



Building a Healthy Community One Person at a Time

Complaint/Grievance Policy

Policy NO: 12 VAC 35-115-175:

Policy Name: Human Rights Complaint Process

Policy:

In accordance with the Rules and Regulations of the Office of Human Rights, Elites Care shall ensure that there are regulations and processes in place to ensure that every individual and Elites Care personnel is aware of the individual's rights and the complaint process

Purpose:

These policies are designed to provide a structure of operation for Elites Care, in order to ensure that all Elites Care personnel know the procedure regarding the human rights complaint process.

Responsibility: The Program Director shall be responsible in assuring and ensuring compliance to this policy.

Applicability: Applies to all personnel accepting employment with Elites Care regardless of employment category – e.g., full-time, part time or temporary; and to all managers, supervisors, vendors/contractor and, consultants.

Procedure:

- A. At Elites Care, each individual has a right to:
 1. Make a complaint that Elites Care has violated any of the rights assured under this chapter;
 2. Have a timely and fair review of any complaint in accordance with this chapter and the program's human rights complaint resolution policies and procedures;
 3. Have someone file a complaint on his behalf;
 4. Use these and other complaint procedures; and
 5. Make a complaint under any other applicable law, including to the protection and advocacy agency.
- B. The individual shall:
 1. Be contacted by the program director or designee regarding the complaint within 24 hours;
 2. Have access to a human rights advocate for assistance with the complaint;
 3. Be protected from retaliation and harm;
 4. Have the complaint reviewed, investigated, and resolved as soon as possible;
 5. Receive a report with the program director's decision and action plan within 10 working days; and
 6. Be notified in writing of his right to and the process for appealing the program director's decision and action plan to the LHRC.
- C. Upon receipt of a complaint, Elites Care shall:
 1. Notify the department of the complaint as soon as possible, but no later than the next business day;
 2. Ensure that the program director or designee contacts the individual regarding the complaint within 24 hours;
 3. Initiate an impartial investigation into, or resolution of, the complaint as soon as possible, but no later than the next business day;

4. Take all steps necessary to ensure that individuals involved in the complaint are protected from retaliation and harm;
 5. Assist the individual making a complaint in understanding the human rights complaint process, Elites Care's complaint resolution policies and procedures, and the confidentiality of involved information;
 6. Ensure that all communications to the individual are in the manner, format, and language most easily understood by the individual;
 7. Adhere to the reporting requirements in 12VAC35-115-230; and
 8. Report the program director's decision and action plan within 10 working days to the individual, authorized representative, if applicable, and human rights advocate.
- D. Elites Care shall have complaint resolution policies and procedures that address all of the requirements of subsections C and E of this section.
- E. Elites Care complaint resolution policies and procedures shall be in writing and approved by the department prior to implementation. The policies and procedures shall:
1. Ensure that anyone who believes that Elites Care has violated an individual's rights under this chapter can report it to the director or the human rights advocate for resolution;
 2. Ensure that employees shall not take, threaten to take, permit, or condone any action (i) to punish or retaliate against anyone filing a complaint or (ii) to prevent anyone from filing or helping an individual file a complaint either under this chapter or with an outside entity;
 3. Ensure that every attempt is made to resolve an individual's complaint as quickly as possible;
 4. Provide opportunities for timely negotiation and resolution for all complaints, including the additional requirements related to abuse, neglect, or exploitation in subsection F of this section;
 5. Establish a process for designating the program director's responsibilities to ensure timely complaint reporting and resolution;
 6. Detail the program's complaint review or investigation process, including (i) specific actions the program will take to protect the individual and gather and document relevant information and (ii) how and when the individual and his authorized representative, if applicable, will receive updates on the progress of the review;
 7. Detail notification requirements and deadlines including procedures for providing:
 - a. The program's complaint policies and procedures to all individuals and authorized representatives at admission to service; and
 - b. Written notification to the individual regarding his right to and the process to appeal the program director's decision and action plan to the LHRC; and
 8. Detail staff training requirements regarding the program's complaint resolution process and requirements.
- F. Additional requirements for complaints involving abuse, neglect, or exploitation:
1. The program director shall take immediate steps to protect the individual until the investigation is complete, including appropriate personnel actions.

2. Any instance of seclusion or restraint that does not comply with this chapter or an approved variance, or that results in injury to an individual, shall be reported to the authorized representative, as applicable, and the department in accordance with the requirements for reporting allegations of abuse.
 3. The program director shall notify the department and authorized representative, if applicable, of an allegation of abuse or neglect within 24 hours of the receipt of the allegation.
 4. The program director shall ensure that the investigation is conducted by a person trained to do investigations and who is not involved in the issues under investigation.
 5. The investigator shall provide a written report of the results of the investigation of abuse or neglect to the director and to the human rights advocate within 10 working days from the date the investigation began unless an extension has been granted.
 6. The program director shall decide, based on the investigator's report and any other available information, whether the abuse, neglect, or exploitation occurred. Unless otherwise provided by law, the standard for deciding whether abuse, neglect, or exploitation has occurred is preponderance of the evidence.
 7. The program director shall submit the final decision and action plan, if applicable, to the individual, authorized representative, if applicable, and human rights advocate within 10 working days of its completion.
- G. If the human rights advocate concludes that there is substantial risk that serious or irreparable harm will result if the complaint is not resolved immediately, the human rights advocate shall inform the program director, Elites Care's governing body, and the LHRC. The LHRC shall conduct a hearing according to the special procedures for emergency hearings in 12VAC35-115-190.
- H. The program director shall cooperate fully with any abuse or neglect complaint investigation conducted by a local department of social services.
- I. If at any time the program director has reason to suspect that the abusive, neglectful, or exploitive act is a crime and that it occurred on the program premises, the director or designee shall immediately contact the appropriate law-enforcement authorities and cooperate fully with any investigation that may result.