



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



**Implementing Procedure for the
DMHAS Client Grievance Policy**

[formerly "Fair Hearing and Grievance Procedure"]

STATEMENT OF PURPOSE:

This Implementing Procedure describes how the Department of Mental Health and Addiction Services (DMHAS) uses the *DMHAS Client Grievance Policy* and the *DMHAS Client Grievance Procedure* to resolve client complaints.

• **DMHAS CLIENT GRIEVANCE PROCEDURE:**

The *DMHAS Client Grievance Procedure* helps DMHAS work with clients to resolve those complaints considered grievances by Regulations of Connecticut State Agencies Department of Mental Health and Addiction Services Concerning Fair Hearings, Connecticut General Statutes Sections 17a-451(t)1 through 17a(t)19 (Fair Hearing Regulations) and the *DMHAS Client Grievance Procedure* Commissioner's Policy Statement. The *DMHAS Client Grievance Procedure* is the means to address grievances at the lowest possible level and clients may seek other remedies while a grievance is being addressed under the procedure. The *DMHAS Client Grievance Procedure* is also used to address DMHAS client complaints under Title II of the Americans with Disabilities Act.

1. Grievances are submitted in writing to the DMHAS facility's Client Rights Officer (CRO) or designee by a client or their authorized representative.
 - a. Grievances are not required to be submitted on a form
 - b. Client Rights Officers will make available copies of the "DMHAS Client Complaint/Grievance Form" issued by the DMHAS Office of the Commissioner
2. Grievances include the following elements:
 - a. Description of the complaint
 - b. When and where the complaint occurred
 - c. Names of parties involved in the complaint including witnesses
 - d. Remedy sought by the client
3. Clients may pursue grievances without authorization from their conservator of person and a client's conservator may pursue a grievance on the client's behalf without the client's authorization
4. When pursuing a grievance, the client can:
 - a. Ask staff including the CRO to assist writing out and submitting their grievance
 - b. Authorize in writing a representative of their choice as an advocate to assist in pursuing a grievance except as stipulated by Fair Hearing Regulations (Section 17a-451 (t)5-e)
5. Grievances are submitted to the Client Rights Officer within forty-five (45) calendar days of when the grievance's complaint occurred, unless:

- a. The CRO determines there is good cause for late submission
 - b. The grievance is an Accelerated Grievance under Fair Hearing Regulations (Section 17a-451(t)-7)
6. The Client Rights Officer will immediately notify the DMHAS facility's Chief Executive Officer or designee if at any time the CRO reasonably suspects, abuse, neglect or exploitation of a DMHAS Client or abuse and neglect of a person under the age of eighteen (18) or person over the age of eighteen (18) with intellectual disabilities as well as abuse, neglect and exploitation of a person over the age of sixty (60).
7. The client's grievance will be addressed by the DMHAS facility no later than twenty-one (21) calendar days after the Client Rights Officer receives the grievance unless:
 - a. An additional fifteen (15) calendar days is authorized in writing for good cause by the facility's Chief Executive Officer or designee
 - b. The grievance is an Accelerated Grievance under Fair Hearing Regulations (§17a-451(t)-7)
8. The Client Rights Officer notifies the client of receiving their grievance within seven (7) calendar days and takes any action necessary to review the grievance and work with the client in resolving the complaint including:
 - a. Interviewing the client with the client's authorized representative present and interviewing other parties identified in the grievance separately
 - b. Examining all relevant records regarding the grievance
 - c. Discussing options for resolving the grievance with the client and their authorized representative
 - d. Assisting the client and other parties in resolving the grievance including attempting to mediate the grievance between the client and DMHAS program.
9. The CRO may designate another individual to assist in responding to a grievance. But, the CRO remains responsible for ensuring the grievance is addressed.
10. The CRO will with the client's permission permit the client's representative to assist the client in any meeting held with the client to attempt to resolve the grievance.
 - a. The CRO may reschedule a meeting if the client is unable to attend due to circumstances beyond the client's control
 - b. All parties should limit rescheduling meetings to no more than one time
11. The CRO prepares and submits a written proposed Informal Resolution to the client and their authorized representative either when the CRO and client reach a resolution to the grievance or the CRO believes a resolution is possible.
12. The client has ten (10) business days to review the proposed Informal Resolution and either approve the proposal which resolves the grievance or reject part or all of the proposal.
 - a. The twenty-one (21) calendar time period for addressing a grievance is suspended while the client is reviewing a proposed Informal Resolution.
 - b. A grievance is considered withdrawn when after ten (10) business days, the client failed to acknowledge the proposed Informal Resolution unless the CRO determines there is good cause for the delay.

13. If the Client Rights Officer and client fail to reach a resolution or if the proposed resolution is not agreed to by the client, the CRO submits a written report to the DMHAS facility's Chief Executive Officer or designee with a copy to the client.
14. The Chief Executive Officer or designee conducts a separate review of the client's grievance:
 - a. The client and their representative can present additional material to the Chief Executive Officer or designee
 - b. The Chief Executive Officer or designee can request a meeting with the client and their representative,
15. The Chief Executive Officer or designee issues a Formal Decision addressing the grievance which includes any action to be taken and notice of the client's right to request a Commissioner's Review.
16. A grievance is considered withdrawn if the client fails to request a Commissioner's Review within fifteen (15) business days after the Formal Decision is issued.

- **ABUSE; NEGLECT, EXPLOITATION, DMHAS WORK RULES:**

Abuse, neglect and exploitation of clients or patients of DMHAS will not be tolerated. All DMHAS staff and members of the DMHAS workforce are mandated to report witnessed or suspected incidents of abuse, neglect, or exploitation of any DMHAS client or patient as required by the Commissioner's Policy Statement regarding Client Abuse and Public Act 18-86 of the Connecticut General Assembly.

Client Rights Officers, DMHAS staff and members of the DMHAS workforce are mandated reporters of abuse and neglect of persons under the age of eighteen (18) and persons over the age of eighteen (18) with intellectual disabilities as well as abuse, neglect and exploitation of persons over the sixty (60) years of age.

1. The Client Rights Officer will immediately notify the DMHAS facility's Chief Executive Officer or designee if the CRO reasonably suspects, abuse, neglect or exploitation of a DMHAS client.
2. The Client Rights Officer will immediately notify the facility's Chief Executive Officer or designee of and refer to DMHAS Human Resources complaints where the CRO reasonably suspects a violation of DMHAS work rules and will refer to the appropriate entity with investigatory authority:
 - a. Violations of criminal statutes
 - b. Abuse and neglect of a person under the age of eighteen (18) or a person over the age of eighteen (18) with intellectual disabilities
 - c. Abuse, neglect and exploitation of persons over the age of sixty (60)
3. When the Client Rights Officer makes a referral to DMHAS Human Resources and or another entity, the CRO provides written notice to the client and client's representative of the referral without violating the confidentiality of other persons.
4. The Client Rights Officer defers addressing a grievance while an investigation is being conducted except for the portion of a grievance that may be resolved without interfering with the investigation.
5. The Client Rights Officer cooperates with any investigation conducted by the referred entity:
 - a. The CRO may be directed to interview and or take statements from clients involved in such an investigation.
 - b. The CRO will check periodically on the status of the referral with the investigating entity and provide updates to the client without violating confidentiality of other persons.

- c. Upon conclusion of the investigation, the CRO will provide the client and client's representation written notice the investigation is concluded without violating confidentiality of other persons.
6. Once an investigation is concluded, the Client Rights Officer will resume addressing those aspects of the grievance that were deferred.

- **ACCELERATED GRIEVANCE:**

As stipulated by Fair Hearing Regulations (Section 17a-451(t)-7), an Accelerated Grievance is a written complaint submitted by a client due to involuntary reduction or involuntary termination of opioid substitution treatment or involuntary discharge from an inpatient hospital program of less than thirty (30) calendar days.

1. An Accelerated Grievance is submitted to the DMHAS facility's Client Rights Officer or Chief Executive Officer or designee by a client or their representative no later than five (5) business days of the client receiving notice of the action complained of.
2. The DMHAS facility's Chief Executive Officer or designee issues a written Formal Decision to the client no later than five (5) business days from when the Accelerated Grievance was received unless the client consents to a written authorization from the Chief Executive Officer or designee for an additional five (5) business days which can be continued in increments of no more than five (5) business days.
3. A client can submit a written request for a Commissioner's Review upon receiving a Formal Decision regarding an Accelerated Grievance.

- **AMERICANS WITH DISABILITIES ACT (ADA) TITLE II:**

DMHAS is a Connecticut agency covered by Title II of the Americans with Disabilities Act and provides effective communication and equal access to programs, services and activities to qualified persons with disabilities (clients, patients, visitors and guests) including making reasonable modifications to policies and procedures upon request.

1. The DMHAS Client Grievance Procedure serves to address ADA complaints from clients of DMHAS facilities and programs.
2. Complaints from visitors and guests are submitted in writing to the DMHAS ADA Title II Coordinator within fifteen (15) business days of the complaint unless good cause for a late submission is determined by the DMHAS ADA Title II Coordinator.

- **CLIENT RIGHTS OFFICER:**

The Client Rights Officer (CRO) is designated by a DMHAS facility's Chief Executive Officer to receive client grievances and work with clients to resolve their grievances.

1. The CRO observes this Fair Hearing Regulations and this Implementation Procedure
2. The CRO provides information on the *DMHAS Client Grievance Procedure* to clients, their authorized representatives, family members and other staff.
3. The CRO may authorize if necessary another staff person to assist in addressing a grievance while remaining responsible for managing the response.
4. The CRO should:
 - a. Successfully complete the DMHAS Workforce Development Learning Management System, DMHAS Client Grievance Procedure Class and other training provided by DMHAS Office of the Commissioner

- b. Have sufficient experience to investigate and address grievances
 - c. Interview and take client statements as necessary
 - d. Encourage all parties to consider an informal resolution to the client's grievance
 - e. Prepare written proposed informal resolutions and reports as necessary
 - f. Make sure an informal resolution agreed upon with the client is implemented
3. The CRO should not:
- a. Oversee staff or programs involved in a grievance
 - b. Be a client's advocate when addressing a grievance

- **COMMISSIONER'S REVIEW:**

A Commissioner's Review is conducted by an official designated by the DMHAS Commissioner (Commissioner's designee) and is the final review of a client's grievance under the *DMHAS Client Grievance Procedure*.

1. A client submits their written request for a Commissioner's Review of a grievance when:
 - a. They do not agree with a Formal Decision
 - b. When an Informal Resolution agreed upon by the client and CRO is not implemented
 - c. When a Formal Decision is seven (7) calendar days beyond the twenty-one (21) calendar day time frame for the DMHAS facility to address the client's grievance without an authorization for an extension or when the Formal Decision is seven (7) calendar days beyond the five (5) business day time frame for an Accelerated Grievance without an authorization for an extension.
2. A request for a Commissioner's Review should include:
 - a. The Formal Decision the client wants reviewed
 - b. The reason(s) why the client wants the Formal Decision reviewed
3. A client's request for a Commissioner's Review must be submitted no later than fifteen (15) business days after the Formal Decision is received by the client unless authorized by the Commissioner's designee for "good cause".
4. The Commissioner's designee takes any steps necessary to have a thorough understanding of the grievance by:
 - a. Interviewing the client and other parties
 - b. Examining all relevant records to the grievance and the DMHAS facility's response
 - c. Convening an all-party meeting if the designee determines such a meeting can resolve the grievance
5. The DMHAS Commissioner's designee issues a "Final Determination" within twenty-one (21) calendar days from receiving the request unless:
 - a. The designee authorizes an additional fifteen (15) calendar day extension for good cause except when the grievance is a denial, involuntary reduction or termination of services.
 - b. The designee convenes an all-party meeting after which a Final Determination is issued within fifteen (15) calendar days of when the meeting is held.
6. The Final Determination of a client's grievance includes:

- a. The review's findings
- b. Directions or recommendations for the DMHAS facility to follow
- c. Notice that the client may seek other remedies if they are dissatisfied with the Final Determination including:
 - Seeking legal advice
 - Requesting a Fair Hearing if the grievance was a Denial, Involuntary Reduction or Termination of Services

7. The Final Determination completes action taken by DMHAS to resolve a client's grievance under the *DMHAS Client Grievance Procedure*.

- **FAIR HEARING:**

Fair Hearings are the administrative reviews of grievances concerning Involuntary Reduction, Involuntary Termination or Denial of Services by a DMHAS program or staff. Fair Hearings are conducted by a hearing officer and held under Regulations of Connecticut State Agencies Department of Mental Health and Addiction Services Concerning Fair Hearings: CGS Section 17a-451(t)11 through 17a(t)19 and Connecticut General Statutes, Title IV (Management of State Agencies) Chapter 54, Section 4-176 (Agency Hearings) and Section 4-177 (Contested cases).

1. Fair Hearings are requested by clients after a Final Determination is issued by the DMHAS Commissioner's designee when their grievance about denied services or services that were involuntarily reduced or involuntarily terminated.
 - a. The request must be in writing and submitted by mail to the DMHAS Commissioner no later than thirty (30) calendar days after the Final Determination was mailed to the client.
 - b. The request must include:
 - Reason for the request
 - Description of the services denied, involuntarily reduced or terminated
 - Date when the Final Determination was issued
2. Once the request is received, the DMHAS Commissioner designates a Hearing Officer who schedules and holds the Fair Hearing as provided by Fair Hearing Regulations Section 17a-451(t)-10 through 17a-451(t)-19.

- **REQUEST FOR CONTINUATION OF SERVICES:**

Clients whose services have been involuntarily terminated without being provided an offer of modified services by a DMHAS program or staff may submit their written request to the DMHAS Commissioner or designee for a continuation of those services as provided by Fair Hearing Regulations (Section 17a-451(t)-8).

1. The request is submitted no later than five (5) business days after the client receives notice of the termination of mental health or substance use disorder services.
2. The DMHAS Commissioner or designee shall issue a decision no later than five (5) business days after receiving the request.
 - a. The decision is based on the client's clinical needs and potential for any risk of harm to the client or property
 - b. The decision will either support the action to involuntarily terminate services or direct the DMHAS facility to: continue services as they were provided or offer modified services.

3. The Commissioner or Commissioner's designee's decision regarding a Continuation of Services request is conditional on safety and clinical needs of the client and others and it expires automatically when:
 - a. An informal resolution is implemented
 - b. The grievance is withdrawn
 - c. Further review is not requested within fifteen (15) business days after a Formal Decision is received
 - d. A Fair Hearing is not requested with within thirty (30) calendar days of when a Final Determination is mailed
 - e. The grievance is resolved by a Fair Hearing
 - f. A Final Decision is issued by the Commissioner after a Fair Hearing

- **POSTING NOTICES, TRAINING AND DATA COLLECTION:**

1. DMHAS facilities provide information on the DMHAS Client Grievance Procedure, Fair Hearing Regulations, Client Rights, and Advocacy programs including upon request alternative formats or languages.
2. DMHAS Facilities and programs will prominently post copies of the "DMHAS Grievance Procedure and Fair Hearing Summary" notice along with copies of "Your Rights as a Client or Patient" (Connecticut Patient Bill of Rights) in English and Spanish as provided by the DMHAS Office of the Commissioner in every unit program location and client lounge.
3. Client Rights Officers are required to successfully complete the online Learning Management System (LMS) DMHAS Client Grievance Procedure Course offered by Workforce Development and participate in trainings offered by the DMHAS Office of the Commissioner and or Workforce Development with DMHAS facility Chief Executive Officer notified of their compliance.
4. Client Rights Officers are required to annually submit statistics to the DMHAS Commissioner's designee on the number of grievances and complaints, types of grievances, and how they are addressed.

- **REFERENCES:**

- 28 CFR Part 35 F § 35.170 (Americans with Disabilities Act Title II)
- Connecticut General Statutes (CGS) including but not limited to: §17a-101; §17a-412; §17a-451(u); §§17a-540 through 17a-550 ; §17a-541u; §17b-451; §46a-11b; Public Act §18-86
- Connecticut General Statutes, Title IV, Chapter 54, §4-176 and §4-177
- Connecticut Regulations regarding Fair Hearings Regs. Conn State Agencies §§17a-451(t)1-17a-451(t)19
- Court rulings including but not limited to:
 - Doe v. Hogan H88-239 (1989)
 - Phoebe v. Solnit 252 Conn. 68 (1999)
- DMHAS Commissioner's Policy Statements:
 - Chapter 6 Clinical and Facilities: DMHAS Client Grievance Procedure
 - Chapter 6 Clinical and Facilities: Client Abuse
 - Chapter 6- Clinical and Facilities: DMHAS Client Rights Policy
 - Chapter 6- Clinical and Facilities: ADA Title II Equal Access to DMHAS Programs, Services and Activities

- **ATTACHMENTS:**

- DMHAS Form: DMHAS Client Complaint/Grievance Form
- DMHAS Form: “Notice of Denial, Involuntary Reduction or Termination of Services”
- DMHAS Form: “Request for Continuation of Services”
- DMHAS Form: “CRO Status Request Form Concerning DMHAS Human Resources/Personnel Office Investigation Into An Alleged Work Rule Violation”
- DMHAS Notice: “DMHAS Client Grievance Procedure and Fair Hearing Summary” (English and Spanish)
- DMHAS “Guide to DMHAS Client Grievance Procedure” (English and Spanish)
- DMHAS Notice: “The Connecticut Patient Bill of Rights, Your Rights as Client or Patient in a Psychiatric Facility”
- DMHAS Website: www.ct.gov/dmhas/crg