



SALISH BHO

GRIEVANCE AND APPEALS POLICIES AND PROCEDURES

Policy Name: PROCEDURE FOR FILING A COMPLAINT AGAINST THE SBHO

Policy Number: 6.06

Reference: WAC 182-538D-0605, WAC 182-538D-0200

Effective Date: 2/2000

Revision Date(s): 9/2013; 8/2017; 6/2018

Reviewed Date: 5/2016; 8/2017; 5/2018

Approved by: SBHO Executive Board

CROSS REFERENCES

- Policy: Complaint Procedure – HIPAA and 42 CFR Part 2
- Policy: Fraud and Abuse Compliance Reporting Standards
- Policy: Grievance, Appeal, and Fair Hearing General Requirements
- Policy: Grievances

PURPOSE

The Salish Behavioral Health Organization (SBHO) provides a procedure for individuals, network providers, subcontractors, and community members in the event they have a complaint against the SBHO. Individuals may file a grievance against the SBHO using the grievance process. Non-individuals file a complaint under this policy.

For complaints regarding privacy, please see SBHO policy and procedure 5.15 Complaint Procedure – HIPAA and 42 CFR Part 2. For complaints regarding Fraud and Abuse, please see SBHO policy and procedure 5.17 Fraud and Abuse Compliance Reporting Standards.

DEFINITIONS

Complaint – The expression of a dissatisfaction with the SBHO by a non-individual which may be investigated by the state.

Complainant – A non-individual which includes network providers, subcontractors, and community members who have a complaint against the SBHO.

Individual (expanded definition for grievances): According to WAC 182-538D-0655, an individual means a person who applies for, is eligible for, or receives behavioral health organization (BHO)-authorized behavioral health services from an agency licensed by the department as a behavioral health agency. *For the purposes of accessing the grievance system, the definition of individual also includes the following if another person is acting on the individual's behalf:*

- a) In the case of a minor, the individual's parent or, if applicable, the individual's custodial parent;
- b) The individual's legal guardian; or
- c) The individual's representative if the individual gives written permission.

In the case of minors, a parent or legal guardian has the rights of an Individual, including the right to file a grievance (i.e. to take a legal action) on behalf of the minor until the age of 18. (RCW 26.28.015)

However, per Washington State law, the age of consent for both substance use and mental health treatment is age 13. (RCW 70.96A.095, RCW 71.34.530) Youth who are 13 and older have the right to the confidentiality of their behavioral health information. If the youth is 13 or older, a parent may file a grievance. The BHO or Behavioral Health Agency (BHA) should accept and acknowledge the parent's grievance. The response to the parent(s) should state that due to confidentiality restrictions, the BHO or BHA can neither confirm nor deny the identity of the patient and the fact of treatment. A consent to release information form should be provided by the BHO or BHA. Appropriate efforts should be made to seek consent from the minor. If the minor over age 13 provides consent, the grievance process may proceed to resolution. If consent of the minor is not obtained, the grievance will be closed as not pursued.

Note that should the grievance not be pursued due to the limits of confidentiality, best practice should prompt the BHO or BHA to consider the parent(s)' complaint in a manner similar to that of a general community member who wants to voice a concern about a program or services. This way the information can be used to improve services or operations, but handled in a way that protects confidentiality.

- The definition of an individual does not include parents of adult children, other family members, or any other individual unless they are an authorized representative.

PROCEDURE

Informal Process:

1. Contact the SBHO Grievance Manager to discuss the complaint concerns and attempt a resolution on an informal basis orally or in writing. The complainant will be informed of the availability of Ombuds services.
2. All complaints will be logged in the SBHO Grievance System Log All spreadsheet for tracking and monitoring.

3. The complaint is investigated and a resolution is provided to the complainant.
4. If the complainant is not satisfied with the resolution, they may contact the SBHO Regional Administrator to attempt a resolution via phone or mail:

Attn: SBHO Regional Administrator, Human Services Department of Kitsap County
614 Division Street MS-23
Port Orchard, WA 98366-4676

Formal Process:

1. If the complaint is not resolved to complainant's satisfaction on an informal basis, or if the complainant or an individual so chooses, instead of following the informal complaint or grievance process, they may submit a complaint to the state's complaint manager directly.

The SBHO must not retaliate against any:

- Person representing the individual.
- Witness involved in the complaint issue.
- Involved employees of the SBHO.
- Individual for making a complaint with the state or being interviewed by the state about a complaint.

- Examples of retaliation include, but are not limited to:
 - i. Restricting access to a treatment program;
 - ii. Restricting access to the individual involved with the complaint issue;
 - iii. Increasing or threatening to increase charges for services;
 - iv. Decreasing or threatening to decrease services, rights, or privileges;
 - v. Taking any action that coerces or compels the individual to leave their facility or to stop receiving services; and
 - vi. Abusing or harassing, or threatening to abuse or harass the individual.

MONITORING

This policy is a mandate by statute. The state has ultimate oversight responsibility. The SBHO will track and monitor complaints for trends and take appropriate action based on this monitoring. This information may be presented to the QUIC as well, for additional oversight as a part of the Grievance and Appeal System.