

DIVISION OF DISABILITY AND AGING SERVICES  
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**GRIEVANCE PROCEDURES**  
**DEVELOPMENTAL DISABILITY SERVICES**  
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**Complaints**

Complaints often emerge in the normal course of service provision. Complaints might include dissatisfaction with a service provider or service, but generally involve situations in which the individual/representative does not feel compelled to move the dissatisfaction forward in the grievance process.

If an individual/representative contacts the DA/SSA or the Division of Disability and Aging Services (DDAS) to express a concern, it is considered a complaint unless the individual/representative indicates that a written response is requested from the DA/SSA. The DA/SSA staff is responsible for clarifying whether a complaint is intended to be treated as a grievance during the initial conversation with the individual/representative. The complaint will be investigated by the DS/SSA staff. If DDAS receives a complaint about a DA/SSA, designated DDAS staff will contact the individual/representative and the DA/SSA to facilitate resolution of the complaint.

If an individual/representative is dissatisfied with the manner in which a complaint is addressed, the individual/representative can seek a resolution through the grievance process within the 60-day time frame for filing grievances by requesting a written response. If a written response is requested, the DA/SSA Grievance and Appeals Coordinator will enter the grievance into the MCO Grievance and Appeal database.

**Grievances**

A grievance is an expression of dissatisfaction with a Designated Agency (DA), Specialized Service Agency (SSA) or other provider of developmental services through Medicaid that does not involve eligibility or the authorization of the amount or duration of services. For example, grievances may relate to the quality of services provided or to interpersonal interactions between an individual receiving services and a provider. A grievance is distinguished from a complaint in that a grievance requires a written response.

## **Filing a Grievance**

1. Grievances may be initiated by the individual, the individual's family (in the case of a minor), guardian, or "next friend" as defined in the DD Act Regulations of 1996.
2. Grievances must be initiated directly to the DA/SSA. DA/SSA staff will inform designated Division of Disability and Aging Services (DDAS) staff within five working days of receipt of the grievance. If the grievance is received by the Department of Disabilities, Aging, and Independent Living (DAIL), it will be forwarded to the appropriate DA/SSA for processing within five working days.
3. Grievances may be initiated either orally or in writing.
4. A grievance must be initiated within 60 days of the event that generated the grievance.
5. The DA/SSA or DDAS staff will assist the individual/representative as necessary to file a grievance.

## **The Process**

1. Grievances must be acknowledged by the DA/SSA in writing within five calendar days of receipt. The DA/SSA shall send a copy of the acknowledgment letter to DDAS.
2. The DA/SSA will investigate in good faith the substance of the grievance and respond based on the investigation. DDAS staff may require the DA/SSA to keep them informed throughout the process. The DA/SSA will respond in writing within 90 days of the receipt of the grievance. The written response will include a brief summary of the grievance, the fact finding steps that were taken, and the outcome of that process.
3. Mediation may be used to resolve grievances. Mediation is a process where an independent third party works with the DA/SSA and the individual/representative to try to reach a mutually agreeable solution. Mediation may be requested by the DA/SSA or the individual making the grievance, but both the DA/SSA and the individual making the grievance must agree to participate in order for it to take place. The mediation process must be completed within 60 days of filing a request. If mediation is agreed upon, DDAS will assign and pay for a trained mediator for the grievance. Requests for mediation should be sent in writing to DDAS. DDAS may be a party to mediation.
4. A grievance review may be requested by the individual/representative within 10 days of the notice of decision from the DA/SSA if the response is not satisfactory to the individual/representative. The DA/SSA must acknowledge the request for review in writing within 5 days. The grievance review cannot be performed by someone involved in the original investigation nor a subordinate of the individual who conducted the original investigation or made the decision being reviewed. The purpose of the grievance review is to assure that the grievance process has been followed fully and impartially and that the response was consistent with the facts revealed in the investigation. The person conducting the grievance review shall provide a written response to the individual/representative who requested the grievance review.

5. Grievance decisions may be appealed only when the DA/SSA does not respond to a grievance in a timely manner.

## **Documentation**

1. A grievance must be acknowledged by the DA/SSA in writing within five calendar days of receipt, with a copy to DDAS.
2. The DA/SSA will provide a written response regarding the outcome of a grievance to the individual/representative. The response will include a brief summary of the grievance, a description of the fact finding steps that were taken, and the outcome of that process.
  - If the response is adverse to the individual, the notice must also inform the individual of the right to initiate a grievance review with the agency and the process to request the review.
3. The Grievance and Appeals coordinator for the DA/SSA is responsible for:
  - Sending appropriate letters to the individual/representative as the process moves along to assure that the individual/representative is kept up to date on the process; and
  - Entering data into the MCO Grievance and Appeals database.

## **General Guidelines**

Confidentiality will be maintained in all dispute resolution processes, including grievances and grievance reviews, unless confidentiality is waived by the individual/representative.

Retaliation by the DA/SSA and/or DDAS towards anyone involved in initiating or supporting a grievance is prohibited.

Notice of the individual's right to grieve shall be posted at the agency and given to the individual/representative at the beginning of services and at least annually during the receipt of services.