

<b>DIVISION OF CHILD AND FAMILY SERVICES Children's Mental Health System of Care</b>	
<b>SUBJECT:</b>	DCFS CMH Grievance Policy
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<b>AUTHORED BY:</b>	Tiffany Ontiveros M.S. Clinical Program Planner I
<b>REVIEWED BY:</b> <b>DATE:</b>	Children's Mental Health Management Team February 26, 2018
<b>APPROVED BY:</b> <b>DATE:</b>	Cara Paoli, Deputy Administrator February 26, 2018
<b>SUPERCEDES:</b>	CMH Consumer Complaint Policy 2010
<b>APPROVED BY:</b> <b>DATE:</b>	Commission on Behavioral Health July 13, 2018
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<b>REFERENCES:</b>	<p><b>FEDERAL STATUTES AND REGULATIONS</b>  Title VI and VII Civil Rights Act of 1964 as amended  Section 508 and § 504 Rehabilitation Act 1973  The Americans with Disabilities Act of 1990  Privacy Act of 1974, 5 U.S.C. 552a  45 CFR 80.6, Compliance Information  45 CFR 164 et al Health Insurance Portability &amp; Accountability Act (HIPAA)</p> <p><b>NEVADA REVISED STATUTES</b>  NRS 424  NRS 432  NRS 432A  NRS 433 and NRS 433B, inclusive  NRS 449.710, § 715, § 720, § 730  NRS 629, Section 1  NRS 630.3062</p> <p><b>RELATED POLICY AND RESEARCH DOCUMENTS</b>  SP-3 DCFS CMH Incident Reporting Policy, July 2013  SP-4 DCFS CMH Documentation Policy, January 2015  SP-6 DCFS CMH Medication Administration and Management Policy, March 2014  SP-7 DCFS CMH Intake Policy, January 2017  SP-9 DCFS CMH Service Delivery Policy, March 2017  DCFS Child Abuse Policy, 2010  CRR-2 DCFS Client's Rights and Responsibilities Policy, July 2017  CRR-4 DCFS CMH Confidentiality Policy, January 2015  A-7 DCFS Quality Assurance and Program Improvement Policy (currently</p>

	<p>in review)  DCFS Desert Willow Treatment Center Consumer Complaints Policy 2015  <b>DHCFP MEDICAID SERVICES MANUAL</b>  MSM 100  MSM 400  MSM 2500  MSM 3300</p> <p><b>JOINT COMMISSION COMPREHENSIVE ACCREDITATION MANUAL FOR BEHAVIORAL HEALTH 2018</b>  Rights and responsibilities of the Individual  Standards RI.01.07.01  Elements of Performance 1,4,6,7; RI.01.07.03  Elements of Performance 1,4,5,6,7,8</p> <p><b>LEGISLATIVE COUNCIL BUREAU</b>  Review of Governmental and Private Facilities for Clients</p> <p><b>DCFS GLOSSARY OF TERMS: (REV. 07-24-17)</b></p>
<b>ATTACHMENTS:</b>	<p><b>Attachment A:</b> DCFS CMH Grievance Information  <b>Attachment B:</b> DCFS CMH Grievance Form  <b>Attachment C:</b> DCFS CMH Grievance Resolution Report</p>

**A. POLICY**

It is the policy of the Division of Child (DCFS) and Family Services that children, youth and families have the right to file a grievance anytime and for any reason the child/youth feels that their health, safety, welfare, and other rights are being jeopardized or violated.

**B. PURPOSE**

The purpose of this policy is to provide clear and consistent guidance to staff regarding the implementation of proper protocol in the filing of a grievance. The grievance review and resolution process results will be used to improve the quality of service delivery. The purpose of this policy is to ensure the safety, welfare, civil and other rights of the children, youth and families served by DCFS are met at all times. This policy allows children, youth, families, contract providers, and other community agencies, as well as staff, to voice their concerns regarding child/youth care and treatment.

**C. PROCEDURES AND PRACTICE GUIDELINES**

DCFS Children’s Mental Health (CMH) staff shall inform children, youth and their families about their right to file a grievance, under what circumstances a grievance may be filed, and the resolution process during intake. This information will be provided both verbally and by providing children/youth (if developmentally appropriate) and families DCFS CMH Grievance Information form (Attachment A). Included in Attachment A are details regarding children, youth, families, contract providers, community agencies and staff’s right to file a grievance with the Grievance Coordinator, DCFS Systems Advocate, the Legislative Counsel Bureau, The Joint

Commission, Nevada Disability Advocacy and Law Center, the Division of Health, DCFS Bureau of Services for Child Care, and foster care licensing agencies. Grievance Coordinators shall receive, review, and when possible, resolve grievances within 30 calendar days after receiving the initial grievance. If more than 30 days is needed due to extenuating circumstances, the Grievance Coordinator may request up to a 14-day extension from the Deputy Administrator. Programs shall allow children, youth, families, contract providers and other community agencies to freely voice grievances and recommend changes without being subject to coercion, discrimination, reprisal or unreasonable interruption of care, treatment, and services.

- A. All children, youth and families will be provided information about the process for filing grievances upon initial intake or upon request. CMH Staff shall provide this information verbally and by also providing the DCFS CMH Grievance Information form (Attachment A) during intake and admission.
- B. Children, youth, families, foster parents, contract providers, and other community agencies, as well as staff may utilize the DCFS CMH Grievance Form (Attachment B) located at the site/treatment home/facility where they receive services. After the child, youth, family, staff member or contractor fills out the form, that individual may place it into the locked box located on each unit or in the lobby at each site. This form can also be found on the DCFS website and sent electronically to the Grievance Coordinator.
- C. The individual may complete Attachment B to the best of their ability and knowledge. CMH Staff will answer any questions and assist the individual in completing the Grievance Form. If additional assistance is needed or the grievance is regarding the staff member who would assist with completing the form, the individual(s) filing the grievance can contact the Grievance Coordinator or the Clinical Program Manager I/Clinical Program Manager II in charge of the program.
- D. The Grievance Coordinator will check the collection box and collect grievance forms on a daily basis.
- E. If a grievance is related to suspected abuse or neglect of a child/youth, CMH staff shall comply with the DCFS Child Abuse Reporting Policy. Staff will consult with or refer children, youth and families to the Division HIPAA privacy officer if the grievance involves protected health information.
- F. The Grievance Coordinator will conduct a fact-finding interview with the individual filing the grievance. The Grievance Coordinator may also contact and/or interview all parties involved in the grievance.
- G. The Grievance Resolution Report (Attachment C) will be completed by the Grievance Coordinator who receives the initial grievance.
- H. Recommendations and possible resolutions will be discussed with the child, youth or family within 14 days of filing the initial grievance.
- I. The Grievance Coordinator will forward Attachment C and the recommendations for resolution to the CPM II for additional comments. The CPM II will review, provide comments and assign the recommendations to pertinent supervisors.

- J. Each CPMI will report back to the CPM II and Grievance Coordinator regarding the completion of the assignments as they are completed.
- K. The Grievance Coordinator will re-contact the child/youth and family to discuss their satisfaction with the resolution process.
- L. The outcome of the resolved grievance will be documented on the Grievance Resolution Report by the Grievance Coordinator. The grievance and resolution will be submitted to the CPM II and then to the DCFS Deputy Administrator for additional comments.
- M. Following the Deputy Administrator, the Grievance Resolution form will be forwarded to Planning and Evaluation Unit (PEU) and the DCFS Systems Advocate.
- N. All grievances will be collected and maintained by the PEU. The Grievance Coordinator shall provide the PEU with copies of all grievance forms and grievance resolutions reports. The PEU will aggregate all grievance data in an annual report.
- O. It is the duty of the CPM II of a residential program to send grievance information to the Legislative Counsel Bureau monthly.
- P. Information will be posted at each CMH site in an accessible location with the details and contact information on how to file a grievance.

**IV. DEFINITIONS** (*Please see DCFS Glossary of Terms dated 07-24-2017 for additional definitions*)

Grievance: A report by a child, youth, family, contract provider, community agency, or staff about a specific and serious feeling of wrong doing that relates to harassment, discrimination or abuse by a person(s).

Grievance Coordinator: A DCFS employee who has been assigned the task of reviewing and assisting in the resolution of a grievance.