

KERN COUNTY AGING & ADULT SERVICES

POLICY & PROCEDURES

Effective Date	November 13, 2007, Revised March 22, 2017
Title	Participant Grievance Policy- California Department of Aging (CDA) Programs
Purpose	Guidelines for the handling of complaints related to California Department of Aging Programs
References	California Code of Regulations Title 22, Division 1.8, Chapter 3, Article 5, § 7400-7406; California Department of Aging (CDA) Program Memo 07-16 (P)

History/Background

Each Area Agency on Aging (AAA) shall establish a written grievance process for the disposition of complaints by older individuals or persons authorized to act on behalf of older individuals against the AAA's programs and employees or volunteers of such programs. (CCR Title 22, Division 1.8, Chapter 3, Article 5, §7400). All CDA contractors, including AAAs and MSSPs, must establish a complaint process to accept and resolve disability related complaints received from service and program recipients. (CDA Program Memo 07-16 (P)). Kern County Aging and Adult Services (AASD) is the AAA for Kern County, and as such have established the following policy for the handling of such complaints.

Guidelines

1. The Grievance procedures under this policy shall apply to the following:
 - a. The first level of complaint resolution when AASD is the service provider.
 - b. Complaints received from older individuals or persons authorized to act on their behalf who are dissatisfied with the results of a service provider's grievance process.
 - c. The first level of complaint resolution for any disability related complaint, received by a service provider. In the event AASD cannot resolve a disability related complaint to the satisfaction of the participant, the AASD will notify the California Department of Aging Director immediately.

2. Complaints covered under this policy may involve, but not be limited to, any or all of the following:
 - a. Amount or duration of a service.
 - b. Denial or discontinuance of a service
 - c. Dissatisfaction with the service being provided or with a service provider.
 - d. Failure of a service provider to comply with any of the requirements set forth in the Department's regulations or in the contract or subgrant agreement with Kern County Aging and Adult Services (AASD).

Procedures

- A. Any participant who wishes to file a complaint may do so by submitting to the Director of AASD a written complaint explaining his/her complaint. A complaint may be submitted using the AASD Complaint Form (see Attachment "A"), or any other written form. If a complainant cannot submit a written complaint, AASD will take all of the following actions:
 1. Verbally accept the complaint
 2. Prepare a written complaint
 3. Have the complainant sign the written complaint, although not necessarily prior to the commencement of the informal administrative review.
- B. Complaints shall include the information listed below; and in the event all information is not included in the written complaint, AASD will attempt to obtain the additional information:
 1. The name, mailing address and telephone number, if any, of the complainant or person authorized to act on behalf of the claimant.
 2. The type of service and the service provider involved.
 3. The names of the individuals involved.
 4. The issue of concern or dispute.
 5. The date, time and place that the issue of concern or dispute occurred.
 6. The names of witnesses, if any.

C. Informal Administrative Review Process

1. Not later than forty-five (45) days from the receipt of a complaint, the Director of AASD will do the following:
 - a. Review the complaint.
 - b. Conduct an impartial investigation of the complaint and make an attempt to informally resolve the issues with the parties involved.
 - c. Prepare a written report identifying the results of the investigation. The report shall advise the complainant of his/her right to an administrative hearing if dissatisfied with the results of the review. The complainant's rights to privacy shall be ensured at all times, and only information relevant to the complaint shall be released to the responding party without complainant's consent.
 - d. Mail a copy of the written report to the parties involved by way of certified or registered mail, return receipt requested.
 - e. Establish an appropriate method of follow up, to ensure that any agreements reached during the informal review are fulfilled.
2. If the complainant takes no further action within thirty (30) days of receipt of the written decision, the grievance shall be assumed to be settled.

D. Final Grievance Resolution Process

1. Any complainant who is dissatisfied with the results of the Informal Administrative Review Process shall have thirty (30) days from the receipt of the written report in which to request a hearing to present his/her complaint orally before an impartial hearing officer/panel, which shall be the Executive Committee of the Commission on Aging (ECCOA). The complainant may make this request either orally or in writing to the Director of AASD.
2. Not later than thirty (30) from the receipt of a hearing request, the ECCOA will provide written notification to the complainant and the other party(ies) involved of the following information:
 - a. Date, time and location of the complaint hearing. The complainant's rights to privacy shall be ensured at all times, and only information relevant to the complaint shall be released to the responding party without complainant's consent.

- b. Their right to be present at the hearing and/or have another person act on their behalf, including the right to have legal counsel present.
3. The Complaint Hearing before the ECCOA shall take place not later than forty-five (45) days from the receipt of a hearing request. The hearing shall be held in an informal manner, with testimony being restricted to the issues requiring resolution.
4. All parties shall have the right to all of the following:
 - a. Be present at the hearing.
 - b. Present evidence and witnesses.
 - c. Examine witnesses and other sources of relevant information and evidence.
5. The hearing shall be recorded verbatim, either Electronically or steno graphically.
6. All persons testifying shall be placed under oath or affirmation.
7. The ECCOA shall prepare a proposed decision based upon all relevant evidence and in consideration of the policies, procedures, regulations and laws governing the programs no later than thirty (30) days after the date of the hearing. The proposed decision shall contain the following:
 - a. A description of the issue.
 - b. A statement as to whether the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included.
 - c. A citation of applicable laws and regulations.
8. The ECCOA shall forward the proposed decision to either of the following, as appropriate, for the issuance of a final decision.
 - a. The Director of AASD, unless the complaint is against the Director.
 - b. The Chairperson of the Kern County Board of Supervisors (Governing Board) when the complaint is against the Director of AASD.

9. Not later than thirty (30) days after receipt of the proposed decision, the Director or Chairperson shall either:
 - a. Adopt a proposed decision as the final decision.
 - b. Write a new final decision.
10. The decision shall be:
 - a. Immediately transmitted to the parties involved. The complainant's rights to privacy shall be ensured at all times, and only information relevant to the complaint shall be released to the responding party without complainant's consent.
 - b. Final and not subject to appeal.
11. The Director of AASD shall ensure that the remedies, if any, specified in the final decision are implemented.

EXHIBIT "A"

**KERN COUNTY AGING AND ADULT SERVICES
GRIEVANCE COMPLAINT FORM**



When Completed Mail To:
Jeremy Oliver, Interim Director
Aging & Adult Services
5357 Truxtun Avenue, Bakersfield, CA 93309

NAME: _____
MAILING ADDRESS: _____
TELEPHONE NUMBER: _____
DATE OF INCIDENT: _____
TIME OF INCIDENT: _____
LOCATION OF INCIDENT: _____
SERVICE PROVIDER: _____
TYPE OF SERVICE PROVIDED: _____
DATE REPORTED: _____

You have a right to privacy and only information relevant to the complaint may be released to the responding party.

NAMES OF INDIVIDUALS INVOLVED:

NAMES OF WITNESS(ES):

ISSUE OF CONCERN/DISPUTE: (Continue on reverse side if necessary)
