



Riverside County Office on Aging Department Policy



Policy Title:	Dispute Resolution: Complaint and Grievance Policy		
Policy Number:	ADM-010	Effective Date:	02/05/2019
Division:	Administration	Revised Date:	11/30/2020
References: California Government Code § 11135 et seq.; Title 22, California Code of Regulations (CCR) § 7400 et seq. and § 7500; Welfare and Institutions Code § 9102 and § 9105; 42 U.S.C. § 3026 (a)(10) and § 3027(5)(b).			
Approved By:	<u>Rachelle Roman</u> for Jewel Lee, RCOoA Director	Date:	<u>11/30/2020</u>

1. PURPOSE

The Riverside County Office on Aging *Dispute Resolution: Complaint and Grievance Policy* establishes a standard process for the review and resolution of any Complaint or Grievance reported regarding any aspect of service(s) delivered by a Riverside County Office on Aging (RCOoA) employee, volunteer, intern, service provider, or any other affiliated vendor. All Complaints shall be reviewed in a timely manner and in accordance with the standards outlined in this Policy. This Policy must be made accessible and distributed to service providers and individuals seeking or receiving services from RCOoA to inform them of the standard procedures for submitting and resolving service-related disputes.

2. POLICY

This Policy has been approved by the County of Riverside Board of Supervisors. This Policy shall be distributed to all service providers within the Riverside County Planning and Service Area and to all organizations and locations where older individuals congregate (22 CCR § 7400(c)).

Nothing in this Policy shall be construed as prohibiting older individuals from seeking other available remedies, such as presenting their Complaints at an open meeting of the County of Riverside Board of Supervisors (22 CCR § 7400(d)).

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2.1 Definitions

2.1.1 Complainant(s): An older individual, or person authorized to act on behalf of an older individual, seeking or receiving services from RCOoA who initiates a Complaint.

2.1.2 Complaint or Grievance: A verbal or written statement by the Complainant describing an unsatisfactory experience that he/she requests to be reviewed and/or corrected by a Contracted Provider or RCOoA. These include, but are not be limited to, any or all of the following:

- Amount or duration of a service.
- Denial or discontinuance of a service.
- Dissatisfaction with the service being provided, or the service provider.
- Failure of the service provider to comply with any of the requirements set forth in the California Code of Regulations or in contracts or sub-grant agreements with the RCOoA (22 CCR § 7400(b)).

2.1.3 Contracted Provider(s): An independent contractor who has entered into a contract or sub-grant agreement with RCOoA to provide services to RCOoA clients for an RCOoA program.

2.1.4 RCOoA: A department of the County of Riverside and the designated Area Agency on Aging (AAA) for Riverside County.

2.2 Practice Standards

Every employee, volunteer, intern, Contracted Provider, and other designees acting on behalf of the RCOoA shall treat each individual seeking a service with fairness, dignity, and respect at all times. All RCOoA staff and Contracted Providers shall comply with the practice standards below

when receiving and reviewing a Complaint or Grievance.

1. Attempts shall be made to resolve Complaints informally, timely, and at the lowest level possible.
2. Complainants' personal information shall be safeguarded and shall remain confidential. Only the necessary information relevant to the Complaint may be released to the responding party without prior consent from the Complainant (22 CCR § 7400(a)(2)(C)).

2.3 Jurisdiction

This Policy applies to services being provided by RCOoA or a Contracted Provider. RCOoA staff shall immediately notify and refer the Complainant to the proper entity or agency when the Complaint involves an issue of professional conduct that is under the jurisdiction of another entity, such as the California Medical Board or the State Bar Association (22 CCR § 7400(b)(3)).

3. PROCEDURES

3.1 First Level of Resolution: Contracted Provider's Grievance Policy

The provisions of this section shall apply when the service provider is a Contracted Provider, not the RCOoA (22 CCR § 7402(a)(1)). The RCOoA includes a requirement in all of its contracts and sub-grant agreements with Contracted Providers that the Contracted Providers must establish a written grievance policy for reviewing and attempting to resolve Complaints of Complainants (22 CCR § 7400(a)(2)). RCOoA reviews and monitors its Contracted Providers' grievance policies.

The first level of resolution for a Complaint regarding a Contract Provider should be handled at the Contracted Provider level using the written grievance policy established by the Contracted Provider (22 CCR § 7402(a)). Complaints should be investigated and answered by the Contracted Provider within fifteen (15) days of receiving the Complaint, or within the time frame set forth in the Contracted Provider's grievance policy, whichever is less (22 CCR § 7400(a)(2)(A)). The Contracted Provider shall provide written notification to the Complainant of the results of the review, including a statement that the Complainant may appeal to the RCOoA if dissatisfied with the results of the Contracted Provider's review (22 CCR § 7400(a)(2)(B)).

Any Complaints received by the California Department of Aging (CDA) regarding Contracted Providers shall be forwarded to the RCOoA for referral to the appropriate Contracted Provider (22 CCR § 7402(b)). All Complaints received by the RCOoA regarding Contracted Providers shall be forwarded to the appropriate Contracted Provider.

3.2 Second Level of Resolution: RCOoA Informal Administrative Review

The provisions of this section shall apply (1) as the first level of resolution when the service provider is the RCOoA, or (2) as the second level of resolution when RCOoA receives Complaints from Complainants who are dissatisfied with the results of the Contracted Provider's grievance policy (22 CCR § 7404(a)).

All Complaints shall be made in writing to the RCOoA Director using RCOoA Form ADM-010-F2, Dispute Resolution Review Request Form, or any other written format selected by the Complainant. If a Complainant cannot submit a written Complaint, RCOoA shall (1) verbally accept the Complaint, (2) prepare a written Complaint, and (3) have the Complainant sign the

written Complaint (22 CCR § 7404(b)).

Complaints shall include all of the following information: (1) the name, mailing address and telephone number, if any, of the Complainant, (2) the type of service and the service provider involved, (3) the names of the individuals involved, (4) the issue of concern or dispute, (5) the date, time and place that the issue of concern or dispute occurred, and (6) the names of witnesses, if any (22 CCR § 7404(c)).

All Complaints from Complainants who are dissatisfied with the results of the Contracted Provider’s grievance policy must be submitted to RCOoA within ten (10) days from receiving the results of the review, including a statement that the Complainant may appeal to the RCOoA if dissatisfied with the results of the Contracted Provider’s review.

The RCOoA Informal Administrative Review shall be completed within thirty (30) days of RCOoA’s receipt of the Complaint. The steps for the RCOoA Informal Administrative Review process shall be as follows (22 CCR § 7404(d)):

Steps	Actions	Time Frame
1 <i>Receive</i>	RCOoA Director shall forward the Complaint to the designated Supervisor of RCOoA program.	Within two (2) days of receiving the Complaint.
2 <i>Record</i>	RCOoA staff shall log the Complaint in the Centralized Complaint Tracking System (CCTS).	Within two (2) days of receiving the Complaint.
3 <i>Commencement</i>	Supervisor shall commence an impartial and informal investigation of the Complaint.	Within five (5) days of receiving the Complaint.
4 <i>Initial Attempt to Resolve</i>	Supervisor shall reach out to the parties involved and attempt to informally resolve the issue.	Within ten (10) days of receiving the Complaint.
5 <i>Supervisor’s Report</i>	If the Complaint is not resolved with the Supervisor, the Supervisor shall write a summary of the efforts and actions taken to resolve the Complaint and submit the report to the RCOoA Director, or designee.	Within fifteen (15) days of receiving the Complaint.
6 <i>Resolve</i>	RCOoA Director, or designee, shall review the Complaint and the Supervisor’s report and reach out to the parties involved to determine the most appropriate course of action.	Within twenty-one (21) days of receiving the Complaint.

<p style="text-align: center;">7 <i>Notify</i></p>	<p>RCOoA Director, or designee, shall prepare a written Notice of Action and Disposition (NoAD) containing the results of the RCOoA Informal Administrative Review process and send a copy of the NoAD to the parties involved notifying them of the RCOoA's decision. The NoAD shall advise the Complainant of his/her right to an Administrative Hearing if dissatisfied with the results of the review.</p>	<p>Within thirty (30) days of receiving the Complaint.</p>
<p style="text-align: center;">8 <i>Confirm</i></p>	<p>RCOoA Director, or designee, shall follow up with the parties involved to ensure any agreements reached during the RCOoA Informal Administrative Review are fulfilled.</p>	<p>Within fifteen (15) days upon sending a copy of the NoAD to the parties involved.</p>

3.3 Final Grievance Resolution: Administrative Hearing

Any Complainant dissatisfied with the results of the RCOoA Informal Administrative Review shall have thirty (30) days from the receipt of the NoAD in which to request an Administrative Hearing. The request for an Administrative Hearing shall be made either orally or in writing to the RCOoA Director. (22 CCR § 7406(a)).

The Administrative Hearing shall be conducted by an impartial hearing officer with the ability to consider policies, procedures, regulations, and laws governing the RCOoA program (22 CCR § 7406(b)(2)(A)(1)). The Administrative Hearing shall be conducted in an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to all of the following: (1) be present at the Administrative Hearing, (2) present evidence and witnesses, and (3) examine witnesses and other sources of relevant information and evidence (22 CCR § 7406(b)(2)(A)(2)).

The RCOoA shall provide an impartial hearing officer and shall schedule an Administrative Hearing no later than forty-five (45) days from receipt of the Administrative Hearing request (22 CCR § 7406(b)(1)(B)). Within fifteen (15) days from receipt of the Administrative Hearing request, RCOoA will notify the Complainant and the other parties involved of the following:

- The date, time, and location of the hearing.
- The Complainant's and other parties' right to be present at the Administrative Hearing and/or to have another person act on their behalf, including the right to have legal counsel present (22 CCR § 7406(b)(1)(A)).

Administrative Hearing participants shall be advised of the following process requirements:

- The Administrative Hearing shall be recorded verbatim, electronically (22 CCR § 7406(b)(2)(B)).
- Technical rules of evidence and procedure shall not apply to the Administrative Hearing (22 CCR § 7406(b)(3)).
- All persons testifying at the Administrative Hearing shall be placed under oath or affirmation (22 CCR § 7406(b)(4)).
- The final decision of the Administrative Hearing shall be final and not subject to appeal (22 CCR § 7406(b)(8)(B)).

- Failure to comply with the final decision of the Administrative Hearing by Contracted Providers shall result in program monitoring by RCOoA.

The final decision of the Administrative Hearing shall be issued no later than sixty (60) days after the Administrative Hearing is held, in compliance with the following steps:

Steps	Actions	Time Frame
1 <i>Complete</i>	<p>The impartial hearing officer shall prepare a Hearing Disposition Report (HDR) based upon all relevant evidence presented and in consideration of the policies, procedures, regulations and laws governing the RCOoA program. The HDR shall contain all of the following:</p> <ul style="list-style-type: none"> • A description of each issue; • A statement as to whether the Complaint was upheld or denied (in the case of Complainants that are upheld, an explanation of the remedy for the Complaint shall also be included); and • A citation of applicable laws and regulations. (22 CCR § 7406(b)(5)). 	<p>Within twenty-one (21) days after the date the Administrative Hearing was held.</p>
2 <i>Submit</i>	<p>The impartial hearing officer shall submit the HDR to either of the following, as appropriate, for issuance of the final decision:</p> <ul style="list-style-type: none"> • The RCOoA Director, unless the Complaint is against the RCOoA Director. • The Chairperson of the County of Riverside Board of Supervisors, if the Complaint is against the RCOoA Director. (22 CCR § 7406(b)(6)) 	<p>Within three (3) days after completion of the HDR.</p>
3 <i>Adopt</i>	<p>The RCOoA Director, the Chairperson of the County of Riverside Board of Supervisors (if applicable), or their designee, shall either:</p> <ul style="list-style-type: none"> • Adopt the HDR as the final decision, or • Write a new final decision (22 CCR § 7406(b)(7)). 	<p>Within thirty (30) days after receipt of the HDR.</p>
4 <i>Distribute</i>	<p>The RCOoA Director, the Chairperson of the County of Riverside Board of Supervisors (if applicable), or their designee, shall transmit the final decision of the Administrative Hearing to all parties involved, with all remedies to be implemented immediately.</p>	<p>Within three (3) days of adopting the HDR as the final decision or writing a new final decision.</p>
5 <i>Confirm</i>	<p>RCOoA Director, or designee, shall follow up with the parties involved to ensure that all remedies, if any, specified in the final decision of the Administrative Hearing are implemented.</p>	<p>Within thirty (30) days of transmitting the final decision of the Administrative Hearing to all the parties involved.</p>

4. Policy Distribution

This Policy shall be distributed and communicated to all RCOoA employees, Contracted Providers, and individuals seeking or receiving services from RCOoA. This Policy shall be posted electronically at the RCOoA website www.rcaging.org and physical copies of this Policy shall be made visible and accessible at all RCOoA service, administrative, Contracted Provider, and partner locations. The contents of this Policy shall be communicated orally and/or in writing to older homebound individuals during the first face-to-face contact with the individual and/or their representative (22 CCR § 7400(a)(3)(B)).

4.1 Dispute Resolution Policy Notice to the Public

RCOoA shall notify all older individuals of the dispute resolutions process available to them by posting notification (RCOoA Form ADM-010-F3, Dispute Resolution Policy Notice to the Public) of the process in visible and accessible areas at all RCOoA service, administrative, Contracted Provider, and partner locations where older individuals congregate. Translation of the RCOoA Form ADM-010-F3, Dispute Resolution Policy Notice to the Public is subject to threshold translation requirement set forth below.

4.2 Dispute Resolution Policy Acknowledgement of Receipt

All individuals seeking or receiving services from RCOoA shall be provided with a copy of RCOoA Form ADM-010-F1, Dispute Resolution Policy Acknowledgement of Receipt. This form must be reviewed, signed, and dated by the older individual or his/her representative upon initiation of the service. A copy of the Form ADM-010-F1 shall be provided to the older individual, and the original shall be filed in the RCOoA's case management system.

4.3 Translation

If a substantial number of older individuals served by the RCOoA programs are non-English speaking, RCOoA Form ADM-010-F3, Dispute Resolution Policy Notice to the Public shall be posted in the primary language of those individuals (22 CCR § 7400(a)(3)(A)). RCOoA has determined that a substantial number means at least 5% of the client population served by RCOoA.

5. Policy Contact

Questions and clarifications regarding this Policy should be referred to the Riverside County Office on Aging Administration Branch at (877) 932-4100 or www.rcaging.org.



Riverside County Office on Aging

Dispute Resolution Policy (ADM-010-F1) Acknowledgement of Receipt



POLICY SUMMARY

Complaints and Grievances may be submitted directly by an older individual, or person authorized to act on behalf of an older individual. Complaints may include, but are not limited to, any or all of the following:

- Amount or duration of a service;
- Denial or discontinuance of a service;
- Dissatisfaction with the service being provided, or the service provider; and
- Failure of the service provider to comply with any of the requirements set forth in the California Code of Regulations or in contracts or sub-grant agreements with the RCOoA.

Attempts shall be made by RCOoA staff and its Contracted Providers to resolve Complaints informally, timely, and at the lowest level possible. Complaints that are not resolved at the lowest level may be escalated. **Requests for higher-level reviews must be requested within the timeframes specified in the Riverside County Office on Aging Dispute Resolution: Complaint and Grievance Policy. Customers wishing to lodge a Complaint may also call 877-932-4100.**

ACKNOWLEDGEMENT

I acknowledge that I have received a complete copy of the Riverside County Office on Aging Dispute Resolution: Complaint and Grievance Policy. I understand that questions related to this Policy may be directed to RCOoA employees or to the service provider agency contracted to deliver the service.

PRINTED NAME	SIGNATURE	DATE



Riverside County Office on Aging
Dispute Resolution Review (ADM-010-F2)
Request Form



Individuals seeking or receiving services from the Riverside County Office on Aging (RCOoA) have the right to express dissatisfaction and request an independent review of services delivered by the department, its representatives, and/or its Contracted Providers. RCOoA is committed to reviewing all areas of concern in a timely manner and in accordance with the standards outlined in *Riverside County Office on Aging Dispute Resolution: Complaint and Grievance Policy (ADM-010)*.

This form shall be used to request a RCOoA Informal Administrative Review. This form must be signed and dated by the Complainant or his/her authorized representative.

Call (877) 932-4100 if you need assistance or accommodation to complete this form.
All signed and dated requests must be submitted to:

RCOoA - Grievance
P.O. Box 2099
Riverside, CA 92516

Section 1: Complainant Information

Your personal information shall remain confidential. Only the necessary information relevant to the Complaint may be released to the responding party without your consent.

COMPLAINANT NAME:
MAILING ADDRESS:
TELEPHONE 1:
TELEPHONE 2:
E-MAIL:
OTHER CONTACT: <small>OR AUTHORIZED REPRESENTATIVE CONTACT:</small>
<u>COMPLAINANT</u> <u>DATE:</u> <u>SIGNATURE:</u> <small>OR AUTHORIZED REPRESENTATIVE SIGNATURE:</small>

Section 2: Complaint Contacts

DESCRIBE THE SERVICE REQUESTED OR RECEIVED:
RESPONSIBLE SERVICE AGENCY AND/OR STAFF:
NAME(S) OF INDIVIDUAL(S) INVOLVED:
DATE, TIME, & LOCATION OF INCIDENT:
WITNESS #1 NAME & TELEPHONE:
WITNESS #2 NAME & TELEPHONE:
WITNESS #3 NAME & TELEPHONE:



Riverside County Office on Aging

Dispute Resolution Policy (ADM-010-F3) Notice to the Public



This notice shall be posted and made visible and accessible at all Riverside County Office on Aging service, administrative, and Contracted Provider locations.

Individuals seeking or receiving services from the Riverside County Office on Aging (RCOoA) have the right to express dissatisfaction and to request an independent review of services delivered by the department, its representatives, and/or its Contracted Providers. RCOoA is committed to reviewing all areas of concern in a timely manner and in accordance with the standards outlined in the *Riverside County Office on Aging Dispute Resolution: Complaint and Grievance Policy (ADM-010)*.

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