

# WESTMORELAND CASEMANAGEMENT AND SUPPORTS, INC. Intellectual Disabilities - Support Coordination Services

## Complaint Procedures

Effective: 9/24/2012, 4/12/18, 11/11/19, 3/25/2021

### **Purpose:**

As indicated in the Chapter 6100 Regulations (6100.51-Complaints) a provider shall develop complaint procedures to receive, document, and manage complaints about a service that are submitted by or on behalf of an individual.

In an ongoing effort to ensure quality of service and safeguard participant's rights, the SCO Department at WCSI, shall maintain a Complaint 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 complaint 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 6100 regulations

### **Definitions:**

*Department*— The Department of Public Welfare of the Commonwealth.

*Complaint*— 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.

*Resolved*- A complaint is "resolved" when the actions taken to resolve the complaint have been initiated.

### **Procedure:**

**Administrative Responsibility:** The overall responsibility of the complaint process shall be vested in the Executive Director.

**General Provisions:** The following guidelines shall apply in all complaints:

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

- C. A formal review of all complaints will be completed annually by the SCO Program Director as part of the SCO Quality Management Strategy. A report will be generated and maintained to include the number of complaints and their disposition.
- D. All meetings or conferences pertaining to the formal complaint 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 complaint.
- E. All received formal complaints will have a goal set to resolve within 30 calendar days. A complaint is “resolved” when the actions taken to resolve the complaint have been initiated.
- F. The Complaint procedure and form will become a part of the SCO Handbook and all SCO staff will be trained initially on 9/24/2012 and annually thereafter. New SCO Staff will be trained on the Complaint procedure during their new employee training and annually thereafter.
- G. The Complaint 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 Complaint 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. SECTION 1 of the Complaint Form: 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 complaint procedure, (b) initiate a complaint form (within 24 hours from when participant/family indicates they want to speak to supervisor) to alert their supervisor and start the formal complaint process. If the SC completes the form on behalf of the participant/family- SC will skip SECTION 1 and complete SECTION 2 of the Complaint Form.

#### **First Level Appeal**

- B. SECTION 3 of the Complaint Form: The initiated complaint 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 complaint, then the supervisor will initiate the complaint form. The supervisor will communicate with the participant/family and address the concern(s) identified in the complaint form, written letter, or phone call. The set goal will be a mutually acceptable resolution of the problem. The supervisor will complete the complaint form within five (5) calendar days from date of filing and will send to be filed in the WCSI administrative office, directed to the Executive Assistant, if a resolution was agreed upon.

Supervisor should include all actions taken to resolve the complaint which should include, but are not limited to; conversation and resolution agreed upon with consumer/complaint filer, supervision date with SC to discuss complaint and outcome from supervision, outcome based on documentation review by supervision of service notes, ISP, PUNS, etc. Actions taken in resolution must also include dates that all necessary parties have been 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 SCO Program Manager/Director and Supervisor will notify SCO Program/Director immediately (within 24 hours) and forward the complaint form.

### **Second Level Appeal**

- C. SECTION 4 of the Complaint Form: The SCO Program Manager/Director will communicate with the participant/family and address the concern(s) identified in the complaint form, along with unsuccessful resolutions. The set goal will be a mutually acceptable resolution of the problem. The SCO Program Manager/Director will complete the complaint form within ten (10) calendar days from the date of filing the complaint and will send to be filed in the WCSI administrative office, directed to the Executive Assistant, if a resolution was agreed upon. All staff involved will be notified of the resolution. SCO program Manager will initial and date the complaint form in section 3 upon review and approval.

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 Executive Director of WCSI and the SCO Program Manager/Director will notify the Executive Director immediately (within 24 hours) and forward the complaint form.

SCO Program Manager will add complaint to the tracker housed at info-path <\\WCMFS2\SCOSup\SCO\Complaints>. SCO Program Manager will ensure complaints are documented in SC supervision log when necessary. Should formal discipline be required for Support Coordinator, SCO Program Manager will make reference of this on the complaint form but will not include personnel details.

SCO Director will review all complaints and complete the Administrative Review. Upon completion of Admin Review, Complaints will be forwarded to the Quality and Compliance Team at WCSI.

### **Third Level Appeal**

- D. SECTION 5 of the Complaint Form: The WCSI Executive Director will communicate with the participant/family and address the concern(s) identified in the complaint form, along with unsuccessful resolutions. The set goal will be a mutually acceptable resolution of the problem. The Executive Director will complete the complaint form within thirty (30) calendar 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 complaint has been resolved at this point, he/she may refer the complaint 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 Public Welfare  
Western Field Office  
301 Fifth Avenue  
Pittsburgh, PA 15222

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

SCO will resolve the complaint and report the findings or resolution to the complaints within 30 days of when the complaint was submitted unless the SCO is unable to resolve the complaints within 30 days due to circumstances beyond the SCO's control. In such instances, the SCO shall document the basis for not resolving the complaints within 30 days and shall report the complaint findings or resolution within 30 days after the circumstances beyond the SCO's control no longer exist. A complaint is "resolved" when the actions taken to resolve the complaint have been initiated.