



POLICY AND PROCEDURES

<p>POLICY: 12 VAC 35-115-175</p> <p>SUBJECT: Human rights complaint process</p>	<p>CATEGORY Part V Complaint Resolution, Hearing, and Appeal Procedures</p>	<p>ORIGINAL DATE: 02/09/2017</p> <p>REVISION DATE:</p>
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POLICY AND PROCEDURE:

It is the policy of Family Sharing to encourage any individual receiving services, their families, guardians and advocates, who may have a complaint regarding treatment, or access to services, to express these concerns and address any problems, with a person that they are most comfortable with, in order to work out an agreeable solution with the treatment provider directly involved. The individual has a right to use these and other complaint procedures. The individual has the right to complain to the protection and advocacy agency. The individual receives an explanation in writing of the human rights complaint process at the start of services in a manner, format, and language most easily understood by the individual. If making a complaint, the process shall be reviewed with the individual.

Family Sharing will assure that the complaint receives a timely and fair review according to the procedures in Part V (12 VAC 35-115-175 et seq.) of this chapter.

Family Sharing’s employees, contracted Mentors, students and volunteers will immediately report to the Owner/Consultant when a complaint has been filed, so that a decision can be made as the nature of the complaint and how to handle it. Complaints may be written or verbal. Verbal complaints will be treated with the same consideration as written complaints. Upon receipt of a complaint, Family Sharing will notify the department of the complaint as soon as possible, but no later than the next business day. An impartial investigation will be initiated as soon as possible, but no later than the next business day. When an individual makes a complaint, Family Sharing will make every effort to resolve the complaint to the individual’s satisfaction at the earliest step possible of the resolution process. The individual will be contacted by the Owner/Consultant or their designee within 24 hours of receiving the complaint. If the complainant cannot work out an agreeable solution with the treatment provider, then they shall be given the option of discussing their complaint either with Family Sharing’s Owner/consultant, or the human rights advocate.

Once the complaint has been resolved, the individual will be notified of the director’s decision and action plan within 10 working days from receiving the complaint. The individual shall be notified in writing of his right to appeal the director’s decision and action plan, and the process for making an appeal to the LHRC. Family Sharing will ensure that all communications with the individual are in the manner, format, and language most easily understood by the individual. Family Sharing shall provide assistance to the individual making the complaint to assure that he understands the complaint process, Family Sharing’s complaint resolution policies and procedures, and that his information is confidential. It is the expressed policy of Family Sharing that the no employee will take, threaten, or condone any action to retaliate against, or prevent anyone from filing a complaint or helping an individual in gaining an understanding of and utilizing the complaint process.

Family Sharing will comply with the reporting requirements as stated in 12VAC35-115-230. In addition to the individual, their substitute consent maker (if needed) and the human rights advocate will be notified in writing of the director’s decision within 10 working days of receiving the complaint, unless an extension has been granted by the human rights advocate.

Family Sharing Owner/Consultants have designated a Human Rights Liaison to ensure timely complaint reporting and resolution.

During the complaint review or investigation process, Family Sharing shall:

- Maintain the individual’s confidentiality at all times
- If the complaint involves possible abuse, neglect, exploitation, or at the discretion of the Owner/Consultant, the individual may be removed from the home to maintain the individual’s physical and/or mental health and safety
- The individual’s support team shall be notified and, if possible, involved in the decision to remove the individual



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POLICY: 12 VAC 35-115-175 <i>(Continued)</i> SUBJECT: Human rights complaint process	CATEGORY Part V Complaint Resolution, Hearing, and Appeal Procedures	ORIGINAL DATE: 11/18/06 REVISION DATE: 1/10/07; 3/1/08
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POLICY AND PROCEDURE:

(Continued)

to another placement. The support team would be involved in assisting the person choose a new home from available options presented by the support coordinator

- Adult Protective Services shall be notified if abuse, neglect, or exploitation is involved, or at the discretion of the Owner/Consultant
- The designated Human Rights Liaison shall oversee and conduct any investigations to ensure timely complaint reporting and resolution, unless otherwise stated by the Owner/Consultant, or if Liaison is directly involved with the complaint
- The individual, and substitute decision maker if needed, shall be given an update as requested, or after 5 days of review and at the resolution, unless the review has been extended beyond 10 days. The update will be provided in writing unless otherwise requested
- Unless otherwise provided by law, the standard for deciding whether a complaint has occurred is preponderance of the evidence
- If the Owner/Consultant or designee decides that a crime has taken place and that it occurred on Family Sharing licensed premises, appropriate law enforcement shall be notified and Family Sharing shall cooperate fully with the investigation that could result