

WESTMORELAND CASEMANAGEMENT AND SUPPORTS, INC.

Developmental Services Supports Coordination

Grievance Procedures

Effective: 9/24/2012, Revised 12/5/13, 4/17/17, 5/5/17

Purpose:

As indicated in the Title 55 – Department of Human Services [55PA.Code Ch. 51] Office of Developmental Programs Home and Community-Based Services, section 51.26 it states: (a) a provider shall develop grievance procedures to document, respond and resolve grievances; (b) a provider shall provide a copy of its grievance procedures to the Department or the Department's designee upon request; (c) a provider shall review and document all grievance information;. (d) a provider shall review its grievance procedures at least annually to determine the number of grievances and their disposition.

In an ongoing effort to ensure quality of service and safeguard participant's rights, the Developmental Services Department at WCSI, shall maintain a Grievance Procedure whereby a participant/family can seek and secure a remedy when he or she believes that a circumstance or action has adversely affected them.

This grievance procedure is neither a pre-requisite, nor a substitute for a fair hearing through the Bureau of Hearings and Appeals (BHA) for waiver recipients or someone denied the right to apply for a waiver. For non-waiver recipients, disputes can be heard in accordance with local agency (County/Administrative Entity) policy following 55 Pa.Code Chapter 4300 regulations.

Definitions:

Department— The Department of Human Services of the Commonwealth.

Grievance— The formal expression of dissatisfaction with the provision of a waiver service or a provider's delivery of a waiver service.

HCBS—Home and Community-Based Services—An array of medical, financial and social services or goods not covered by third-party medical resources or other funding sources that are necessary and paid for by the Department to assist a participant to live in the community.

ODP— The Office of Developmental Programs.

Participant— A person receiving HCBS.

Provider—An individual or agency that provides HCBS.

Procedure:

Administrative Responsibility: The overall responsibility of the grievance process shall be vested in the Chief Executive Officer.

General Provisions: The following guidelines shall apply in all grievances:

- A. An aggrieved participant/family may be accompanied and assisted by a representative of his or her choice at any step in the formal grievance procedure.
- B. All documents, communications, memoranda, and other pertinent information related to each grievance shall be maintained in a separate file developed for that purpose; such file to be maintained with the DS Director.

- C. A formal review of all grievances will be completed annually by the DS Program Director as part of the SCO Quality Management Strategy. A report will be generated and maintained to include the number of grievances and their disposition.
- D. All meetings or conferences pertaining to the formal grievance shall be conducted in private and shall include: only those persons involved; their designated representative; and as appropriate, witnesses and other parties who can assist in constructing a factual framework relative to the grievance.
- E. All received formal grievances will have a goal set to resolve within 21 calendar days.
- F. The Grievance procedure and form will become a part of the DS SCO Handbook and all DS staff will be trained initially on 9/24/2012 and annually thereafter. New DS Staff will be trained on the Grievance procedure during their new employee training and annually thereafter.
- G. The Grievance procedure and form will become part of the SCO Annual Information Packet given to all participants at the time of intake and thereafter at the Annual ISP Review.

Steps in Grievance Process:

Confidentiality and privacy of the participant will always be taken into consideration. Concerns or disagreements held by the participant or family will be handled through the following problem resolution process:

- A. Participant/family will present their concerns with their respective Supports Coordinator. The SC will attempt to resolve the issue at that time. If the participant/family is still dissatisfied, the SC will (a) explain the formal grievance procedure, (b) initiate a grievance form (within 24 hours from when participant/family indicates they want to speak to supervisor) to alert their supervisor and start the formal grievance process.

First Level Appeal

- B. The initiated grievance form is given to the Supervisor by the SC within 24 hours from when the participant/family indicates they want to speak to the supervisor. If the participant/family directly contacts the supervisor in writing or by phone their desire to file a grievance then the supervisor will initiate the grievance form. The supervisor will communicate with the participant/family and address the concern(s) identified in the grievance form, written letter, or phone call. The set goal will be a mutually acceptable resolution of the problem. The supervisor will complete the grievance form within five (5) working days from date of filing and will send to the DS Director, if a resolution was agreed upon.

If the participant/family is not satisfied with the resolution or a resolution cannot be agreed upon then the participant will be referred to the DS Program Manager/Director and Supervisor will notify DS Program Manager/Director immediately (within 24 hours) and forward the grievance form.

Second Level Appeal

- C. The DS Program Manager/Director will communicate with the participant/family and address the concern(s) identified in the grievance form, along with unsuccessful resolutions. The set goal will be a mutually acceptable resolution of the problem. The DS Program Manager/Director will complete the grievance form within ten (10) working days from the

date of filing the grievance and will send to the DS Director, if a resolution was agreed upon. All staff involved will be notified of the resolution.

If the participant/family is not satisfied with the resolution or a resolution cannot be agreed upon then the participant will be referred to the Chief Executive Officer of WCSI and the DS Program Manager/Director will notify the CEO immediately (within 24 hours) and forward the grievance form.

Third Level Appeal

- D. The WCSI CEO will communicate with the participant/family and address the concern(s) identified in the grievance form, along with unsuccessful resolutions. The set goal will be a mutually acceptable resolution of the problem. The CEO will complete the grievance form within twenty-one (21) working days from initiation of process send to be filed in the WCSI Administrative office, directed to the Executive Assistant. All staff involved will be notified of the disposition.

If the participant/family does not feel that his/her grievance has been resolved at this point, he/she may refer the grievance to the following:

Office of Developmental Programs
Western Region
Piatt Place, Room 490
301 Fifth Avenue
Pittsburgh, PA 15222
ODP Customer Service Line 1-888-565-9435

Laurel Legal Services
Westmoreland County
306 South Pennsylvania Avenue
Greensburg, PA 15601
724-836-3680

Bureau of Civil Rights
Compliance
Dept. of Human Services
Western Field Office
301 Fifth Avenue
Pittsburgh, PA 15222

Pennsylvania Human Relations Committee
101 South Section Street
Suite 300
Harrisburg, PA 17105