

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Revised by the Board:
Date: August 22, 2016

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: INFORMAL CONCERN/COMPLAINT RESOLUTION

II. PURPOSE:

To establish an informal policy ensuring consistent and expeditious administrative resolution of individual and public concerns/complaints involving the programs, services, policies, or administrative practices of the Lake County Board of DD/Deepwood or the entities acting under contract with the Board.

III. REFERENCES:

LCBDD/Deepwood Policy C-1, Administrative Resolution of Complaints
Commission on Accreditation of Rehabilitation Facilities, (CARF) Standards Manual,
Employment and Community Services

IV. POLICY:

In order to ensure that concerns or complaints are dealt with fairly and consistently, and as informally as possible, the Board, its individual members, and each of its Employees shall handle concerns or complaints filed pursuant to this policy as follows:

A. APPLICABILITY

- 1) The Board wishes to be responsive to the concerns or complaints of individuals, parents, and the general public regarding the governance and day-to-day operations of all Board programs and services, and has enacted this policy for that purpose.
- 2) Each individual, parent, guardian, or the general public has the right to air concerns and complaints with regard to his/her participation in Board programs pursuant to this policy. An individual receiving Board services may seek the assistance of a staff person or another individual to help express their complaint. Filing of such a complaint under this policy shall not affect the rights of an individual, parent or guardian to file an appeal under Board Policy C-1 (Administrative Resolution of Complaints).

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- 3) The following groups may NOT utilize the provisions of this Policy:

Staff: Negotiated agreements between the Board and its Employee Associations contain specific grievance procedures for resolving staff complaints. Therefore, neither the Board nor any of its individual members shall become directly involved in the resolution of staff complaints, but shall refer bargaining unit members to their immediate supervisors and/or the grievance procedure for resolution of such concerns. Employees who are not represented by an employee association shall be referred to the Human Resources Director to initiate complaint procedures. Equal Employment Opportunity complaints shall be handled in accordance with Board Policy B-13.

Parental/Guardian Dispute Regarding Educational Placements: The law provides specific parental rights to due process in the case of dispute over educational placement which are the responsibility of the child's local educational district. Therefore, neither the Board, nor any of its individual members, shall become directly involved in the resolution of complaints regarding a student's educational placement.

Providers: The provisions of this policy shall not apply to any person who is party to a service contract with the Board, or with whom the Board has refused to enter into a service contract. Any complaints regarding actions taken by the Board or its employees under a service contract, or the failure of the Board to enter into such a contract, shall follow the procedure set forth in O.A.C. Section 5123: 2-1-12.

Medicaid HCBS Waivers: The provisions of this policy shall not apply to an individual applying for or enrolled in services provided pursuant to the Medicaid home and community-based services waiver. All such appeals of decisions of the county board shall be made to the Ohio Department of Human Services (ODHS) in accordance with applicable rules for appeals promulgated by ODHS under Chapters 5101:6-1 to 5101:6-9 of the Administrative Code. Such individuals may appeal other decisions of the county board related to services or administrative practices of the county board other than HCBS waiver services using the applicable process under this rule.

Delegable Nursing: The provisions of this policy shall not apply to complaints regarding the performance of delegable nursing tasks at county boards. The procedure outlined in rules 4723-21-28 and 5123:2-1-07 of the Administrative Code shall apply.

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Supported Living: An entity or individual receiving services under contract with a county board for the provision of supported living shall follow the process for resolving complaints established under division (B) of Section 5126.45 of the Revised Code prior to initiating an appeal pursuant to this policy.

B. PROCEDURE

1) FOR INDIVIDUALS, PARENTS AND GUARDIANS:

- a) The Board recognizes and supports that the majority of concerns and issues are informally addressed and resolved via dialogue between individuals, guardians, families, and staff or management, and this dialogue is encouraged.
- b) However, in those situations where the individual's family or guardian does not believe that satisfactory or timely resolution has been so attained and that further action or investigation is desired, the issue/complaint must be presented in writing with signature to the Program Director who directly administers the program area where the issue is "located". Neither the Board, its individual members, nor the Administration will in any way respond to or investigate anonymous complaints or rumors, **except in cases where the anonymous complaint involves an alleged Major Unusual Incident, as defined in O.A.C. Section 5123:2-17-02. In those cases, the complaint shall be reported to the Board's Investigative Agent as required pursuant to Board Policy and State law, and it shall be investigated as determined appropriate.**

Note: A listing of Agency Program Directors and their respective office locations and telephone numbers is available from the Administration Department.

- c) The Program Director will respond, in writing, to the complaint within ten (10) calendar days. If additional time is required by the Program Director to conduct his/her review of the matter, he/she will notify the complainant in writing of the additional time needed. In the event that the Program Director fails to respond within the above time frames the complainant may appeal to the next step.
- d) If the complainant is not satisfied with the Program Director's written response (or lack of a response), the complainant may submit the complaint, in writing with signature, to the Superintendent, if any further action is desired. **No complaint will be addressed by the Superintendent until it has proceeded through the Program**

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Director step of resolution. All verbal complaints received by the Superintendent will be referred to the appropriate Program Director.

The Superintendent or designee will respond, in writing, to the complaint within ten (10) calendar days. If additional time is required by **the Superintendent** to conduct his/her review of the matter, he/she will notify **the complainant** in writing of the additional time needed. In the event that the Superintendent fails to respond within the above time frames the complainant may appeal to the next step.

- e) If the complainant remains dissatisfied with the response of the Superintendent and further action is desired, the complaint may be submitted in writing with signature to the Board Personnel and Policy Committee for review. The Board Personnel and Policy Committee will consider the complaint and all prior written responses and may respond verbally, or in writing to the complainant within ten (10) calendar days.

No complaint will be addressed by the Board until it has proceeded through the above administrative channels. All verbal complaints received by the Board will be referred to the Superintendent for administrative review.

Note: In all situations where the complaint alleges employee misconduct the appropriate contractual or statutory due process procedures must be followed by the Administration and the Board.

2) **FOR ALL OTHER COMMUNITY/PUBLIC COMPLAINTS**

- a) Whenever the Board or any of its individual members receives a complaint from the general public, they will refer the complainant through the proper channels, outlined below:
- b) For resolution of all disputes and/or complaints from the general public, the complainant shall first be referred to the appropriate member of the management staff. All management staff shall receive complaints courteously and act in good faith to resolve the problem.
- c) If a complaint from the general public cannot be resolved at this level, the complainant may seek the assistance of the Superintendent in the resolution of the complaint. All matters referred to the Superintendent must be in writing and should be specific in terms of

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the resolution desired.

- d) If a satisfactory resolution is not effected, the complainant may forward a copy of the written complaint, to the Board President. The Board President may, in his/her sole discretion, delegate the matter to a Board advisory committee for study and recommendations, appoint an ad hoc committee to investigate the problem, or request a decision by the full Board.

V. DISTRIBUTION:

All Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

IV. REVIEWED:

8/16, 8/14, 8/13, 5/12, 5/10, 6/08, 6/06, 5/03, 3/01, 9/00, 4/99, 11/94, 6/92

APRC REVIEWED:

8/15, 5/13