

# Area Agency on Aging Grievance Process



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# POLICIES AND REQUIREMENTS

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## Introduction

Area Agencies on Aging (AAA) are governed by the mandates of the Older Americans Act. This law intends for AAAs to be the leader relative to all aging issues on behalf of all older persons in the Planning and Service Area [45CFR1321.53]. In California, the implementation of the Older Americans Act is outlined in Title 22, Division 1.8. The Marin County Area Agency on Aging was designated as a one-county Planning and Service Area by the Board of Supervisors in the late 1970s. The oversight of Marin's AAA is currently under the auspices of the Department of Health and Human Services, Division of Social Services, Office of Aging and Adult Services.

This document outlines the Marin County Area Agency on Aging's complaint resolution process. The purpose of this *Complaint Resolution Process and Desk Manual* is to guide the Area Agency on Aging and the agencies that contract with the AAA on how to respond to and resolve complaints. The regulations that mandate the specific requirements of this process are cited throughout this document.

## Policy

Each Area Agency on Aging is required to establish a grievance process for the disposition of complaint by older individuals or persons authorized to act on behalf of older individuals against the AAA's programs and employees or volunteers of such programs [CCR 7400 (a) (1)]. The grievance process for both the AAA and service providers will contain the following: [CCR 7400 (a) (2) (A- C)]

1. Time frames which a complaint should be acted on
2. Written notification to complainant containing the following information:
  - Results of the review
  - Service providers process must contain a statement that complainant if unsatisfied with results may complain to the AAA
3. Complainants have a right to privacy. Only information relevant to the complaint may be released to the responding party without consent.

The Marin County Area Agency on Aging has an open door policy that encourages feedback regarding its programs and services. Clients, contractors, staff and volunteers are encouraged to provide feedback using open, honest and direct communication in an informal setting. When feedback rises to the level of a complaint, matters should be resolved at the lowest possible level.

## Notification Requirements

The Area Agency on Aging and its contracted service providers shall conform to the following requirements to inform and notify individuals of their complaint resolution process and policies:

1. The agency's Complaint Resolution Process must be posted in visible areas that are accessible to clients [CCR 7400 (a) (3) (A)].
2. If a substantial number of older adults served by the program are non-English speaking, the agency's Complaint Resolution Process must be posted in the primary language of these individuals [CCR 7400 (a) (3) (A)]. The Marin County AAA has determined that a substantial amount is 5% of the client population served by the program.
3. Homebound clients must be advised of the agency's Complaint Resolution Process either orally or in writing upon contact with the individual.

## Required Information for Filing a Complaint

1. Complaints may involve, but are not be limited to, any or all of the following:
  - Amount of service
  - Duration of service
  - Denial of service
  - Discontinuation of service
  - Dissatisfaction with service
  - Dissatisfaction with service provider [CCR 7404 (d)]
2. Complaints shall be addressed in writing to the director of the Area Agency on Aging. If the complainant cannot write, the AAA Program Coordinator will take the complaint orally and write it up for signature [CCR 7404 (b)].
3. Complaints shall include all of the following information:
  - Complainant's name, mailing address, phone number, and email address if available
  - The service being reported
  - The name of the service provider
  - The names of all individuals involved
  - The issue of concern or dispute
  - The date, time, and place of occurrence
  - The names of any witnesses [CCR 7404 (c)]
4. When appropriate, complainants may seek other remedies, such as presenting at an open meeting of the AAA governing board or advisory council. When the complaint is about an issue of professional conduct, the complainant shall be referred to the proper agency or licensing board [CCR 7400 (d)].

# RESOLVING CLIENT COMPLAINTS

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## Contracted Services

Service providers contracted by the Area Agency on Aging must establish a written grievance process for reviewing and attempting to resolve complaints of clients [CCR 7400 (a) (2)]. The Marin County AAA reviews and monitors its contractors' grievance policies. Contractors of the Marin County AAA shall follow the guidelines below to resolve complaints by or on behalf of clients served by the programs funded and administered by the AAA:

### First Level of Resolution

- The first level of resolution is handled at the service provider level using the written grievance process and procedures established by the agency. Complaints should be investigated and answered **within 30 days** of receiving the complaint or a time set in the service provider policy, whichever is less [CCR 7402 (a) (1)].
- All complaints received by the California Department of Aging (CDA) for contracted services will be referred to the AAA. All complaints received by the AAA for contracted services will be directed to the contractor.

### Second Level of Resolution

- Client complaints not resolved at the first level with the contractor may be referred to the Area Agency on Aging. The Area Agency on Aging will follow its Grievance Policy and abide by the appointed timeline identified in the policy to resolve the complaint.
- Client request for an AAA administrative review of the complaint must be requested in writing and sent to the AAA Program Coordinator assigned to the contract.
- The AAA Program Coordinator will respond to the complaint **within 10 business days** of the receipt of the formal complaint letter and attempt to informally resolve the issue.
- If the complaint is not resolved with the AAA Program Coordinator, the next level of review is an informal meeting with the AAA Program Manager. The AAA Program Manager will perform the following:
  1. Schedule to meet with the complainant (by phone or in person) **within 15 business days** of receiving the request for a meeting
  2. Conduct any necessary follow-up
- **Within 10 business days** of the meeting with the complainant, the Program Manager will perform the following:

1. Provide the complainant a written copy of the AAA Program Manager's decision.
2. Inform the complainant of his or her right to request a formal administrative hearing before an impartial hearing officer or panel.
3. Inform the complainant that the request for a hearing must be made in writing addressed to the AAA Director and must be made **within 30 days** of receipt of the AAA Program Manager's decision
4. Instruct the complainant that the hearing request must include the reasons why he or she feels that the decisions of the contractor, the AAA Program Coordinator, and/or the AAA Program Manager regarding the complaint and the appeal are not warranted.

### Final Level of Resolution

Any complainant dissatisfied with the results of the review conducted by the AAA Program manager will have **30 days** from the receipt of the decision to request a hearing. This request shall be made either orally or in writing to the director of the AAA [CCR 7406 (a)].

The AAA Program Manager and AAA Director will set up the hearing following the administrative process listed below: [CCR 7406 (b)]

- The hearing shall be set at least 30 days after the receipt of the request
- The complainant and all interested parties involved will receive the date, time, and location of the hearing at least 14 days before the hearing date
- The complainant has a right to be present or ask someone to act on their behalf including legal counsel
- The hearing shall be conducted by an impartial hearing officer or panel
- The hearing shall be conducted in an informal manner with testimony being restricted to the issues requiring resolution [CCR 7406 (d) (2) (A) (1-2)]
- All parties shall have the right to the following:
  1. To be present at the hearing
  2. To present evidence and witnesses
  3. To examine witnesses and other sources of relevant information and evidence
- The hearing shall be recorded verbatim either electronically or stenographically
- Technical rules of evidence and procedure do not apply
- All persons testifying shall be placed under oath or affirmation [CCR 7406 (a) - (b)]
- The impartial hearing officer or panel will prepare a proposed decision based upon all relevant evidence presented and in consideration of the policies, procedures, regulations

and laws governing the program no later than 30 days after the date the hearing was held [CCR 7406 (b) (1) (B) (5)]

At the minimum proposed decision shall contain all of the following:

- A description of each issue
- A statement as to whether the complaint was upheld or denied
- A citation of applicable laws and regulations

The proposed decision is forwarded to the director of the AAA unless the complaint is against the director. In that case, the proposed decision should be sent to the chairperson of the governing board [CCR 7406 (b) (1) (B) (6)].

No later than 30 days after receipt of the proposed decision, the AAA Director or Chairperson of the governing board will either adopt the proposed decision as the final decision or write a new final decision [CCR 7406 (b) (1) (B) (7)]. The decision shall be:

- Immediately transmitted to the parties involved
- Is final and not subject to further appeal
- If the appeal is upheld, follow up to ensure that remedies are implemented

## AAA Direct Services

Each AAA shall establish an informal administrative review process for the resolution of complaints received for services provided directly by the AAA [CCR 7402 (d)]. This informal administrative review is the first level of resolution for the AAA's direct services and will be conducted by the AAA Program Coordinator. Consult the AAA's Grievance Policy for a more detailed description of the process and the complaint resolution timeline. If the complaint is not resolved at the AAA Program Coordinator level, the complaint resolution process will be completed **within 45 days** and include the following.

- Acknowledgement of the receipt of the complaint
- Inform the complainant of the complaint review process and timeline
- Conduct an impartial review within **10 business days** of receipt of the complaint. The complaint will be reviewed based on its merits and the verification of the violation of the rights, law, regulation, policy or ordinance cited on the complaint.
- Notify the complainant in writing of the results of the investigation, as well as his or her right to request a meeting with the AAA Program Manager

- Copy the AAA Director and Program manager on all correspondence.