

Lancaster County Drug & Alcohol Commission Case Management & Clinical Services Policy & Procedure Manual	CMCS #35 Policy: Grievance & Appeal Process
Most Current Revision: 07/01/2021 Effective Date: 07/01/2020	Page: 1 of 3

***I. Purpose:***

To ensure the individuals funded with LCDAC dollars have a process to file a grievance and/or appeal

***II. Procedure:***

If an individual disagrees with an administrative or financial decision or action made by, or on behalf of, the LCDAC and is seeking reconciliation due to the inability to resolve the issue, the individual has a right to file a grievance.

The process for filing a grievance is indicated below.

**GRIEVANCE PROCESS:**

All grievances must be in **written format** and submitted to LCDAC Executive Director. Grievances may be submitted for the following reasons:

- Denial or termination of services;
- Level of care determination;
- Length of stay in treatment;
- Violation of civil or human rights; and
- Breach of confidentiality

In the event an individual grieves a treatment funding decision related to a reduction or termination of services or length of stay in treatment, LCDAC is required to continue funding treatment services at the current level of engagement until the appeal is resolved. This applies to all treatment services, including the provision of Medication Assisted Treatment (MAT).

Each of the LCDAC contracted service providers are required to have a fully executed signed LCDAC Grievance & Appeal document on file for those individuals whose services are funded through LCDAC that clearly indicates that these individuals have the following rights to:

- File a grievance
- Have access to all documentation pertaining to resolution of a grievance within the confines of state and federal confidentiality regulations.

- To be involved in the appeal process and have representation by means of an advocate, attorney, or any other individual chosen by the individual at each level of appeal.

## **APPEAL PROCESS:**

### • **LEVEL I**

An individual initiates the grievance process with a **written correspondence** delivered to the LCDAC Executive Director:

- A panel made up of LCDAC staff and a supervisory level staff person, none of whom are directly involved in the dispute, will review the grievance and obtain additional information as necessary.
- The aggrieved individual has the right to be involved in the process and have representation by means of an advocate, case manager, or any other individual chosen by the aggrieved individual;
- The panel chairperson will render a written decision to the aggrieved individual and DDAP within seven (7) days of receipt of the grievance via the DDAP-approved Grievance and Appeal Reporting form (DDAP-EFM-1009) on DDAP's website. **NO identifying information** may be included or attached to this form.
- The panel chairperson will also advise the aggrieved individual of their right to further appeal this decision, if desired, and the process for the next level of appeal.
- The Case Manager Supervisor will document the grievance proceedings in the file of the aggrieved individual and provide a written report to the Executive Director of LCDAC.
- Documentation will include, at a minimum,
  - the date of contact,
  - the specific action being appealed,
  - the redress being requested,
  - the response, and
  - the basis for the response.
- The aggrieved individual has the right to have access to all documentation pertaining to the resolution of the grievance within the confines of state and federal confidentiality regulations.

### • **LEVEL II**

If the aggrieved individual wishes to appeal the Level I decision,

- an appeal to the final level of the grievance procedure must be **submitted in writing**.
- The final level of appeal is made to an independent review board or hearing panel that is comprised of an odd number (no less than 3) of members who have no financial occupational or contractual agreements with LCDAC.
- This review panel is comprised of members from:
  - Lancaster County Children & Youth Social Services Agency;
  - Lancaster County BHDS (Behavioral Health & Developmental Services); and
  - Lancaster County Office of Aging.
- The aggrieved individual will be required to sign a consent form to permit confidential information relating to the appeal to be released to the independent review board for the purpose of rendering a decision on the appeal.

- The aggrieved individual has the right to be involved in the process and have representation by means of an advocate, case manager, or any other individual chosen by the aggrieved individual;

This grievance committee will:

- review documentation and conduct a grievance meeting with all parties involved, such as the client, Case Manager, Case Management Supervisor, and any other people who can provide information regarding the grievance.
- Render a decision **in writing** within seven (7) days of the receipt of the Level II grievance.
- ensure all parties will adhere to the decision made by the Level II grievance committee.

The LCDAC Executive Director will:

- notify the aggrieved individual and DDAP of the outcome within seven (7) days;
- notification is to be executed using the DDAP approved Grievance and Appeal Reporting Form, which is published on DDAP's website ([www.ddap.pa.gov](http://www.ddap.pa.gov)). No individual-identifying information is to be included or attached to this form.
- The aggrieved individual has the right to have access to all documentation pertaining to the resolution of the grievance within the confines of state and federal confidentiality regulations.

## RECORDS

LCDAC will maintain a record of all grievances received which will include, yet not be limited to dates, actions taken, and resolution and shall adhere to record retention requirements set forth by DDAP.

Approved By:



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Rick Kastner LCDAC Executive Director

7/1/2021

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Date