



NEVADA RYAN WHITE PARTS ABCD COMMON GUIDANCE DOCUMENT GRIEVANCE PROTOCOL GUIDANCE

Scope of Coverage

Directly applicable to all clients of the Ryan White HIV/AIDS Programs in Nevada; all potential clients; and all Eligibility & Enrollment Specialists and other service providers for the Ryan White HIV/AIDS Programs in Nevada.

Grievance Procedures

Clients will be offered a copy of the agency's grievance procedure at the time of eligibility application or agency intake process. An individual who feels they have a grievance regarding the Ryan White eligibility process has a right to have their grievance heard.

The first step to utilize the grievance procedure is with the service agency within the first thirty (30) days or depending on the grievance policy of the respective agency, whichever is shorter. It is appropriate to file a grievance only with the related agency (i.e. if a client has a pharmacy grievance, the grievance should be filed with utilizing the pharmacy's grievance policy and procedure, not with a case worker at another agency). If the grievance is not resolved at the agency level the client has the right to appeal to the respective Ryan White Recipient Office.

Clients should try to resolve their conflicts at the agency-level; however, the Ryan White Recipient Offices have the responsibility to respond to any grievance submitted.

Introduction

The Nevada Ryan White Parts ABCD Programs have implemented a standardized universal protocol for agencies to develop and implement an agency-internal client grievance policy and procedure process.

The following protocol and procedures are derived from a variety of sources with special recognition of one document. The document titled, *Client Grievance Procedures: A Mechanism for Assuring and Improving Quality of HIV/AIDS Care and Services*, is a 1998 report that examines client grievance procedures for programs funded through the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in the Boston Eligible Metropolitan Area (EMA).

Agency Requirements for their Internal Client Grievance Protocol

1. Procedures should aim to be user-friendly and written in clear and simple language, and particularly in the primary language of the clients served.
2. Clients and agency staff shall know the procedure exists and how to access it, with appropriate orientation and training for staff so that those responsible for implementing the grievance procedures have the necessary knowledge and skills.
3. The grievance procedure will provide a means of monitoring grievances and will enable the identification of potential system-wide service issues for resolution.
4. The grievance procedure will be required to clearly state: (1) the timeframes for clients to file a grievance with the agency (the whole process is not to exceed 30 calendar days); (2) how the client can file a grievance; (3) the steps in the grievance process; (4) agency personnel who are responsible to handle a grievance; (5) timeframes for the agency to respond to a grievance; (6) escalation steps for Recipient Office involvement (7) and accepted formats for communication



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between the client and agency (e.g. communications will be in writing or verbal, etc.).

5. The Nevada Ryan White Parts ABCD "Client Rights and Responsibilities & Grievance Principles" document is to be utilized by each agency. The form is to be collected by the eligibility provider during the enrollment/recertification process and uploaded to CAREWare as part of the client's annual eligibility packet.
6. Clients will be offered a copy of the agency's internal grievance policy and procedures during the intake process and at any time the client requests a copy.
7. The grievance process shall be applied consistently and impartially.
8. In cases where clients are contesting the actions or behavior of agency staff, those individuals (identified agency staff and client) who are involved in the problem are also involved in crafting a solution.
9. Agencies shall utilize a standard, internally-developed grievance form. This will enable the Recipient and funded agencies to track written grievances in a systematic manner.
10. The nuances of an agency's internal grievance procedure will be solution-oriented, so that it is unlikely to leave a grievance unresolved.
11. An agency's internal grievance procedure will focus on determining **what is right, not who is right.**

The required grievance procedure shall be reviewed once every grant cycle by designated Recipient staff, funded agency program administrators, and by "clients." The process and the procedure will be revised if it is not working.

Use of a Grievance Form

Agencies shall develop and implement a standard grievance form, following this document's identified protocols, to be used to ensure that each grievance is described clearly and specifically.

- The following elements are required to be included on the internal grievance form: (1) date of grievance; (2) location of the grievance; (3) names of involved parties; (4) specific occurrences in relation to grievance; (5) steps already taken to resolve the grievance prior to the grievance being filed, including dates and parties involved; (6) steps made to reach a grievance resolution, including dates and parties involved; and (7) the final resolution reached. If the agency accepts verbal grievance filings, agency staff shall be required to complete a grievance form so as to keep a written record of the client grievance.
- The grievance form design will be accessible and easy to understand by all clients.
- The final grievance form and resolution is to be filed with the Recipient. This will assist the Recipient in monitoring the occurrence of written grievances at funded agencies, making the process more accessible and meaningful to clients, and protecting against potential agency retaliation against clients who file written grievances.
- Aside from the Recipient Office, client grievance filings may not be disclosed outside the agency without client consent.



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- Information concerning clients who file grievances shall be kept confidential to lessen the potential, or perceived potential, of an agency's staff member retaliating against a client. Agencies are to limit disclosure within the agency to pertinent staff.

Timelines and Extensions

The entire internal grievance procedure should be completed as soon as possible and, in any event, within at least thirty (30) days from filing of the complaint. Extensions of deadlines may be necessary due to extenuating circumstances of staff or client illness or bad weather; generally extensions should be disallowed in the interest of maintaining a responsive procedure.

Documentation, Communication and Follow-up of Grievance Resolution

At any point in the grievance process, if resolution is achieved to the client's satisfaction, detailed documentation of the resolution and its provisions should be provided in writing. The client should be given an opportunity to review, comment, on and approve finalization of the resolution. A copy of all documents related to the grievance should be kept in a file separate from the client's general service file and the final resolution should be sent to the Recipient office. The setting of a future "check-in date," at which parties involved in provisions or next steps confirm that they have been fulfilled, is also recommended to assure accountability.

Centralized grievance tracking and review within an Agency

The Ryan White Parts ABCD requires that agencies implement a system for tracking grievances and reviewing them on a regular basis as a management tool for quality improvement. Such tracking and review is to be conducted in keeping with HIPAA regulations. Agencies should minimally review the numbers and types of grievances filed and the nature of the resolutions at least once each year.

Recipient Office Involvement

The Recipient Office has no intention of intervening in an agency's handling and resolution of a filed grievance to the extent to which it is developed and managed in accordance with this guidance. It is understood that occasional grievance filings are part of a natural system of on-going quality gap identification and resolution that every agency may experience from time to time.

However, the Recipient Office, maintains the right to intervene in an agency's quality assurance program when a preponderance of client filed grievances occurs. If requested by the Recipient Office, the agency shall be prepared to send the Recipient Office a client's original client grievance form and copies of any supporting documentation for review and resolution. If a client is unsatisfied with the outcome of the grievance at the Agency level a notice of appeal can be sent to the Recipient Office for review.



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Appendix A: Examples for an Agency's Internal Grievance Procedure Steps (not required language)

- **Initial or Informal Complaint:** An initial complaint is brought either verbally or in writing to the attention of the program staff member, who is either the subject of the complaint or is responsible for the programmatic area that is the subject of the complaint. The contacted staff member will record the date of the complaint and a description of the complaint in the client's records. The staff member should attempt to resolve the complaint as soon as possible, no later than three (3) business days from the date of the complaint. The staff member should record the dates and details of agency attempts to resolve the complaint in the client's records. If the complaint is resolved to the client's satisfaction, no further action is required. The staff member must record the date and the details of the resolution in the client's records.
- **Written Grievance:** If the complaint is not resolved to the client's satisfaction, the staff member shall inform the client of the right to file a written grievance. The staff member should offer the client assistance by explaining the agency's grievance procedure, filling out the grievance form, and/or obtaining translation services, as needed, to ensure that the client understands the procedure. At this juncture, a copy of the written grievance shall be provided to the client to retain and a copy shall be retained by the agency.
- **Attempt to Resolve Grievance:** The use of a designated staff person shall be used to broker the resolution is recommended. Staff shall record the dates and details of meetings to resolve the complaint in the client's records. This second attempt at resolution should be completed within five (5) business days of the filing of the written grievance. After five (5) business days, the grievance would move to the next level.
- **Resolution Detailed in Writing:** If the grievance is resolved to the client's satisfaction, detailed documentation of the resolution and its provisions shall be provided in writing to the client. The date and details of the resolution should be noted in the resolution documentation. A copy of the resolution shall be sent to Recipient Office.
- **Grievance Process to Next Internal Resolution Level(s):** If the grievance is not resolved to the client's satisfaction, or five (5) business days pass without resolution, the grievance should be formally directed to the next appropriate management level and a designated staff member. The next management level could be one of the following: the Program Director, the Clinical Director, Administration, the Assistant Director or the Executive Director. Whatever the case, the internal grievance procedure should delineate the steps in the agency management structure through which a grievance travels.
- **Final Internal Grievance Resolution Level:** Depending on the agency, the appeal process may continue through the management structure as is appropriate. Generally, the Executive Director should have the final decision-making responsibility for resolving grievances through the internal procedure. At some agencies, or if the Executive Director is the subject of the grievance, it may be appropriate to have the Board of Directors serve as the final decision-making body.