

BENCO
24 Hour
POLICIES AND PROCEDURES

SUBJECT: COMPLAINTS

OAR: 411-323-0060 (8), 411-325-0300 (3) a-b, and 411-318-0015 (2-12)

POLICY:

(3) Benco will address all complaints in accordance with OAR 411-325-0300 (3) a-b and OAR 411-318-0015 (2-12) a-d Benco must have and implement written policies and procedures regarding individual complaints and the complaint process. A copy of the policies and procedures for resolving complaints are on file at the Benco Administrative Office and are available to employees, individuals, representatives of the individuals, providers and the County.

PROCEDURES:

- **(3) a-b** Complaints by or on behalf of individuals must be addressed in accordance with OAR 411-318-0015. Upon entry and request and annually thereafter, the policy and procedures for complaints must be explained and provided to an individual and the legal or designated representative of the individual.
- **411-318-0015 (2)** An individual or representative of the individual may file a complaint at any time. A complaint may include, but is not limited to: an expression of dissatisfaction with a developmental disability service, or an allegation of circumstances or events that are contrary to law, rule, policy, or otherwise averse to the interests of an individual.
- **(3)** The complaint process does not apply to a complaint in the following situations:
 - **(a)** The complaint is filed anonymously. Anonymous complaints must be filed and reviewed by the Governor's Advocacy Office.
 - **(b)** The merits of the complaint have been, or are going to be, decided by a judge or a juvenile court ruling.
 - **(c)** The subject matter of the complaint is not related to a developmental disability services or a provider.
 - **(d)** The subject matter of the complaint is subject to review under the following:

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- **(A)** ORS 419B.005 to 419B.050 for child abuse reports.
 - **(B)** ORS chapter 309, division 118 for state institutions operated by the OHA.
 - **(C)** OAR 407-005-0025 and 407-005-0030 for discrimination against people with disabilities.
 - **(D)** OAR 407-005-0100 to 407-005-0120 for conduct of Department DHS personnel.
 - **(E)** OAR chapter 411, division 020 for adult protective services.
 - **(F)** OAR 410-141-0260 to 410-141-0266 for Oregon Health Plan, Prepaid Health Plans.
 - **(G)** OAR 413-010-0420 for Department child welfare decisions.
 - **(H)** OAR 413-010-0700 to 413-010-0750 for child protective services dispositions.
 - **(I)** OAR 413-120-0060 for adoption placement selections.
 - **(J)** OAR chapter 582, division 020 for vocational rehabilitation service determinations.
- **(4)** If Benco receives a complaint which alleges circumstances that meet the criteria for an investigation of abuse, the allegation will be immediately reported to Benton County Developmental Diversity, and/or law enforcement.
 - **(5)** If an individual or the representative of the individual makes a complaint identified in section (3) above, Benco will assist the individual or the representative of the individual with filing the complaint with the appropriate entity, if requested by the individual or the representative of the individual.
 - **(6) a-d** Benco will keep record of any complaint filed and has a separate complaint log for each program. The program documents complaints pertaining to that program only. A copy of these policies and procedures are maintained on file at the Benco office and will be

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available to employees, individuals, representatives of the individuals, other providers, and DHS.

- The process for filing and reviewing and resolving a complaint:
Complaints may be made orally, written or on a complaint form; Benco will provide written acknowledgement of the complaint to the individual and the legal representative within 5 business days from the receipt of the complaint; the written acknowledgement will inform the individual and legal representative of the opportunity for an informal discussion; the Executive Director will conduct the informal discussion within 10 business days of the written acknowledgement of the complaint.
- **(7)** Each Benco program has a complaint log available which includes:
The name of the individual for which the complaint is being filed; the name of the person making the complaint, if known; the name of the person taking the complaint; the nature of the complaint, including if there was a request for new or changed developmental disability services which may result in a hearing; the date the complaint was received; the date the complaint was acknowledged in writing; the written outcome of the complaint; and the date that the written outcome was mailed.
- Complaints regarding personnel issues and allegations of abuse will be maintained separately from the complaint log.
- The complaint log is for complaints pertaining to Benco services only. If the individual or the representative of the individual has a complaint against another agency or program, Benco will assist with filing the complaint against the other agency or program.
- Benco will document the support provided by Benco employees to appropriately report the complaint to the proper entity in the individuals progress notes in Therap.
- **(8)** Benco will screen all complaints for potential hearing related issues. In the event that a complaint appears to allege a denial, reduction, suspension, or termination of a developmental disability service, Benco will need to issue a Notice of Planned Action. Benco will advise the individual or the representative of the individual of the right to a hearing and assist the individual or the representative of the individual of the right to a hearing and assist with filing a hearing request, if so desired.

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In the event that it is decided to file a complaint rather than a hearing request, the decision will be documented in the file for the individual.

- **(9) a-c** Complaints may be made orally, in writing, or on a complaint form. A complaint regarding dissatisfaction with the services of Benco may be filed through Benco or may be filed through Benton County Developmental Diversity Program, or through DHS. A complaint regarding dissatisfaction with the services of Benton County Developmental Diversity Program will be filed with DHS or directly with the Benton County Developmental Diversity Program.
- **(10)** Benco will provide written acknowledgement of a complaint to the individual or the representative of the individual within five business days from the receipt of the complaint.
- The written acknowledgement will inform the individual or the representative of the individual of the opportunity for an informal discussion.
 - Choosing to engage in an informal discussion does not preclude the individual or the representative of the individual from receiving a written outcome following review of the complaint by Benco or by DHS.
 - The informal discussion includes a conversation between the individual or the representative of the individual and Benco's Executive Director or the Director of DHS.
 - The informal discussion will occur within 10 business days of the written acknowledgement of the complaint.
 - If a resolution was reached in the informal discussion, Benco will mail a written outcome to the individual and legal representative within 10 business days of the resolution and a copy of the outcome will be placed in the individual's file.
- A review will be completed by Benco of the complaint and a written outcome issued to the individual and legal representative within 45 days from the receipt of the complaint. The review of the complaint will include: an investigation and records review of the complaint by the Executive Director. The written outcome of the complaint will be issued on the complaint form or will be issued in a separate document.

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- The written outcome of the complaint will include: the rationale for the outcome; the reports, documents, and other information relied upon in deciding the outcome of the complaint, or a summary of the reports, documents, and other information relied upon; information about the right of the individual and legal representative to review the documents relied upon in determining the outcome; and information about the right of the individual and legal representative to request a review of the written document.
- **(11)** If the individual and legal representative request a review of a written outcome issued by Benco, Benco has 30 days to issue the written outcome. If the individual and legal representative request a review of a written outcome issued by Benco, Benton County Developmental Diversity Program, or DHS will provide the review. The individual or the representative of the individual may request a review by the Oregon Health Authority of this written outcome. The written outcome issued by the Oregon Health Authority is the final response.
- **(12)** The receiving entity of a request for a review of a written outcome will acknowledge receipt of the request by issuing a written acknowledgement to the individual and the representative of the individual within five business days from the receipt of the request for a review. Benco will assist an individual and representative of the individual with addressing and resolving the complaint.

Approved By: Kristen Gregory
Kristen Gregory, Benco Board President

Date: 12-10-2019