

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE: CLIENT COMPLAINT RESOLUTION AND RESPONSE STANDARDS 5.03

Authority: [42 CFR 483.420\(a\)\(3\)](#) *Condition of Participation: Client Protections*
[42 CFR 483.10\(J\)](#) *Grievances*
[WAC 388-823-1100](#) *How do I complain to DDA about my services or treatment?*

Centers for Medicare and Medicaid (CMS) Protocols – Monitoring Participant Health and Welfare

Reference: [DSHS Administrative Policy 5.01](#), *Privacy Policy – Safeguarding Confidential Information*
[DSHS Administrative Policy 5.02](#), *Public Records Requests*
[DSHS Administrative Policy 7.02](#), *Equal Access to Services for Individuals with Disabilities*
[DSHS Administrative Policy 7.21](#), *Access to Services for Clients who are Limited English Proficient*
[DSHS Administrative Policy 8.11](#), *Complaint Resolution and Response Standards*
[DSHS Administrative Policy 14.10](#), *Accessible Meetings*
[DSHS Administrative Policy 18.69](#), *Delegation of Authority for Civil Rights Complaint Investigations*
[DSHS Administrative Policy 18.81](#), *Nondiscrimination in Direct Client Services*
[DDA Policy 13.01](#), *Public Disclosure of Records and Safeguarding of Confidential Information*
[Executive Order 03-01 \(4\)](#), *Service Delivery*

PURPOSE

This policy establishes standards for Developmental Disabilities Administration (DDA) employees when receiving and responding to complaints or grievances regarding delivery of DDA services, DDA employees, DDA-contracted providers.

SCOPE

This policy applies to all DDA employees.

Allegations regarding abandonment, abuse, neglect, exploitation, financial exploitation of a child or vulnerable adult, client disputes regarding services that have been denied, reduced or terminated, services related to an exception to rule (ETR), and allegations of civil rights discrimination are outside the scope of this policy. These allegations and disputes are addressed through separate processes as described below:

1. Allegations of abandonment, abuse, neglect, exploitation, and financial exploitation of a child or vulnerable adult. These must be reported immediately to Adult Protective Services (APS), the Complaint Resolution Unit (CRU), or Child Protective Services (CPS), as appropriate.
2. Client disputes about services that have been denied, reduced, suspended, or terminated. These are resolved through the administrative hearing process
3. Client disputes about services that have been requested or authorized through an ETR which have been denied, reduced, or terminated. Disputes about ETRs are handled by a separate ETR committee.
4. When a constituent alleges civil rights discrimination based on actions or inaction by a DSHS employee, by name or title, based on race, color, creed, religion, national origin, sexual orientation, age, sex, presence of any sensory, mental or physical disability, or use of a trained dog guide or service animal by a person with a disability, disabled veteran status or Vietnam Era veteran status, or other protected veteran status, the administrative unit shall immediately send the complaint to the DSHS Human Resources Division Investigations Unit at PO Box 45839, Olympia, WA 98504-5839 or via the Investigations Unit inbox at iraucomplaints@dshs.wa.gov.
5. When a constituent alleges civil rights discrimination that does not appear to contain any allegation against specific DSHS staff, by name or title, or which are related to a programmatic function or decision, the administrative unit shall immediately send the complaint to DSHS Constituent Services at PO Box 45130, Olympia, WA 98504-5130 or via the Constituent Services inbox at askdshs@dshs.wa.gov.

DEFINITIONS

Acknowledge means to communicate to the constituent or referent that their complaint or grievance has been received and inform them of a date by which a response can be expected.

Case manager means the DDA case resource manager, social worker, or habilitation plan administrator.

Complaint means the expression of dissatisfaction with DDA service delivery from a constituent with a clear request for a response or resolution. Constituents may submit complaints without fear of retaliation.

Constituent means any person or entity that contacts DDA with a complaint or grievance. This may include clients, family members, advocates, concerned citizens, elected officials, and DDA-contracted providers (excluding vendors and suppliers).

Dispute means a disagreement from a client, or the client's legal representative, about services denied, reduced, suspended, or terminated. These disputes are subject to the Administrative Hearing Process. Dispute also means a disagreement from a client, or the client's legal representative, about services that have been requested or authorized through an exception to rule (ETR) which have been denied, reduced, or terminated. These disputes are resolved by the ETR committee. Constituents may file disputes without fear of reprisal.

Escalate means to refer a complaint or grievance for response when the constituent does not feel their issue was resolved.

Grievance means an allegation by a client or the client's legal representative that the client has been treated unfairly. The intent of submitting a grievance is to reach a resolution. Constituents may file grievances without fear of retaliation.

Referral means a complaint or grievance submitted to the [DDA Constituent Referrals Mailbox](#) for a response. The referral may be from a constituent. It may also be referred to as a "case." Complaints or grievances sent directly to the case manager are considered directly submitted.

Resolve means to respond to the constituent's complaint or grievance to the best of one's ability. In some instances, regulations or laws may prevent complete satisfaction of a complaint or resolution of a grievance.

Services means supports available to people who meet DDA eligibility requirements.

Service delivery means performance of job duties or interaction as a DDA employee involving delivery of services or information to customers.

POLICY

- A. DDA employees receive complaints and grievances and solve problems as a daily part of their regular duties. These activities must be documented in the client record.
- B. DDA employees must acknowledge constituent referrals timely and provide a

response to the constituent in a reasonable amount of time while ensuring courteous and fair treatment.

- C. If the constituent does not feel their issue was resolved and wants further review, they can contact DDA by phone, email, or online to escalate their concern to a supervisor or next level of the administration.
- D. A constituent may submit a complaint or grievance to DDA by phone, email, online, or in-person at any level of the administration. Complaints or grievances may be filed without fear of retaliation or reprisal. All complaints received will be accepted and DDA must attempt to address the issue at the lowest possible level. If a person feels their issue was not resolved, they can ask to escalate the referral to the next level within the administration, including the DDA HQ office.
- E. DDA reviews and tracks referrals submitted to the [DDA Constituent Referrals Mailbox](#) to ensure a timely response and the opportunity to address referrals at the lowest possible level. Client disputes and allegations of civil rights discrimination must be referred to the appropriate entity to be addressed.
- F. DDA employees must take appropriate steps to communicate with a constituent in their preferred language, using the constituent's preferred mode of communication, and providing access and information to accessibility resources, such as auxiliary aids and services. Such efforts must comply with DSHS Administrative Policy:
 - 1. [7.02](#), *Equal Access to Services for Individuals with Disabilities*;
 - 2. [7.21](#), *Access to Services for Clients who are Limited English Proficient*;
 - 3. [14.10](#), *Accessible Meetings*; and
 - 4. [18.81](#), *Nondiscrimination in Direct Client Services*.
- G. DDA employees must communicate in a courteous, respectful, and professional manner with constituents when addressing a complaint or grievance. Communication may be redirected to a co-worker at the request of the constituent, or to ensure a timely response.
- H. If a constituent demonstrates abusive, discriminatory language or threatens harm to a DDA employee, the employee must inform the constituent that further communication is being re-directed or may be discontinued.
- I. Legal authorization from the client or a legal representative is required to share information with people outside DSHS unless otherwise authorized by law. Authorization from the client is not required when responding to correspondence

assignments or inquiries from the Governor's Office as part of the administration of DSHS programs.

PROCEDURE

- A. For each referral received in the [DDA Constituent Referrals Mailbox](#), the DDA Constituent Referrals Team must:
1. Review the referral and track it in the DDA Constituent Referral Tracking Log.
 2. Assign within 24 hours, or the following business day, to the appropriate Region, Residential Habilitation Center (RHC), State-Operated Community Residential (SOCR) Program, or DDA HQ Appointing Authority to be resolved at the lowest possible level of the administration.
 3. Indicate in the assignment the type of action needed to close the referral.
 - a. Actions include:
 - i. Acknowledging the referral and indicating who will contact the constituent directly to address the concern.
 - ii. Acknowledging the referral, indicating who will contact the constituent directly to address the concern, and providing a summary of the response to the DDA Constituent Referrals Team by the due date provided.
 - b. For a referral assigned to:
 - i. Field services, the appointing authority or delegate must assign a regional employee responsible for timely follow up. The employee must document actions in a service episode record and provide a summary of the response, if required, to DDA Constituent Referrals Team.
 - ii. An RHC, the Superintendent, Program Area Team Director, or a designee must identify an employee responsible to respond in accordance with [RHC SOP 102.1](#), *Client Grievances*.
 - iii. A SOCR program, the Constituent Referrals Team must send the referral to SOCRadvocacy@dshs.wa.gov for review and tracking. The SOCR program's response must be in accordance with

[SOCR SOP 204.02](#), *Client Rights and Grievances*.

- iv. DDA HQ, the appointing authority or designee must assign the case to an HQ employee for timely follow up. The employee must provide a summary of the response, if required, to the DDA Constituent Referrals Team.
- B. When an employee receives a complaint or grievance directly from a constituent, the employee must:
- 1. Acknowledge or respond within 48 hours to recorded telephone messages.
 - 2. Respond to correspondence received by mail within seven calendar days. If the response will take longer than seven calendar days, make an interim contact with the constituent and give a reasonable estimated date of response.
 - 3. Respond to correspondence received by e-mail within 48 hours of receipt or return to work, as described in DSHS Administrative Policy 14.18.
- C. The Office of Strategic Planning and Quality Compliance Monitoring must review the Constituent Tracking Log during its monitoring review cycle.

EXCEPTIONS

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary or designee.

SUPERSESSSION

DDD Policy 5.03
Issued June 1, 2015

Approved:



Deputy Assistant Secretary
Developmental Disabilities Administration

Date: July 1, 2022