the State of Alaska Administrative Code for those private and public treatment facilities currently certified by JCAHO or the Commission on Accreditation of Rehabilitation Facilities (CARF).⁷ Therefore:
 - a. All substance abuse grantee organizations are also obligated to comply with JCAHO standards regarding client Ethics, Rights, and Responsibilities (RI.2.120 – RI.2.130)⁸ OR
 - b. If certified by CARF are obligated to also comply with the CARF standards for rights of persons served (Section 1. Business Practices: Criterion D. Rights of Persons Served)⁹

References:

Alaska Statutes (Authority)

Title 47. Welfare, Social Services and Institutions
Chapter 30. Mental Health
Section 520 - 620. Community Mental Health Services Act
Chapter 37, Uniform Alcoholism and Intoxication Treatment Act
Section 30, Powers of Department
Section 140, Public and Private Treatment Facilities

Alaska Administrative Code

Title 7. Health and Social Services
Chapter 13, Assistance for Community Health Facilities
Section 135. Grievance procedures

⁵ AS 47.30.590 (b) Patient rights and the confidential nature of records and information

⁶ 7 AAC 29.030 Adoption of standards by reference

⁷ 7 AAC 29.010 Application of standards

⁸ Comprehensive Accreditation Manual for Behavioral Health Care, 2004 – 2005

⁹ 2007 Behavioral Health Standards Manual, CARF International

Chapter 29, Uniform Substance Abuse Treatment
 Section 10. Application of standards
 Section 30. Adoption of standards by reference
Chapter 71, Community Mental Health Services
 Section 220. Grievance procedures