

## **AREA AGENCY ON AGING CLIENT GRIEVANCE POLICIES & PROCEDURES**

### **GRIEVANCE POLICY**

#### **BACKGROUND**

The Area Agency on Aging (AAA) administers the Older Americans Act, Older Californians Act, and other state and federal programs that fund services to support older adults, persons with disabilities, and unpaid family caregivers. In this role, the AAA funds, coordinates, and monitors programs serving these clients either as a direct service provider or through contracts with community-based agencies. Individuals participating in programs administered by the AAA may experience dissatisfaction with the service received, the service provider, or the employees or volunteers of such programs. Regulations require that AAA's establish client grievance policies and procedures that establish a process for the disposition of complaints by clients or persons authorized to act on behalf of clients against the AAA's programs.

#### **GOVERNING AUTHORITY**

- 22 California Code of Regulations § 7400
- 22 California Code of Regulations § 7402
- 22 California Code of Regulations § 7404
- 22 California Code of Regulations § 7406

#### **APPLICABILITY**

- Programs provided directly by the AAA.
- Contractors and their Subcontractors under an Agreement with the County to provide AAA programs.
- Employees, volunteers, and consultants of the AAA, Contractors, and Subcontractors providing AAA programs.

## REGULATIONS

### 22 CCR § 7400: GRIEVANCE PROCESS GENERAL

(a) Each AAA shall:

(1) Establish a written grievance process for the disposition of complaints by older individuals or persons authorized to act on behalf of older individuals against the AAA's programs and employees or volunteers of such programs. The process shall meet the following conditions:

(2) Include a requirement in all of its contracts and subgrant agreements with service providers that the service providers must establish a written grievance process for reviewing and attempting to resolve complaints of older individuals.

At a minimum the process shall include all of the following:

- A. Time frames within which a complaint will be acted upon.
- B. Written notification to the complainant of the results of the review, including a statement that the complainant may appeal to the AAA if dissatisfied with the results of the service provider's review.
- C. Confidentiality provisions to protect the complainant's rights to privacy. Only information relevant to the complaint may be released to the responding party without the older individual's consent.

(3) Require service providers to notify all older individuals of the grievance process, both through the service provider and the AAA, available to them by:

- A. Posting notification of the process in visible and accessible areas, such as the bulletin boards in multipurpose senior centers. For areas in which a substantial number of older individuals are non-English speaking, the notification shall also be posted in the primary language of a significant number of older individuals. "Substantial number" and "significant number" shall be determined by the AAA.
- B. Advising homebound older individuals of the process either orally or in writing upon the service providers' contact with the individuals.

(b) Complaints may involve, but not be limited to, any or all of the following:

- A. Amount or duration of a service.
- B. Denial or discontinuance of a service.
- C. Dissatisfaction with the service being provided or with the service provider. If the complaint involves an issue of professional conduct that is under the jurisdiction of another entity, such as the California Medical Board or the State Bar Association, the complainant shall be referred to the proper entity.
- D. Failure of the service provider to comply with any of the requirements set forth in the Department's regulations or in the contract or subgrant agreement with the AAA.

- (c) The grievance process established by each AAA shall be both:
1. Formally adopted by the AAA's governing board.
  2. Distributed to both of the following:
    - A. All service providers within the PSA.
    - B. Organizations and locations where older individuals congregate.

## **22 CCR § 7402: First Level of Resolution**

- (a) The service provider shall be the first administrative level for the resolution of complaints from older individuals. When the service provider:
- (1) Is not the AAA, the grievance procedures established by the service provider in accordance with Section 7400 (a) (2) shall apply.
  - (2) Is the AAA, the procedures specified in Section 7404 shall apply.
- (b) Any complaints received by the Department shall be forwarded to the appropriate AAA for referral to the service provider.

## **22 CCR § 7404: Second Level - AAA Informal Administrative Review**

- (a) The provisions of this section shall apply to both of the following:
- (1) The first level of complaint resolution when the AAA is the service provider.
  - (2) Complaints received from older individuals or persons authorized to act on their behalf who are dissatisfied with the results of a service provider's grievance process.
- (b) All complaints shall be in writing to the Director of the AAA. If a complainant cannot submit a written complaint, the AAA shall take all of the following actions:
- (1) Verbally accept the complaint.
  - (2) Prepare a written complaint.
  - (3) Have the complainant sign the written complaint, although not necessarily prior to the commencement of the informal administrative review.
- (c) Complaints shall include all of the following information:
- (1) The name, mailing address and telephone number, if any, of the complainant or person authorized to act on behalf of the claimant.
  - (2) The type of service and the service provider involved.
  - (3) The names of the individuals involved.
  - (4) The issue of concern or dispute.
  - (5) The date, time and place that the issue of concern or dispute occurred.
  - (6) The names of witnesses, if any.
- (d) Each AAA shall establish an informal administrative review process for the resolution of complaints received by older individuals or persons authorized to act on their behalf. At a minimum, the process shall be completed within 45 days of receipt of the complaint and include all of the following:

- (1) The number of days from the receipt of a complaint in which the informal review will commence.
- (2) An impartial investigation of the complaint and an attempt to informally resolve the issues with the parties involved.
- (3) The time frame within which the activities specified in (d) (2) will occur.
- (4) The preparation of a written report of the results of the activities specified in (d) (2). A copy of the report shall be sent to the parties involved. In addition, the report shall advise the complainant of his/her right to an administrative hearing pursuant to Section 7406 if dissatisfied with the results of the review.
- (5) A process for ensuring that any agreements reached during the informal review are fulfilled.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code.  
Reference: 42 U.S.C. 3026(a) (6) (P) and 3027 (a) (43).

## **22 CCR § 7406: Final Grievance Resolution**

(a) Any complainant dissatisfied with the results of the review conducted pursuant to Section 7404 shall have 30 days from the receipt of the report specified in Section 7404 (d) (4) in which to request a hearing to present his/her complaint orally before an impartial hearing officer/panel. The request shall be made either orally or in writing to the director of the AAA.

(b) Each AAA shall establish a formal administrative hearing process in compliance with all of the following:

(1) The process shall include the time frames within which all of the following shall occur:

(A) From receipt of a hearing request, the notification of the complainant and the other party(ies) involved of both of the following:

1. The date, time and location of the hearing.
2. The complainant's and other party's(ies') right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.

(B) From the receipt of a hearing request, the holding of the hearing which shall be no later than 45 days from the receipt of the hearing request.

(C) From the date of the hearing, the issuance of a proposed decision in accordance with (b) (5).

(D) From the date of receipt of the proposed decision, the issuance of a final decision in accordance with (b) (7).

(2) The hearing shall be:

(A) Conducted both:

1. By an impartial hearing officer/panel.
2. In an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to all of the following:
  - a. Be present at the hearing.
  - b. Present evidence and witnesses.
  - c. Examine witnesses and other sources of relevant information and evidence.

- (B) Be recorded verbatim, either electronically or stenographically.
- (3) Technical rules of evidence and procedure shall not apply to the hearing.
- (4) All persons testifying at the hearing shall be placed under oath or affirmation.
- (5) The impartial hearing officer/panel shall prepare a proposed decision based upon all relevant evidence presented and in consideration of the policies, procedures, regulations and laws governing the program no later than 30 days after the date the hearing was held. At a minimum, the proposed decision shall contain all of the following:
  - (A) A description of each issue.
  - (B) A statement as to whether the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included.
  - (C) A citation of applicable laws and regulations.
- (6) The proposed decision shall be forwarded to either of the following, as appropriate, for the issuance of a final decision.
  - (A) The director of the AAA, unless the complaint is against the director.
  - (B) The chairperson of the governing board when the complaint is against the director of the AAA.
- (7) No later than 30 days after receipt of the proposed decision, the director or the chairperson shall either:
  - (A) Adopt the proposed decision as the final decision.
  - (B) Write a new final decision.
- (8) The decision pursuant to (b) (7) shall be:
  - (A) Immediately transmitted to the parties involved.
  - (B) Final and not subject to appeal.
- (9) The process shall include procedures for ensuring that the remedies, if any, specified in the final decision are implemented.

## AAA GRIEVANCE PROCEDURES

Grievance must be reviewed and handled based on the following three levels of resolution processes, whether contracted or provided directly by the AAA:

1. First Level of Resolution (22 CCR § 7402) – Service Provider
2. Second Level of Resolution (22 CCR § 7404) – AAA Informal Administrative Review
3. Final Grievance Resolution (22 CCR § 7406) – Departmental Review

### First Level of Resolution – Service Provider/Contractor

Agencies contracted to provide a program funded by the AAA must establish a written grievance process for reviewing and attempting to resolve complaints from clients [CCR 7400 (a) (2)]. The AAA reviews and monitors its contractors' grievance policies, which shall follow the guidelines below to resolve complaints by or on behalf of clients served by the programs funded and administered by the AAA. The first level of resolution is handled at the service provider level using the written grievance process and procedures established by the agency, which must **include a timeframe** the grievance shall be investigated and answered from the time of receiving the grievance [CCR 7402 (a) (1)].

All grievances received directly by the California Department of Aging (CDA) shall be referred to the AAA. The AAA will then forward the grievance to the Service Provider/Contractor. All grievances received by the AAA for contracted services that have not gone through the First Level of Resolution will be directed to the Service Provider/Contractor.

Clients that did not receive a satisfactory resolution to their grievance at the Service Provider/Contractor level may be referred to the AAA for an Informal Administrative Review. To do so, the Service Provider/Contractor shall advise the complainant to submit the grievance in writing. The grievance letter shall include all of the following information:

1. Name, mailing address and telephone number, if any, of the complainant or person authorized to act on behalf of the claimant.
2. Type of service and the service provider involved.
3. Name(s) of the individual(s) involved.
4. Issue of concern or dispute.
5. Date, time, and place that the issue of concern or dispute occurred.
6. Names of witnesses, if any.

Individuals not able to submit their grievance in writing may contact the AAA directly at 800-510-2020 or 925-229-8434 to report the complaint over the phone. A written report of the grievance received orally shall be prepared and sent to the client for



review and signature. The complainant has the opportunity to add, delete, or correct the grievance report prior to signing. A signed grievance report confirms the complainant's agreement with the statement in the report. A signed grievance report must be in place prior to commencing the AAA Informal Administrative Review.

A written grievance or signed grievance report must be sent to the following:

Contra Costa County Area Agency on Aging  
400 Ellinwood Way  
Pleasant Hill, CA 94523

## Second Level of Resolution – AAA Informal Administrative Review

Upon receiving a request for an AAA Informal Administrative Review of a grievance, the following process shall be followed. The AAA Informal Administrative Review process shall be **completed within 45 days** from the time of receiving the request.

- A. The AAA Informal Administrative Review starts at the program staff level. The staff assigned to the program pertaining to the grievance attempts to informally resolve the client's concern(s) by conducting the following steps and completing the process **within 10 business days** of receiving the request for an informal administrative review:
  1. Review the issue(s) raised in the grievance letter or report.
  2. Gather background information and materials to help inform the review. Contact the Service Provider/Contractor, as appropriate and necessary.
  3. Review state, federal, and County policies, procedures, and regulations to ascertain any violation of program elements that may have resulted in the grievance. Follow County policy if the grievance involves an allegation of a civil rights violation.
  4. Determine action(s) to address the grievance.
  5. Contact the complainant to informally resolve the grievance.
  6. Conduct any necessary follow-up.
  7. Prepare a written report with the results of the AAA program staff review of the grievance and provide to the AAA Program Manager for review and approval.
  8. Once approved, send the report in writing to the client, with instructions that a request for an appeal must be made in writing within 30 days and sent to the AAA Director.
  9. The Complainant must be instructed that a hearing request must include the reasons he or she feels that the decisions should not be withheld.
  10. Ensure that any agreements reached during the informal review are fulfilled.

11. Conclude the AAA program staff level informal review.

A formal request for an AAA Director administrative review shall be sent to:

Aging & Adult Services Director  
Contra Costa County Area Agency on Aging  
40 Douglas Drive  
Martinez, CA 94553

### Final Grievance Resolution – Departmental Hearing

Any complainant dissatisfied with the results of the AAA Informal Administrative Review shall have **30 days from the receipt of the report** to request a hearing to present their complaint orally.

- a. If the Complainant exercises the right to request an administrative hearing, the Aging and Adult Services Director will perform the following: (1) Review the hearing request. (2) Review the merits of the reasons cited by the Complainant. (3) Conduct any necessary follow-up. Upon review of the merits of the hearing request, the Director may determine that the decisions of the management staff will be upheld and the case will be closed or determine that reasons cited by the Complainant have merit and grant the Complainant an administrative hearing. The Director may choose to invite an impartial third party such as a member of the AAA Advisory Council, or another contractor who is not related to the complaint, to serve on the hearing the panel.
- b. If a hearing is granted, it shall be scheduled within 45 days of receipt of the Complainant's request and the Complainant shall be notified of the following:
  - i. The time and place of the hearing;
  - ii. The right to be present at the hearing;
  - iii. The right to present evidence and witnesses;
- c. A written decision shall be prepared within 30 days of the hearing;
- d. Notice of the decision shall be prepared will be sent to all involved parties noting that the decision is final and not subject to further appeal; if remedies are identified, steps will be put in place to ensure that the remedy is implemented.