

**HORIZON HUMAN SERVICES**  
**PARTICIPANT GRIEVANCE PROCEDURES**

- A. All Agency participants will receive those rights and benefits to which they are entitled.
- B. Services will be provided with due regard for the dignity, respect and self-determination of all participants.
- C. Participants will have easy access to a procedure for the resolution of their issues and grievances.
- D. Written grievances or requests for investigation will be answered in a prompt, courteous and appropriate manner by the Agency staff.

**DEFINITIONS:**

- A. Grievance** - a complaint regarding an act, omission or condition, and includes a request for investigation:
  - 1. in the event of a participant death.
  - 2. allegation of rights violation.
  - 3. allegation of condition that may be dangerous, illegal or inhumane.
  - 4. where an investigation would be in the public interest.
- B. Frivolous** - a grievance that is devoid of merit as determined by the agency director in accordance with R9-21-101.24.

**PROCEDURE:**

- A. A written or oral grievance may be filed by a participant, guardian, human rights advocate, human rights committee, State Protection and Advocacy System, designated representative or any other concerned person.
  - 1. An employee shall assist the participant in making a written or oral grievance or shall direct the participant to an available supervisory or managerial staff who shall assist the participant in the process.
  - 2. Any employee who has reason to believe that a rights violation or condition requiring investigation has occurred shall file a grievance or a request for investigation.
  - 3. Failure of an employee to proceed with step one or two above or failure to forward a grievance submitted by a participant shall be grounds for appropriate disciplinary action.

4. Any grievance or request for investigation shall be accurately and completely reduced to writing on a grievance or request for investigation form provided by the Agency. (See Appendix A)

B. Allegations involving participant rights violations:

1. Allegations other than physical or sexual abuse will be addressed to and initially decided by the Chief Executive Officer. (See Operations Manual for other appropriate agencies to be notified per program.)
2. Allegations involving physical or sexual abuse shall be addressed to the Chief Executive Officer, who shall immediately notify the Division of Behavioral Health Services, and/or the Director of the referral governmental entity. (See Operations Manual for other appropriate agencies to be notified per program.)
3. Allegations involving a participant death will be addressed to the Chief Executive Officer, the Division of Behavioral Health Services, the Director of Cenpatico Behavioral Health of AZ (CBH), and to the Director of the referral governmental entity. (See Operations Manual for other appropriate agencies to be notified per program.)

C. Within five (5) days of receipt the Chief Executive Officer shall inform the person filing the grievance or request for investigation in writing that the grievance or request has been received.

D. When the participant is in need of special assistance, the Chief Executive Officer shall immediately send a copy of the grievance or request to the Human Rights Representative at Cenpatico Behavioral Health of AZ (CBH).

E. Summary Disposition:

1. The Chief Executive Officer may summarily dispose of any grievance or a request for an investigation where the alleged rights violation or condition occurred more than one year immediately prior to the date on which the grievance or request is made.
2. If the Chief Executive Officer receives a grievance or request which is primarily directed to the level or type of mental health treatment provided to a participant, the Chief Executive Officer will follow the procedures specified in the participants appeal procedures. (See Topic 105)

F. Disposition without investigation:

1. Within five (5) days of the receipt of a grievance or investigation, the Chief Executive Officer may promptly resolve a grievance or request without conducting a full investigation, where the matter:
  - a. Involves no dispute as to the facts;
  - b. Is patently frivolous; or
  - c. May be resolved fairly and efficiently within five (5) days.

2. Within five (5) days of the receipt of a grievance or investigation, the Chief Executive Officer shall prepare a written dated decision.
  - a. The decision shall include:
    - 1) Explanation of essential facts.
    - 2) Why matter may be appropriately resolved without an investigation.
    - 3) Resolution of the matter.
  - b. A copy of the written decision shall be sent to the involved parties, together with a notice of appeal rights.
  - c. After the expiration of the appeal period without appeal by any party, or after the exhaustion of all appeals and subject to the final decision, the Chief Executive Officer shall promptly take appropriate action and prepare and add to the case record a written, dated report of the action taken to resolve the grievance or request.

G. Matters requiring investigation:

1. Within five (5) days of receipt of the grievance or request if the Chief Executive Officer cannot resolve the matter complained of, the Chief Executive Officer shall prepare a written, dated appointment of an impartial investigator who is capable of proceeding with the investigation in an objective manner but who shall not be:
  - a. Any person directly involved in the rights violation or condition requiring investigation.
  - b. A staff person who works in the same administrative unit, except a person with direct line authority over any person alleged to have been involved in the rights violation or condition requiring investigation.
2. Upon the appointment of an investigator, the Chief Executive Officer shall:
  - a. Notify the person filing the grievance or request for investigation in writing of the appointment.
  - b. The notice shall contain the name of the investigator, the procedure by which the investigation shall be conducted and the method by which the person may obtain assistance or representation.

H. Conduct of Investigation:

1. Within ten (10) days of the appointment, the investigator shall hold a private, face-to-face conference with the person who filed the grievance or request for investigation to learn the relevant facts that form the grounds for the grievance or request.
  - a. The investigator shall advise the participant that he/she may be represented by a designated representative of the participant's own choice.

- b. The investigator shall advise the participant of the availability of assistance from the State Protection and Advocacy System, the Participant Advocate of the Agency, and any relevant human rights committee.
    - c. The participant may be able to tape record the conference and all future conferences, meetings or hearings to which the participant may be a party during the investigation, provided that the participant notifies all other parties not later than the beginning of the meeting or hearing that the participant intends to do so.
    - d. The investigator shall give the human rights committee notice of the need for representation if the participant is in need of special assistance and is unrepresented.
2. Within fifteen (15) days of the appointment, but only after the conference with the person initiating the grievance or request for investigation, the investigator shall hold a private, face-to-face conference with the person(s) complained of or thought to be responsible for the rights violation or condition requiring investigation to discuss the matter.
  - a. The individual may tape record the conference and all future conference, meetings or hearings during the investigation, provided that the individual notifies all other parties not later than the beginning of the meeting or hearing that the individual intends to do so.
  - b. An employee of the agency has the obligation to cooperate in the investigation.
  - c. Failure of an employee to cooperate may result in appropriate disciplinary action.
3. The investigator shall gather whatever further information may seem relevant and appropriate, including interviewing additional witnesses, requesting and reviewing documents, and examining other evidence or locations.
4. Within ten (10) days of completing all interviews with the parties, but not later than thirty (30) days from the date of the appointment, the investigator shall prepare a written, dated report briefly describing the investigation and containing findings of fact, conclusions, and recommendations. The report shall be delivered to the Chief Executive Officer within the 30-day period.
5. Within five (5) days of receiving the investigator's report, the Chief Executive Officer shall review the report and the case record and prepare a written, dated decision which shall either:
  - a. Accept the investigator's report in whole or in part, at least with respect to the facts as found, and state a summary of findings and conclusions and the intended action of the Chief Executive Officer, including disciplinary action against the person(s) responsible for the rights violation or condition requiring investigation, if appropriate.

- 1) The Chief Executive Officer shall send copies of the decision to the investigator, the parties, and the human rights committee for persons deemed in need of special assistance.
  - 2) The decision sent to the grievance and the participant who is the subject of the grievance shall include a notice of appeal rights.
- b. Reject the report for insufficiency of facts and return the matter for further investigation. In such event, the investigator shall complete the further investigation and deliver a revised report to the Chief Executive Officer within ten (10) days. Upon receipt of the report, the Chief Executive Officer shall proceed as provided in subsection 5(a).
- 1) After the expiration of the appeal period, or after the exhaustion of all appeals and subject to the final decision, the Chief Executive Officer shall promptly take the action set forth in the decision and add to the case record a written, dated report of the action taken.
  - 2) A copy of the report shall be sent to the human rights committee if the participant is in need of special assistance.
- I. The Chief Executive Officer shall be responsible for insuring that the participant(s) wishing to grieve to other entities are placed in communication with them.
1. The participant has the right to contact Cenpatico Behavioral Health of Arizona the regional behavioral health authority, for a participant grievance (866) 495-6738.
  2. The participant has the right to contact the Arizona Department of Behavioral Health Licensure for a participant grievance (602) 364-2595, 150 N. 18<sup>th</sup> Ave., Suite 410, Phoenix, AZ 85007-3242.