

Northern Virginia Regional Commission
Ryan White Part A & B Programs
CLIENT GRIEVANCE RESOLUTION PROCEDURE

NVRC wishes to thank the Maricopa County, Arizona Part A Client Grievance Procedure, from which this document draws heavily.

Section 1 – Legislative & Contractual Requirements:

Ryan White legislation requires Part A and B Grantees, and their administrative agents such as Northern Virginia Regional Commission (NVRC) to develop grievance procedures related to client concerns.

Section 2 – Definitions:

Definitions used in these procedures are provided in Attachment A.

Section 3 – Purpose:

The NVRC Client Grievance Resolution Procedure exists to provide a final level of review for the resolution of disputes initiated by eligible client recipients of Ryan White Part A & B Program funded services in suburban Virginia. This procedure is available to Clients who have pursued all avenues for, but have not reached an acceptable resolution with the Contracted Service Provider.

Initial complaints and grievances should be addressed at the lowest possible level with the involved Contracted Service Provider and escalated to the NVRC Administrative Agent only when the issue or grievance cannot be resolved between the Client and the Contracted Service Provider. The bypassing of any level will result in the Grievance being returned to the lowest bypassed level, unless NVRC at its sole discretion believes the issue of the grievance to be so serious as to warrant its immediate involvement.

Anonymous complaints cannot be accepted, as anonymity does not allow for a full inquiry of the relevant issues. Third-party complaints, those made by one client on behalf of another may not be able to be addressed fully without the participation of the aggrieved party.

Section 4 – Who May File a Grievance:

Any suburban Virginia Ryan White Part A or B program eligible client or client advocate may file a grievance.

Section 5 – Eligible Grievances:

Issues that may be grieved include:

- Denial of services – if a client is denied access to services in a manner that is inconsistent with any accepted norms for services being unavailable, such as a client being ineligible for services, caseload exceeding staff capacity, funding limitations, not having the necessary client characteristics for participation (i.e. programs geared to specific HIV-positive subpopulations such as the Minority AIDS Initiative), etc.
- Unfair or unequal treatment – if a client receives treatment that is inconsistent with the level of services the Contracted Service Provider generally provides.

- Breach of confidentiality – if a client’s information is shared without the client’s expressed consent
- Involuntary discharge – if a client is removed from the Contracted Service Provider’s program without their assent.
- Deviation of Contracted Service Provider’s service delivery from applicable service standards -- as defined in the Request for Applications, applicable HRSA regulation, etc.

Issues that may not be grieved include:

- Disagreement with the federal regulations/requirements for participation in Ryan White Part A or B, or the federal definition of allowable services.
- Disagreement with the service standards under which the Contracted Service Provider operates.
- Inability to receive services from Contracted Service Provider due to funding limitations or being placed on a waitlist for services.

Section 6 – Prospective Nature of Settlements:

Any settlement reached will involve prospective (future) change. It shall not require reversal of decisions previously made except as applicable to the aggrieved party. For example, if a settlement requires changes in the Contracted Service Provider’s process, the Contracted Service Provider must use the new process in the future, but is not required to undo prior decisions. It is not retroactive and is only applicable to the current grievance.

Section 7 – Dispute Prevention and Early Resolution:

A. The NVRC Ryan White Part A & B Programs recognize that the best way to deal with a grievance is to prevent it, and therefore require each of its Contracted Service Providers to make reasonable efforts to prevent circumstances or situations that could give rise to a grievance.

B. Dispute prevention efforts shall include, but are not limited to the following:

1. All suburban Virginia Ryan White Part A & B Program Contracted Service Providers will have a Grievance Policy approved by and on file with the NVRC Administrative Agent by the beginning of their current contract date which will utilize and contain the following:
 - a. Information on how clients can report a problem
 - b. The Contracted Service Provider’s Grievance Policy, with specific instructions about how to file a grievance, including a Client Grievance Form

- c. Training for Contracted Service Provider staff to ensure that all staff understand and are prepared to follow established grievance resolution policies, processes, and procedures.
- C. When potential grievances arise, first steps shall involve informal conflict resolution efforts before the concern becomes a grievance. This informal process includes the following:
1. If the eligible Client has an issue or complaint with any Contracted Service Provider s/he should start by reporting the problem to the involved staff at the Contracted Service Provider.
 2. The Client should ask for a meeting with Contracted Service Provider staff to find a solution to the problem.

Section 8 – Overview of Formal Grievance Process:

Formal grievances between the Client and Contracted Service Provider will be handled through the following steps, each of which may lead to a resolution. If the first step is not successful, the Client may move to the next step. The steps include:

- A. If after following 7.C. above, the situation has not been resolved, the Client should begin the Contracted Service Provider's Grievance Resolution procedure to request a formal hearing and resolution of his/her issue. The Client should keep a copy of all forms s/he submits and any written findings received from the Contracted Service Provider. The Contracted Service Provider's Grievance Procedure will likely include:
1. An internal review of the grievance by the Contracted Service Provider to determine whether the Client has standing under these procedures
 2. A meeting between the Client and the Contracted Service Provider representative to seek a resolution to a grievance
 3. A final written decision from the Contracted Service Provider to the Client
- B. If after following 7.C. and 8.A, above, the Client believes the situation is still not resolved s/he may move on to filing an appeal of the grievance decision with NVRC, the Administrative Agent.
- C. If, in its professional judgment, NVRC believes the nature of the grievance is so serious as to cause harm to the Client, involve criminal activity, affect the overall reputation of the Part A and B programs, or the like, it may hold a hearing on the matter before the grievance steps between the Client and Contracted Service Provider have been accomplished.

Section 9 – Appealing a Contracted Service Provider Grievance Decision with the Administrative Agent:

The Client, who has completed all of the informal/formal grievance resolution steps with the Contracted Service Provider, but does not accept the Contracted Service Provider's grievance decision, may appeal the grievance decision to the Administrative Agent. This

section establishes the Administrative Agent's procedure for resolving disputes when the Client and Contracted Service Provider fail to produce a satisfactory resolution.

- A. The Client must submit his/her request for review of the Contracted Service Provider's decision to the Administrative Agent within thirty (30) days after the final written decision was announced by the Contracted Service Provider. If no request to review the Contracted Service Provider's decision is submitted within this period, the Client loses the right to appeal a grievance decision.
- B. The request for review shall:
 - 1. Include a copy of the decision;
 - 2. Identify the issue in dispute;
 - 3. Contain a full statement of the Client's position with respect to the issue in dispute and the pertinent facts and reasons supporting the Client's position; and
- 4. Include copies of any documents supporting the Client's complaint.
- C. If the Client submits such a request, NVRC's Executive Director shall appoint a hearing officer (usually NVRC's Sr. Contracts Officer/Quality Manager) to conduct the hearing.
- D. The Client request may be submitted to the Sr. Contracts Officer/Quality Manager by U.S. Mail with return receipt requested, UPS/FedEx with delivery confirmation, electronic mail (with electronic signature), or fax during normal business hours to:

Sr. Contracts Officer/Quality Manager
Part A & B Programs
NVRC
3060 Williams Drive, Suite 510
Fairfax, VA 22031
--confidential--

Email: info@novaregion.org
Fax: 703/642-5077

- E. The Hearing Officer shall give the Client at least 15 days notice of the time and place scheduled for the informal hearing. The notice shall be sent in writing by U.S. Mail with return receipt requested, UPS/FedEx with delivery confirmation, electronic mail (with electronic signature), or fax during normal business hours.
- F. Client may be accompanied by or represented at the informal hearing by legal counsel or other person designated by the Client.

- G. The hearing officer shall make a written recommendation to NVRC's Executive Director whether to sustain or overrule the grievance decision.
- H. NVRC's Executive Director may require informal, non-binding mediation between the parties before issuing a final decision if, due to the nature of the dispute, NVRC's Executive Director deems it to be in the best interests of the Part A & B programs. NVRC's Executive Director shall appoint one or more individuals who have not participated substantially in the matter in dispute to conduct such mediation.
- I. NVRC's Executive Director shall make a final written decision based upon the ~~grant file, other~~ documents filed by both parties, along with the testimony and the evidence presented at the hearing.
- a. The final decision of NVRC's Executive Director shall include the following:
- i. A description of the dispute;
- ii. Reference to the pertinent grant materials, regulations or statutes that apply;
- iii. A statement of the factual areas of agreement and disagreement;
- iv. A decision sustaining or overruling the Contracted Service Provider's determination, in whole or in part, with the reason for the determination; and
- v. A decision for any prospective relief to be granted.
- J. NVRC's Executive Director shall deliver or send via U.S. Mail with return receipt requested, UPS/FedEx with delivery confirmation, electronic mail (with electronic signature), or fax during normal business hours, a copy of the final decision to the Client and involved Contracted Service Provider, and shall provide a copy for inclusion in grant files maintained by NVRC.
- K. The Executive Director's decision shall be NVRC's final ruling.
- L. NVRC's determination may be appealed to the Ryan White A (HAHSTA) or B (VDH) Grantee. See specific grievance procedures for HAHSTA (www.doh.dc.gov/hiv) and for VDH (www.vdh.virginia.gov/Epidemiology/DiseasePrevention) .

ATTACHMENT A -- Definitions

Affected Party – An entity or individual that has standing to file a grievance due to being directly affected by the outcome of a covered process under these grievance procedures i.e. service providers eligible for Ryan White Part A funds (including MAI funds), clients, PLWH caucuses, and the Planning Council.

Client – A Ryan White Part A and/or B Program eligible person receiving Ryan White Part A and/or B services in Suburban Virginia.

Contracted Service Provider – An organization or agency under contract with the suburban Virginia Ryan White Part A and/or B Program that provides access to an eligible service or system such as social services, transportation or professional person.

Day – In these policies, refers to a business or working day, not a calendar day.

Dispute Prevention – Techniques or approaches used by an organization to resolve disagreements at an early and informal stage, to avoid or minimize the number of disputes that reach the formal grievance process.

Grievance – A complaint or dispute that has reached the stage where the affected party seeks a formal approach to its resolution.

Grievant – An entity or eligible individual seeking a formal resolution of a grievance.

Health Resource Service Administration (HRSA) – The Federal Agency that administers the Ryan White programs.

How to Report a Problem – Contracted Service Provider specific step-by-step directions to informally report a problem and/or formally file a grievance with a suburban Virginia Ryan White Part A/B Program Contracted Service Provider.

Suburban Virginia Ryan White Part A/B Program Administrative Agent - the entity that receives and administers the federal dollars from HRSA (through DC HAHSTA for Part A or VDH for Part B) under the Ryan White legislation for the suburban Virginia portion of the Washington, DC Eligible Metropolitan Area (EMA).

Party – Refers to one of the participants in the grievance process. This includes the grievant (the group or individual that brings the grievance action), and the respondent, (the entity against which the grievance is brought). In these grievance procedures, the second party, the respondent, is the Contracted Service Provider.

Remedy – The relief or result sought by a grievant in bringing a grievance. It can include a process change, monetary damages, or (in some situations) a reversal of a decision. In suburban Virginia remedies are prospective, which means they apply to future funding-related or service delivery decisions, but do not apply retroactively, to past decisions, practices or policies.

Standing – A term referring to the eligibility of an entity or individual to bring a grievance.