

Policy for Consumer Complaints to an Area Program

For the purposes of this policy, a **complaint** is an expression of concern in writing or orally regarding rights, services or administrative issues that the complainant perceives as a problem.

I. Potential Rights Violations

1. A consumer, guardian, staff person or other individual observing or having knowledge of the alleged violation may file a complaint against a service provider or Area Program/LME (hereinafter LME) to the Consumer Affairs Specialist/Advocate (hereinafter Advocate). The Quality Assurance/Quality Improvement Section's Advocate must assist a complainant who requests assistance in filing the complaint and also provide consumer information materials describing the complaint process and how to contact advocacy groups.

In the event that any member of a Complaint Process has a conflict of interest or the appearance of a conflict of interest they will be asked to remove themselves from discussions, decisions, or meetings for which conflict exists.

2. Complaints are filed in the Advocate's office.
3. The Advocate must notify a complainant within 5 days of receipt of the complaint whether the complaint will be addressed directly by a conflict resolution process or by conducting an investigation of the allegation(s).
4. In Conflict Resolution Processes (Informal Reviews), the LME shall offer the complainant the option of accessing the provider's internal complaint process or conflict resolution services offered by the LME.
 - (a) Consumers are not required to participate in the provider's conflict resolution or complaint process before submitting a complaint to the LME.
 - (b) If the issue is resolved either by the provider's or the LME's conflict resolution process, the LME documents the results.
 - (c) The informal review shall be completed within 10 days after the complaint is received by the Advocate.
 - (d) If the issue is not resolved, the complainant may file a complaint to the LME's Client Rights Committee within 10 days from the date of the completion of the conflict resolution process.
 - (e) If the need for an investigation is revealed during conflict resolution, the Advocate will begin the investigation or refer the matter to the appropriate State or local government agency.
 - (f) The Client Rights Committee's decision shall be dated and mailed to the complainant by the Advocate within 15 days from receipt of the complaint.

5. In Investigations, the Advocate must adhere to all procedures and deadlines that apply to the complaint and investigation process for 10A NCAC 27G .0606 (pursuant to SB 163).
 - (a) The Advocate must complete the complaint investigation within 30 days of the date of the receipt of the complaint and submit a report of investigation findings to the complainant, the provider or to the appropriate supervisory staff for complaints regarding LME staff and to the consumer's home LME, if different.
 - (b) The report shall be submitted within 10 days of the date of the completion of the investigation.
 - (c) If a violation is found, the LME shall require remedial action through a plan of correction submitted by the provider within 10 days from the date the provider receives the complaint investigation report.
 - (d) The LME shall review and respond in writing to the provider's plan of correction with approval or a description of additional required information to the provider within 10 days of receipt of the plan of correction.
 - (e) If a plan of correction is needed, it shall be implemented in a timely manner not exceeding 60 days from the date of the complaint investigation report. The LME shall verify that the corrected actions cited in the investigation report were implemented no later than 60 days from the date the plan of correction is approved.
 - (f) The LME shall comply with 10A NCAC 27G .0606 (pursuant to SB 163) regarding the referrals of LME investigation to the State or local agency responsible for regulation or oversight of the matter.
 - (g) The complainant who disagrees with the results of the LME actions may file a complaint to the Client Rights Committee within 10 days from the receipt of the LME investigation report or the LME approval of the provider's corrective action plan. The complaint is limited to the complaint record and allegations that the investigation and/or corrective actions are inadequate or not completed in a timely manner.
 - (h) The Client Rights Committee shall notify the complainant within 5 days of receipt of the complaint whether the complaint meets the above criteria. IF the complaint is accepted by the Client Right's Committee, the Advocate shall send the Client Rights Committee's written decision within 15 days from receipt of the complaint to: 1) uphold the investigation findings and corrective action plan to the Advocate for reinvestigation 2) return the investigation findings and corrective action plan to the Advocate for a reinvestigation, 3) uphold the investigation findings and corrective action plan with specified changes.

II. Complaints Regarding Clinical Service Decisions

The procedures are outlined in the LME Utilization Management Policy.

III. Complaints Regarding Administrative Issues and Service Quality

A complaint regarding administrative issues or service quality may be filed by a consumer, legally responsible person, staff, or any other individual without a conflict of interest. The Advocate must assist a complainant who requests assistance in filing the complaint and also provide consumer information materials describing the complaint process and how to contact advocacy groups.

1. Receipt and Documentation of Administrative or Service Quality Complaints:

The Advocate reviews and documents the complaint. The Advocate shall acknowledge receipt of the complaint the same or next business day following the date the complaint was received. The Advocate shall describe the informal review process to address the specific complaint and provide contact information to the complainant for questions regarding the complaint.

2. Review Levels:

Level I: Informal Review Process: The Advocate shall review and the complaint within 10 days from the date the complaint was received orally or in writing by the Advocate and ensure that the complainant is given full opportunity to represent his/her concern. A decision regarding the complaint shall be dated and mailed to the complainant by the Advocate within 2 days of the date the review was held. If 30 days pass and the investigation are not complete the Advocate will mail a letter to the complainant to let them know the status of the investigation.

Level II: A complaint regarding a Level I decision must be received orally or in writing by the Advocate 10 days of the date indicated on the Level I written decision letter. The Advocate shall acknowledge receipt of the complaint the same or next business day following the date the complaint was received. The QA/QI Director or LME Director shall review the complaint. The Advocate shall send the QA/QI Director or LME Director's written decision to the complainant within 10 days from the date the complaint was received by the Advocate. The letter shall be mailed no later than the next day following the Level II review decision.