

BENCO
Agency
POLICIES AND PROCEDURES

SUBJECT: COMPLAINTS

OAR: 411-318-0015 (2) a-b (3) a-d (C-E) (4) (5) (6) a-d (7) a (A-H) b-c (A-B) (8) (9) a-b and e (10) a-b (A-D) c (A_B) (i-iv) (11) a (A) (i-ii) (C-D) b-d (C) (D) (12) a-b (A-D) c (A-B) (i-iii)

▪ POLICY:

- **(2) a-b** An individual, parent(s), and/or legal representative 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 adverse to the interests of an individual.

▪ PROCEDURE:

- **(3) a-d (C-E)** The complaint process described in this rule does not apply to a complaint in the following situations: the complaint is filed anonymously. Anonymous complaints are reviewed by the Governor's Advocacy Office; the merits of the complaint have been, or are going to be, decided by a judge; the subject matter of the complaint is not related to a developmental disability service or a provider; or the subject matter of the complaint is subject to review under the following: OAR 407-005-0025 and 407-005-0030 for discrimination against people with disabilities; OAR 407-005-0100 and 407-005-0120 for conduct of Department Personnel; and OAR chapter 411, division 020 for adult protective services.
- **(4)** If a complaint alleges circumstances that meet the criteria for an investigation of abuse, the allegation must be immediately reported to the County and/or law enforcement if a crime was committed.
- **(5)** If an individual, parent(s), guardian or legal representative of the individual makes a complaint indented in section (3) of this rule, and requests assistance in filing the complaint, Benco must assist in filing the complaint with the County.
- **(6) a-d** Benco has a written policy and procedure regarding individual complaints and the complaint process. A copy of these policies and procedures is located at the administrative office and at each individual program for employee access. The policies and procedures include,

BENCO
Agency
POLICIES AND PROCEDURES

method and form used to submit a complaint; process for reviewing and resolving a complaint; the time frames for responding to a complaint as set forth by this rule; and documentation to be used in response to a complaint as set forth in this rule.

▪ Complaint Log:

- **(7) a (A-H)** Benco must maintain a complaint log. At a minimum, the complaint log must include: 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.
- **b-c** Complaints regarding personnel issues and allegations of abuse must be maintained separately from the complaint log. Each program should have a complaint log pertaining only to that program.
- **(A-B)** In the event that an individual, parent(s), guardian or legal representative of the individual has a complaint against another program, Benco must assist the individual with filing the complaint against the other program. Benco does not document complaints against another program in the complaint log of the program that is complaining, but does document the support provided by the program in the progress notes for the individual.

▪ Screening of Complaints (8):

- **(8)** Benco must 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 must issue a Notification of Planned Action and advise the individual, parent(s), guardian or legal representative of the individual of the right to a hearing and assist the individual, parent(s), guardian or legal representative of the individual with filing a hearing request, if so desired. In the event that the individual, parent(s), guardian or legal representative of the individual decides to file a complaint rather than a hearing request, the decision of the individual,

BENCO
Agency
POLICIES AND PROCEDURES

parent(s), guardian or legal representative of the individual must be documented in the file for the individual.

▪ Filing a complaint:

- **(9) a-b and e** Complaints may be made orally, in writing or on a complaint form. A complaint regarding dissatisfaction with the services Benco provides may be filed with the County. A complaint regarding dissatisfaction with a program must be filed with the Benco and the County.

▪ Process for addressing complaints:

- **(10) a-b** Benco must provide written acknowledgement of a complaint of the individual, parent(s), guardian or legal representative of the individual within 5 business days from the receipt of the complaint. The written acknowledgement must inform the individual, parent(s), guardian or legal representative of the individual of the opportunity for an informal discussion.
- **(A-D)** Choosing to engage in an informal discussion does not preclude the individual, parent(s), guardian or legal representative of the individual from receiving a written outcome following review of the complaint by Benco. The informal discussion includes a conversation between the individual, parent(s), guardian, or legal representative of the individual and the Executive Director of Benco. The informal discussion must occur within 10 business day of the written acknowledgement of the complaint. In the event that a resolution is reached during the informal discussion, Benco must mail a written outcome to the individual, parent(s), guardian or legal representative of the individual within 10 business days of the informal discussion. A copy of the written outcome must be maintained I the file for the individual.
- **c** Benco must complete a review of the complaint and issue a written outcome to the individual, parent(s), guardian or legal representative of the individual within 45 days from the receipt of the complaint, unless both parties mutually agree to extend the timeframe. The extension may not exceed an additional 45 days.
- **(A-B) (i-iv)** The review of the complaint must include, but is not limited to, an investigation and records review of the complaint by the

BENCO
Agency
POLICIES AND PROCEDURES

Executive Director of Benco. The written outcome of the complaint may be issued on the complaint form or may be issued in a separate document. The written outcome must 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, parent(s), guardian or legal representative of the individual to review the documents relied upon in determining the outcome; and information about the right of the individual, parent(s), guardian or legal representative of the individual to request a review of the written outcome.

▪ Request for Review:

- **(11) a (A) (i-ii)** An individual, parent(s), guardian or legal representative of the individual may request a review of a written outcome issued by Benco within 30 days of the date identified on the written outcome. If Benco issued the written outcome, the individual, parent(s), guardian or legal representative may request a review of the written outcome by the County and/or Benco.
- **(C)** If the County issued the written outcome, the individual, parent(s), guardian or legal representative of the individual may request a review of the written outcome by the Oregon Health Authority (OHA).
- **(D)** The written outcome issued by the Oregon Health Authority is the final response.

▪ Process for Addressing and Resolving a Request for Review:

- **(12) a-b** The receiving entity of a request for a review of a written outcome must acknowledge receipt of the request by issuing a written acknowledgement to the individual, parent(s), guardian or legal representative of the individual within 5 business days from the receipt of the request for a review. The written acknowledgement must inform the individual, parent(s), guardian or legal representative of the individual of the opportunity for an informal discussion.
- **(A-D)** Choosing to engage in an informal discussion does not preclude the individual, parent(s), guardian or legal representative of the individual from pursuing a review of the written outcome by the receiving entity. The informal discussion includes a conversation

BENCO
Agency
POLICIES AND PROCEDURES

between the individual, parent(s), guardian or legal representative of the individual and the Executive Director of Benco. The informal discussion must occur within 10 business days of the written acknowledgement of the request for a review. In the event that a resolution is reached during the informal discussion, Benco must mail a written determination to the individual, parent(s), guardian or legal representative of the individual within 10 business days of the informal discussion. A copy of the written determination must be maintained in the file for the individual.

- **c** Benco must review the written outcome and issue a written determination to the individual, parent(s), guardian or legal representative of the individual within 45 days from the receipt of the request for a review unless both parties mutually agree to extend the timeframe. The extension may not exceed an additional 45 days.
 - **(A-B) (i-iii)** The review of the written outcome must include, but is not limited to, an investigation and records review by the Executive Director of Benco.
- Complaints 411-323-0060 (8) c:
- **(8) c** Upon entry and request and annually thereafter, complaints must be explained and a copy of the complaint form provided to an individual and the parent(s), guardian and/or legal representative of the individual.

Approved By: Kristen Gregory
Kristen Gregory, Benco Board President

Date: 4/20/17