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|  <p style="text-align: center;"><b>POLICIES<br/>AND PROCEDURES</b></p> <p style="text-align: center;"><b>State of Tennessee<br/>Department of Intellectual and<br/>Developmental Disabilities</b></p> | <p><b>Policy #: 100.1.18</b></p>  | <p style="text-align: right;"><b>Page 1 of 3</b></p> |
| <p><b>Policy Type: Intermediate Care Facilities for<br/>Individuals with Intellectual Disabilities</b></p>   | <p><b>Effective Date:</b> September 15, 2015</p>  |  |
| <p><b>Approved by:</b></p> <p style="text-align: center;"></p> <p>_____<br/><b>Commissioner</b></p>   | <p><b>Supersedes: March 15, 2013 policy</b></p> <p><b>Last Review or Revision: March 15, 2013;<br/>May 13, 2015</b></p> |  |
| <p><b>Subject: Complaint Resolution</b></p>  |   |  |

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 4-3-102, TCA 4-4-103, TCA 33-3-101, TCA 33-1-103, TCA 33-1-303, and 45 CFR 84.7.
- II. **PURPOSE:** The purpose of this policy is to establish procedures for resolution when an individual being supported, their family and/or legal representative, paid advocate, or concerned citizen voices a concern or issue with the quality of services and supports provided within Department of Intellectual and Developmental Disabilities (DIDD) Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and the Day One Unit at Harold Jordan Center (HJC).
- III. **APPLICATION:** This policy applies to all employees, contract staff, and volunteers who provide services and supports to individuals residing in DIDD ICFs/IID and the Day One ICF/IID unit at HJC.
- IV. **DEFINITIONS:**
  - A. **Qualified Intellectual Disability Professional (QIDP) / Case Manager as defined by 42 CFR 483.430** shall mean the staff member whose job is to coordinate, facilitate, and document all Circle of Support (COS) meetings and the entire Individual Support Plan (ISP) process which includes the planning and development of the ISP.
  - B. **Circle of Support (COS)** shall mean a group of people who meet together on a regular basis to help a person supported plan for and accomplish his/her personal outcomes and actions. The person supported is the focus or the center of the COS. At a minimum this includes the person supported, his/her family member(s) and/or conservator(s), the QIDP/Case Manager, and the providers of any supports and services the person receives. Friends, advocates, and other non-paid supports are included at the invitation of the person.
  - C. **Complaint** shall mean a concern or dissatisfaction expressed by or on behalf of a person supported regarding any basic human right, treatment, or services or supports (or lack thereof).
  - D. **Individual Support Plan (ISP)** shall mean a person centered document that provides an individualized, comprehensive description of the person supported as well as guidance for how to accomplish unique outcomes that are important to the individual in achieving a good quality of life in the setting in which they reside.

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V. **POLICY:** Persons supported in DIDD ICFs/IID and the Day One Unit at HJC, or their family or advocate or legal representative acting on their behalf, or concerned citizens, shall have the right to lodge a complaint to facility staff, DIDD management or external representative of their choice, with freedom from restraint, interference, coercion, discrimination, or reprisal. Moreover, persons supported (and people acting on their behalf) are entitled to receive a meaningful and timely response when submitting a complaint.

VI. **PROCEDURES:**

A. General Guidelines

1. Staff shall treat complainants with decency and respect.
2. Any harassment, retaliation, or reprisal against anyone filing a complaint is strictly prohibited.
3. Upon request of a person supported or a person acting on his or her behalf, any ICF/IID staff or Day One Unit staff at HJC shall assist the person with filing a complaint.
4. Staff shall respond to complaints communicated via any means, e.g. in-person, telephone, or written.
5. Staff shall ensure timely and meaningful responses to all complaints.

B. Resolution Process

1. Complaints regarding civil and human rights, services and/or supports shall be directed to the person's case manager/QIDP or to the ICF/IID Director/Chief Officer or designee.
2. Staff members who receive a complaint from a person supported or someone acting on the person's behalf shall document the complaint in writing and send it to the individual's case manager/QIDP. The case manager/QIDP shall follow up accordingly.
3. Staff members are encouraged to resolve complaints at the lowest level of organizational management prior to escalating to higher levels in the management hierarchy.
4. If the case manager/QIDP is unable to assist the person, family member, legal representative, or advocate in resolving the concern, the case manager/QIDP shall notify the ICF/IID Director/Chief Officer or designee in writing, within two (2) business days.
5. Within two (2) business days, the ICF/IID Director/Chief Officer or designee shall communicate directly with the complainant to ensure a thorough understanding of the problem and to enlist individual's assistance in suggesting a resolution.
6. If the suggested resolution is achievable, the ICF/IID Director/Chief Officer or designee shall designate a responsible staff member to take necessary action and notify the complainant and staff member of the expected target date to complete the action.

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7. If the complainant's desired resolution is not possible, the ICF/IID Director/Chief Officer or designee shall explain the rationale and continue to problem-solve with the complainant for an alternate resolution.
8. All complaints and subsequent follow-through on action steps to resolution shall be tracked by the ICF/IID Director/Chief Officer or designee.

**C. Filing a Complaint**

1. A complainant is not required to follow an internal compliant process in order to file a complaint. Any person desiring to file a complaint against a DIDD employee, vendor, volunteer, or contractor may file a complaint directly with any of the following.
  - a. Regional Director
  - b. DIDD Complaint Resolutions Unit
  - c. DIDD General Counsel
  - d. DIDD Deputy Commissioner
  - e. DIDD Commissioner
2. The complainant shall provide the following information:
  - a. A description of the complaint/issue.
  - b. Any attempts at resolving the complaint/issue.
  - c. The disputing parties.
  - d. The desired resolution.
3. The complainant may request conflict resolution services through the DIDD Customer Focused Services department or external mediation services through DIDD at no cost to the complainant.

**VII. CQL STANDARDS:** People are respected. People exercise rights. People are treated fairly.

**VIII. REVISION HISTORY:** N/A

**IX. TENNCARE APPROVAL:** N/A

**X. ATTACHMENTS:** NONE