
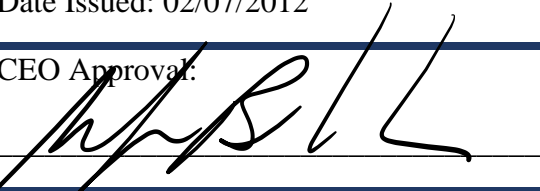


Policy Title: Network Complaints and Grievances		
Department: Compliance		
Date Issued: 02/07/2012	Revised Date: 12/07/2021 Review Date: 12/07/2021	
CEO Approval: 	Effective Date: _____12/22/2021_____	

**POLICY:**

It is the policy of Central Florida Cares Health System, Inc. (CFCHS) to provide appropriate mechanisms for the submission, timely review, and resolution of complaints and/or grievances ensuring that complaints and grievances will not result in retaliation or barriers to services.

**RELATED POLICIES:**

- Auxiliary Aid Services and Monitoring Plan
- Subcontractor Dispute Resolution
- Fraud, Waste, and Abuse Prevention Protocol (FWA)
- Secret Shopper
- CFCHS' Compliance Line
- Records Archiving and Destruction

**REFERENCES:** CFCHS' Complaint/Grievance Form

**PURPOSE:**

This policy establishes uniform practices for handling complaints and grievances made by CFCHS' funded consumers receiving services through CFCHS' network system of care, as well as guidelines for handling complaints or grievances from consumers with different funding sources.

**PROCEDURES:**

Subcontractor Review

1. CFCHS' Subcontractors will designate an employee as the point of contact for complaints and grievances. A back-up designee shall be identified in the event the point of contact is not available. The parties involved in the complaint or grievance process shall explore all reasonable options to bring a positive resolution to the issue without causing unnecessary burden, expenses, or negative consequences to the system of care.
2. When receiving a complaint or grievance about the network Subcontractors, CFCHS' Risk Manager (RM), or designee will:
  - Find out if the complaint involves an employee or facilities.
  - Attempt to determine if the consumer has a funding source other than CFCHS.
  - If the consumer has other funding sources (e.g., Medicaid, private insurance, Tri-Care, etc.) and the complaint involves an employee or facilities, then CFCHS will follow up since the issue may affect CFCHS' funded clients.

- If the complaint does not involve an employee or facilities and the consumer is not funded by CFCHS, the RM, or designee, will provide information about other agencies/funder that may have authority to look into the complaint the RM, or designee, will also offer to contact the Subcontractor and ask that a consumer representative contacts the complainant for assistance. Due to HIPAA and confidentiality laws, CFCHS does not have authority to request information that divulges protected health information (PHI) of a non-funded consumer. If applicable, the RM will also alert the local DCF SAMH office so they may assist as appropriate.
3. Complaints or grievances may be accepted verbally or in writing.
  4. Clinically appropriate services will continue throughout the complaint and/or grievance process, and none of CFCHS' service Subcontractors will take any discriminatory action against an individual because he/she filed a complaint or grievance.
  5. When a complaint or grievance is received by CFCHS, the RM or designee will contact the individual within two (2) business days and will determine whether the complainant has attempted to resolve the issue through the Subcontractor's complaint or grievance process. If not, then the RM or designee will encourage the use of this avenue prior to using CFCHS' complaint or grievance process.
  6. The RM, or designee, will notify the Subcontractor of the complaint or grievance within two (2) business days. The Subcontractor will notify the complainant of their rights to follow up their complaint or grievance with CFCHS should the resolution at the Subcontractor level be unacceptable.
  7. All Subcontractors are required to provide to its employees and to CFCHS' funded clients the CFCHS contact information for complaints and grievances which includes:
    - CFCHS' Compliance Line for reporting Fraud, Waste, Abuse (FWA), or other Compliance issues at 844-302-0433,
    - Or electronically at <http://centralfloridacares.ethicspoint.com> or [www.centralfloridacares.org](http://www.centralfloridacares.org)
  8. A complaint or grievance that involves suspected FWA shall be handled as specified in CFCHS' Fraud, Waste and Abuse Protocol. Proper notifications should be made to the Department of Children and Families (DCF) via incident reporting as specified in CFOP 215-6 and to the Office of the Inspector General (OIG) as required by CFOP 180-4 at [IG.Complaints@myflfamilies.com](mailto:IG.Complaints@myflfamilies.com) or via the DCF OIG's website.
  9. The Subcontractor shall establish contact with the complainant as soon as possible and submit a written report to CFCHS within seven (7) business days of receiving the complaint. For this purpose, Subcontractor can use CFCHS' Complaint and Grievance Form and document their investigation on the "Actions taken by Provider" section or submit their own form.
  10. A response must be given to the complainant within one (1) business day of disposition.
  11. If additional time is needed to conduct the investigation, the provider will notify CFCHS and the complainant of how much time will be needed to bring the complaint to a resolution. If the complainant is not satisfied with the Subcontractor's resolution and there may be other

reasonable options, the RM or designee will have seven (7) business days from Subcontractor disposition to investigate the complaint and offer an alternate resolution.

#### CFCHS Investigation of Complaints/Grievances

1. CFCHS reserves the right to conduct its own investigation of complaints or grievances that include, but are not limited to:
  - A complaint or grievance that was not resolved by the Subcontractor to the individual's satisfaction and it seems that other reasonable options can be explored.
  - A significant ongoing threat to the health or safety of individuals served, facility employees, or the general public.
  - A finding of violation of statute, rule, or contract by a Subcontractor.
  - An egregious deficiency or a pattern of deficiencies in administrative, management, or contract monitoring performance.
  - An individual being detained, examined, or provided treatment unlawfully, where technical assistance has already been provided and the Subcontractor has not elicited a prompt, appropriate response.
2. When investigating a complaint or grievance, the RM or designee from other CFCHS' departments shall interview (by phone or in person) the individual who filed the complaint or grievance, Subcontractor management employee, and other individuals knowledgeable of the situation.
3. The Subcontractor shall make available for review relevant policies and procedures, clinical records, and other documents as needed.
4. A facility site visit and/or Secret Shopper call shall be conducted if necessary.
5. The RM, or designee, shall document on CFCHS' Complaint/Grievance Form the investigation and findings including, but not limited to:
  - Relevant background information including names and contacts of persons involved, facilities, and CFCHS' employees who assisted in conducting the investigation.
  - Description of methods used in the investigation (interviews, facility visits, records reviews, etc.).
  - If the complaint or grievance includes alleged or suspected violations of statute, rule, DCF Operating Procedures, Subcontractor policies or contracts, the report shall specify for each violation:
    - The act of omission that constitutes the alleged violation.
    - Citation of the provision of statute, rule, DCF's operational procedures, Subcontractor policies, or contract alleged to be violated.
    - Evidence considering whether the situation for the complaint/grievance actually occurred.
    - A statement that the allegation was 'supported' or 'not supported' by evidence (if evidence is not reasonably clear, then the allegation/complaint/grievance was not supported); and
    - If applicable, are commendations intended to address the deficiency cited in the complaint or grievance.
  - Summary conclusions of the investigation; and
  - When applicable, recommendations for policy changes and/or administrative action. These may be included even if there are no violations identified.

6. If the complaint resolution is still not satisfactory after the RM's investigation and suggestions, CFCHS' Chief Executive Officer (CEO) will intervene and recommend a resolution within seven (7) business days. CFCHS shall document the recommended resolution and advise the Subcontractor and the individual (if individual's contact information is available).
7. If the Subcontractor disagrees with the recommendation made by CFCHS, the Subcontractor shall follow the CFCHS protocol for Subcontractor Dispute Resolution to be submitted to CFCHS' Board of Directors.
8. If the complaint is not resolved after CFCHS' CEO Involvement, the RM will provide the complainant with the contact information for the Central Region DCF SAMH Administrator. CFCHS' goal is to fully resolve and close complaints and grievances within 30 days of complaint receipt.
9. If the complaint implicates the Subcontractor's employee or department in charge of handling and investigating the complaint, the RM will forward the complaint to the Subcontractor's CEO for investigation. The Subcontractor's CEO will have seven (7) business days to look into the issue and provide a response.

If the complaint is about the Subcontractor's CEO, the complaint will be forwarded to the employee or department that handles complaints, to the Subcontractor's Compliance Officer, and to the Subcontractor's Board President. The Subcontractor's Board President will also be notified of complaints about the agency's culture, ethics, and practices that negatively impact clients, or the system of care and any issue related to Fraud, Waste and Abuse (FWA). The Subcontractor's Board will have seven (7) business days to look into the issue and provide CFCHS a written response.

The above timeframes may be extended upon notification to the involved parties and mutual agreement.

### Appeals

If the individual filing the complaint or grievance disagrees with all or part of the proposed resolution, the individual is advised that they have the right to appeal to DCF's Substance Abuse and Mental Health Program Office for final disposition. The RM will provide the individual with the name and address of the Director for Central Region SAMH office for filing an appeal.

In addition, CFCHS will provide to complainant information about other resources for advocacy and assistance such as:

Disability Rights Florida  
2473 Care Drive, Suite 200, Tallahassee, Florida 32308  
(850) 488-9071, (800) 342-0823 Toll Free, (850) 488-8640 Fax,  
<http://www.disabilityrightsflorida.org/>

### Civil Rights and Auxiliary Aids Services Customer Complaints/Grievances

1. Customers and potential customers or companions who believe that they have been discriminated against should follow the procedure outlined above to report complaint or

grievances. In addition, they shall be informed of their right to file a written or oral complaint or grievance of discrimination within 180 days of the alleged discriminatory act with:

**Assistant Staff Director**  
**Department of Children and Families (DCF)**  
**Human Resources – Office of Civil Rights**  
1317 Winewood Boulevard  
Building 1, Room 110  
Tallahassee, Florida 32399-0700  
(850) 487-1901; or TDD (850) 922-9220; or Fax (850) 921-8470

**United States Department of Health and Human Services (HHS)**  
**Attention: Office for Civil Rights**  
Atlanta Federal Center, Suite 3B70  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8909  
(404) 562-7888; TDD/TTY (404) 331-2867; or Fax (404) 562-7881

**United States Department of Agriculture (USDA)**  
**Attention: Office of Civil Rights**  
Atlanta Federal Center, Suite 8T36  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-3427  
(404) 562-0532; TDD/TTY (202) 720-5964; or Fax (404) 527-4517

**United States Department of Justice (USDOJ)**  
**Office for Civil Rights – Office of Justice Programs**  
810 7th Street, NW  
Washington, DC 20531  
(202) 307-0690; or TDD/TTY (202) 307-2027; or Fax (202) 616-9865

**United States Department of Justice (USDOJ)**  
**Civil Rights Division– Disability Rights Section**  
1425 New York Avenue  
Washington, DC 20530  
(800) 514-0301; or TDD/TTY (800) 514-0383

2. Complaints or grievances filed with the federal agencies listed above are subject to the federal laws governing such complaints or grievances. Final determination of the validity of the complaints or grievance will be made by that agency.

#### Administrative Files

1. CFCHS will maintain documentation on all complaints or grievances filed according to the Records Archiving and Destruction policy.
2. All information related to complaints or grievances will be stored in a HIPAA compliant manner and location.

## Reporting, Tracking, and Trending

1. The RM or designee will ensure the timely resolution of complaints or grievances and track them by keeping a log of all complaints or grievances received.
2. All complaints or grievances are tracked according to the following categories:
  - Access to Care - This category addresses the Subcontractor's capacity to arrange a timely appointment for appropriate services to meet the individual's mental health or substance abuse treatment needs.
  - Treatment - This category relates to any aspect about the treatment offered by the Subcontractor. This includes any potential quality of care issues, safety issues, as well as type and frequency of services.
  - Civil Rights and Auxiliary Aids Services - This category may include complaints or grievances from customers and potential customers or companions who believe that they have been discriminated against due to race, color, religion, sex, age, national origin, disability (including Deaf or Hard-of-Hearing), political beliefs, or retaliation.
  - Other Services - This category relates to non-clinical support services and may include transportation, meals, access to communication, physical environment of facilities, employee demeanor towards individuals served, care of individual's personal belongings while in inpatient units, etc.
  - Fraud, Waste and Abuse (FWA) - According to CFCHS' FWA Prevention Protocol
3. The RM shall track the number and type of complaints or grievances and report this information to the CEO and CFCHS' Compliance/Quality Improvement Committee to identify trends. The report may include:
  - Number and nature of all complaints or grievances;
  - Resolution timeframe;
  - Whether the complaint received a satisfactory resolution, and if not, further steps taken;
  - Number of appeals to DCF for resolution;
  - Any trends related to particular Subcontractors or services;
  - Number of Subcontractor appeals to the Board of Directors to contest a decision made by CFCHS.
4. CFCHS will address, on an individual basis, with each Subcontractor any trend identified in the analysis of complaints or grievances and will document the Subcontractor's response and/or corrective action plan. This analysis should facilitate change that results in better customer service and results for the persons served.