

How to Submit a Formal Grievance to a Long-Term Care Facility: A Step-by-Step Guide



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Summary: Understanding Formal Grievances and Residents' Rights

A formal grievance is a written complaint filed by a resident of a long-term care facility or their family member when they believe that the resident's rights have been violated, or they have experienced neglect, abuse, or dissatisfaction with the quality of care or services provided. The process of submitting a formal grievance allows residents and their families to formally raise concerns, ensuring that they are addressed and resolved by the facility's administration in a timely and effective manner.

Under the 1987 Nursing Home Reform Act and subsequent Federal Regulations, residents of nursing homes and long-term care facilities are afforded a set of rights designed to protect their dignity, choice, and privacy. Among these rights is the fundamental right to file grievances without fear of retaliation or discrimination. This includes the right to have these grievances resolved promptly by the facility. The Act mandates that all facilities must have a grievance procedure in place and inform residents of how to file a grievance.

Key aspects of residents' rights related to submitting formal grievances include:

- **The Right to Be Heard:** Residents have the right to voice grievances regarding treatment or care that fails to respect their dignity, violates their privacy, or adversely affects their status, rights, or privileges.
- **The Right to Prompt Resolution:** Facilities are required to address and seek to resolve grievances in a timely manner, ensuring that residents' concerns are taken seriously and acted upon promptly.
- **The Right to Freedom from Retaliation:** Residents can submit grievances without fear of retaliation, reprisal or punishment. This protects residents from any negative consequences as a result of filing a complaint.

- **The Right to Assistance:** Residents have the right to be assisted in the grievance process, including help in writing down their grievances if needed. This ensures that all residents, regardless of their physical or cognitive abilities, can exercise their right to file grievances.

This user guide aims to empower residents and their families by providing a clear and comprehensive step-by-step process for submitting formal grievances. By understanding your rights and following the outlined procedure, you can effectively communicate your concerns and work towards a resolution that upholds the dignity and quality of care you or your loved one deserves.

Step 1: Understand Your Rights and the Facility's Grievance Policy

- **Begin by familiarizing yourself with the full list resident's rights** ([Resident Rights](#)) and the specific grievance policies of the facility. Each facility should have its grievance procedure outlined in its resident handbook or policy manual. If you don't have your resident handbook or a copy of the policies, you have the right to request a copy of their grievance policy and to explain who the facility grievance officer is. For a Full List of the statutes and regulations that outlined the resident rights and responsibilities of long-term care facilities see the ([Statutes and Regulations](#)) section. For more digestible informational handouts regarding specific resident rights related issues skip to the ([Additional Resources](#)) section.

Step 2: Gather Detailed Information

- **Document specifics of the concern**, including:
 - **Date and Time:** When did the incident or problem occur?
 - **Persons Involved:** Who was involved, including staff, other residents, or visitors?

- **Description of Incident:** What exactly happened? Provide as much detail as possible. What rights have been violated? How were you negatively impacted by the incident?
- **Requested Resolution:** How would you like to see this resolved? This helps the administration know what steps you are requesting that they take in order to resolve the issue.
- **Have you Reported this concern yet:** Document if and when you have already reported this concern to the administrative staff. If so, confirm all of the specifics about your previous reporting of this concern to establish a timeline. Was it orally or in writing? On What date did you report the concern? What staff was it reported to? What actions did the administration state that they would take to work to resolve the issue up to this point?
- **Actions Taken:** Document any actions taken by staff or administration since initially reporting the concern (if any) and what issues remains unresolved.

Step 3: Written Documentation

- **Write down the grievance,** including all the information gathered above. This documentation should be clear, concise, and focus on facts rather than emotions. You can use the facility grievance form specifically, but you do not need to. You can attach any written concern to the facility grievance form as an addendum.

Step 4: Submitting the Formal Grievance

- **Look for the designated grievance officer** or the appropriate contact person within the facility to whom the grievance should be submitted. The grievance can usually be submitted in writing

or electronically, depending on the facility's policies. Include any supporting documents or evidence that may strengthen the grievance. If you are unable to write down the specifics yourself, you can request the grievance officer assist you in completing a facility grievance form. You have a right to review and keep a copy of all written grievances submitted to the facility for your own records and future use. You have the right to submit grievances anonymously as well, however it should be noted that it can sometimes be challenging to resolve issues for administrative staff if they do not know specifically who is reporting the concern for their follow up.

Step 5: Follow Up

- **After submitting the grievance**, keep track of any communication regarding the grievance process. If the facility has a specified time frame for responding to grievances, note this deadline and follow up if the response is delayed. You have the right to request all grievance follow-up be completed in writing and provided to you.

Step 6: Escalation

- **If the grievance is not resolved** to the satisfaction of the resident or their family, or if there is no response within the facility's stated time frame, consider escalating the issue. This may involve contacting The Following Agencies:
 - Connecticut Ombudsman Program (Tel: 860-424-5200) or (Email: LTCOP@CT.GOV)
 - The state licensing and certification agency The Department of Public Health Tel: (860) 509-7400 or use the Online Complaint Link ([DPH Online Complaint Link](#)),

- Legal counsel for further assistance. Link to your Legal rights and list of [Legal Service Agencies in Connecticut](#).

Best Practices and Considerations:

- **Stay Objective:** Focus on facts and direct observations. Avoid language that is speculative or accusatory.
- **Be Persistent:** Follow up regularly and keep the issue in the spotlight until it is resolved.
- **Keep Records:** Maintain copies of all submissions, correspondence, and notes related to the grievance. This documentation can be vital if the issue continues or escalates, and you want to show a timeline of your attempts to work with the facility to resolve the issues.
- **Seek Support:** Remember that the ombudsman program, legal advisors, and advocacy groups are valuable resources that can provide guidance and support throughout this process.

By providing clear instructions and supporting documentation, you can help ensure that your concerns are heard and addressed appropriately.

The Connecticut Long-Term Care Ombudsman Program (LTCOP) hopes this guide has been valuable to you. While navigating the complexities of long-term care facilities and advocating for residents' rights can be challenging, we trust that this guide has supported you in understanding and initiating the formal grievance process. If you have further questions or need additional assistance, please do not hesitate to reach out to the CT LTCOP. We are here to support you and ensure the rights and well-being of long-term care residents are upheld.

Regulations and Statutes

Nursing Home

[Department of Public Health Federal Regulations](#) - Electronic Code of Federal Regulations – E-CFR – Public Health – Requirements for States and Long-Term Care Facilities – Includes Residents Rights, Abuse-Neglect, Admission-Transfer-Discharge, Person-Centered Care Planning, Resident Assessment, and Many Other Areas. You can also ([See List of Federal Regulations Broken Down By Section](#)).

[Connecticut General Assembly Statutes](#) - Connecticut General Assembly State Statutes – Health Care Institutions Includes Nursing Homes

[Department of Public Health State Regulations](#) - CT State Department of Public Health Nursing Home Regulations

Additional Resources and Consumer Handouts

Nursing Home Resident Rights

- Brief Handout Summarizing Resident Rights: [View PDF](#)
- Federal List of Resident Rights (More Comprehensive): [View PDF](#)
- Plain Language Summary of Resident Rights from CMS: [View PDF](#)

Steps for Quality Care

- 6 Steps for Quality Care Handout: [View PDF](#)

Advocacy Suggestions

- For Nursing Home Residents and Their Families: [View PDF](#)

Care Planning Resources

- Tips to Achieve Quality Care: [View PDF](#)
- Basics of Individualized Quality Care: [View PDF](#)
- Assessment and Care Planning: The Key to Quality Care: [View PDF](#)
- **Individualized Assessment and Care Planning with Behavior Symptoms:**
 - "Difficult is not a Diagnosis" Informational: [View PDF](#)
 - Individualized Assessment with Behavior Symptoms: [View PDF](#)

Addressing Common Problems and Rights

- 25 Common Nursing Home Problems - & How to Resolve Them: [View PDF](#)

- Resident Right to File a Written Grievance: [View PDF](#)
- Right to Raise Grievances Without the Fear of Retaliation: [View Page](#)
- Link to Filing Complaint to the Department of Public Health: [File Complaint](#)

Access to Medical Records

- CT Law Help Summary on Access: [View Page](#)
- Statutes and Regulations Governing Access: [View PDF](#)

Loss and Theft, Abuse, and Neglect

- Loss and Theft Fact Sheet: [View PDF](#)
- Abuse, Neglect, Exploitation and Misappropriation of Property Fact Sheet: [View PDF](#)
- Nursing Home Abuse: How to Spot it and How to Get Help: [View PDF](#)
- Resident to Resident Mistreatment: [View PDF](#)

Sufficient Staffing

- Public Act No. 19-89 (AN ACT CONCERNING NURSING HOME STAFFING LEVELS): [View PDF](#)
- LTCCC Fact Sheet: Nursing Home Requirements for Care Staff & Administration: [View PDF](#)
- Staffing is the Key to Good Quality Care (Toolkit for Better Staffing): [Visit Toolkit](#)

Family Councils

- **National Consumer Voice Family Council Center:** Offers factsheets, materials on family council creation and maintenance, rights under federal law, advocacy information, family council grants, networking opportunities, and additional resources. [Visit Family Council Center](#)
- Family Guide to Leading Effective Family Councils: [View PDF](#)
- LTCC Resident and Family Council Presentations: [View PDF](#)
- CTLTCOP Family Council Web Page: Provides resources and information related to family councils. [Visit Web Page](#)
- CTLTCOP Statewide Family Council Web Page: [Visit Web Page](#)
- Family Council Signup Sheet: [Download Signup Sheet](#)
- What is a Family Council Handout: Provides an overview of what a family council is. [View Handout](#)

Glossary of Terms: Understanding the Formal Grievance Process

Formal Grievance: A written complaint submitted by a resident or a resident's family member to a long-term care facility, expressing concerns over rights violations, neglect, abuse, or dissatisfaction with the care or services provided.

1987 Nursing Home Reform Act: Federal legislation that established quality standards for nursing homes nationwide and defined the rights of residents in these facilities to ensure their health, safety, and welfare.

Federal Regulations: Rules set forth by the federal government to implement the Nursing Home Reform Act, detailing the standards that nursing homes must meet to participate in Medicare and Medicaid programs.

Resident's Rights: The rights guaranteed to residents of long-term care facilities under federal law, including the right to be treated with dignity, the right to privacy, the right to be free from abuse and neglect, and the right to lodge grievances without fear of retaliation.

Grievance Procedure: The formal process established by a long-term care facility for receiving, investigating, and resolving residents' grievances.

Grievance Officer: A designated staff member within a long-term care facility responsible for managing the grievance process, including the receipt, investigation, and resolution of grievances filed by residents or their families.

Neglect: The failure of a caregiver or facility to provide the necessary care and services to ensure a resident's health and safety, leading to harm or a risk of harm.

Abuse: Any action (or lack of action) by caregivers or others that causes or could cause harm or distress to a resident, including physical, sexual, emotional, or psychological harm.

Retaliation: Punitive actions taken against a resident for filing a grievance or complaint, or for exercising their rights in any other way. Retaliation is illegal and against federal regulations.

Assistance in Grievance Process: Support provided to residents, by the facility or an external party, in filing and pursuing a grievance, including help in documenting the grievance and navigating the resolution process.

Prompt Resolution: The expectation set by federal regulations that grievances be addressed and resolved as quickly as possible, ensuring that concerns are taken seriously and acted upon in a timely manner.

Escalation: The process of taking a grievance to a higher level of authority within or outside the facility, including the local or state ombudsman, state licensing and certification agency, or legal counsel, if initial attempts at resolution are unsatisfactory.

Ombudsman: An official appointed to investigate and resolve complaints made by individuals against public authorities or organizations, including grievances in long-term care facilities. Ombudsmen act as advocates for residents' rights and well-being.

Department of Public Health (DPH): The state government agency responsible for overseeing public health issues, including the regulation and inspection of nursing homes and long-term care facilities. The DPH ensures that facilities comply with federal and state regulations designed to protect the health, safety, and rights of residents. It conducts regular inspections, investigates complaints and grievances related to the quality of care and services provided in these facilities, and enforces compliance with standards through corrective actions or sanctions. The Department of Public Health plays a critical role



in maintaining the quality of care in nursing homes by ensuring that facilities adhere to established health and safety standards, thereby safeguarding the well-being of residents.

Connecticut Long-Term Care Ombudsman Program

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The Long-Term Care Ombudsman Program (LTCOP) was established under the Older Americans Act as a vital advocacy service dedicated to protecting the rights, well-being, and quality of life for residents in long-term care facilities, including nursing homes, assisted living communities, and other residential care settings. Operating independently from long-term care providers, the LTCOP investigates complaints, advocates for residents to resolve problems, and offers support and guidance on issues ranging from quality of care, personal rights, and safety to financial matters. The Ombudsman Program also plays a crucial role in public education, raising awareness about residents' rights and promoting systemic changes to enhance long-term care services. By working to address individual and systemic concerns, the LTCOP ensures that the voices of long-term care residents are heard, and their rights respected, promoting a dignified and supportive care environment for all.