

Effective Date: November 30, 2011	
Supersedes:	
Authorized Signatures:	
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**Division of Aging and Adult Services  
Policies, Procedures and Protocols**

**Policy DAAS-Aging 04 Grievances**

**APPLICABILITY AND PURPOSE**

Consumers of services funded through the Division of Aging and Adult Services (DAAS) shall have the opportunity to file a written complaint against an AAS-funded program, employee or volunteer of that program. The purpose of this policy is to describe the process. A written complaint resolution process is a vital to maintaining the integrity of the Division and the quality of services provided. Service Providers must have a written grievance/complaint process for reviewing and attempting to resolve consumer complaints. Should the complaint not result in resolution at the provider level, the consumer or their representative may bring the complaint to DAAS.

These procedures describe the levels of resolution, responsibilities, processes and time frame for the review and resolution of such grievances. This policy applies to all programs of the AAA both internal (direct service) and external (sub-contractors)

**POLICY**

The Division of Aging and Adult Services has an open door policy that encourages feed back regarding the programs and services offered by the Division. Staff and community members are encouraged to provide feedback using open, honest, and direct communication in an informal setting. When feed-back rises to the level of a complaint, matters should be resolved at the lowest possible level using the following process.

## Definitions

- **Internal Complaints**  
Complaints by staff members of the Division of Aging and Adult Services
- **External Complaints**  
Complaints made by an individual not a member of Aging and Adult Service
- **Program Monitor**  
Project Coordinator or other designated AAA staff assigned to perform annual program monitoring and act as primary contact for contractor
- **Program Manager**  
Division of Aging and Adult Services Manager assigned to the Area Agency on Aging
- **Director**  
The Area Agency on Aging Director

## Clarification

- A. Complaints against the Program Manager will be made to the Division Director.
- B. Complaints against the Division Director will be made to the Director of Health and Human Services.

## LEVELS OF RESOLUTION

<b>First Level:</b>	The service provider (DAAS subcontractor)
<b>Second Level:</b>	AAA Administrative Review
<b>Third Level:</b>	Meeting with Director
<b>Fourth Level:</b>	Formal Hearing

## PROCEDURE

### **A. Initial Complaint - First Level of Resolution**

1. Complaints received by any DAAS staff member will be directed back to the provider to ensure resolution at the lowest administrative level.
2. Provider will investigate and resolve complaint according to the AAA approved Grievance Policy.
3. All notifications to the complainant shall include a statement that the complainant may appeal to DAAS if dissatisfied with the result of the service provider's review.
4. Confidentiality of complaint will be ensured at all levels.
5. If resolved, the subcontractor will keep documentation available on site for review by Program Monitor during site monitoring visit.
6. If the matter is not resolved at the subcontractor level, the Program Monitor will advise the complainant to file a written and signed complaint directed to the DAAS Director.

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7. If the Complainant can not submit a written complaint the Program Monitor will write up the complaint and ask the Complainant to sign it.
- B. Second Level - Administrative Review: to be completed within 45 days.**  
Upon receipt of the complaint, the DAAS/AAA Director assigns designee to conduct an informal administrative review as follows:
1. Notify Complainant in writing of the following:
    - Period of review
    - An impartial investigation of the complaint is being performed.
  2. Conduct an impartial review within 10 business days of the receipt of the complaint
  3. Conduct any necessary follow up.
  4. Notify the complainant in writing of:
    - Results of the investigation
    - Right of the complainant to request a meeting with the Division Director
    - Copy the Division Director on all correspondence.
- C. Third Level - Meeting with Director**  
Upon notification that the complainant would like to meet the Division Director:
1. The Director will:
    - Set up a meeting within 15 business days of the notification
    - Conduct any necessary follow-up
    - Prepare a written response with a final decision
  2. Within 10 business days of the meeting complainant will be:
    - Provided a written copy of the Director's decision.
    - Informed of complainant's right to request a formal hearing.
- D. Fourth and Final Level - Formal Hearing**
1. If Complainant exercises right to request a formal hearing:
    - Request must be made within 30 days of the receipt of report.
    - Request may be oral or written to the Division Director.
  2. The Director will:
    - Appoint an impartial hearing panel made up of three members of the Commission on Aging or appropriate alternates.
    - Set a hearing date no later than 45 days receipt of the hearing request.
  3. Notify complainant of:
    - Time, location and place of the hearing
    - Right to be present at the hearing
    - Right to present evidence and witnesses
    - Meeting being recorded verbatim
    - Notification of a decision within 30 days of the hearing.

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4. The impartial hearing panel will:
    - Conduct the hearing
    - Prepare a written decision within 30 days of the hearing
      - The decision will contain:
        - 1) description of each issue
        - 2) state if complaint was upheld or denied
        - 3) if upheld, propose a remedy
        - 4) cite relevant laws and regulations
    - Forward the decision to the Division Director unless the DAAS Director is the subject of the complaint in which case, the decision is forwarded to the Director of Health and Human Services no later than 30 days of receipt of proposed decision.
  5. The Division Director (or H&HS Director - see 4.c above) may:
    - Adopt the proposed decision as final.
    - Write a new decision based on the proposed decision.
  6. The decision must:
    - Immediately be sent to all involved parties noting that that decision is final and not subject to further appeal.
    - Ensure remedies (if any) are documented and implemented.
    - Inform the California Department of Aging of the complaint and forward copies of pertinent documents for their records.

**FORMS AND OTHER ATTACHMENTS:** Pending

**REFERENCES:** Title 22

Date Finalized: November 22, 2011