



Standard Operating Procedure

Grievance

Section: Participant Rights

SOP Number: 04a - PR

Related Policy: Participant Grievance

Policy Section Owner: Quality Improvement Manager

Federal Reg. Reference: 42 CFR §§460.112(g), 460.120 and 460.134(a)(5); 45 CFR §92.7; Section 1557 of the Patient Protection and Affordable Care Act/45 CFR Part 92; 42 CFR §§460.70(d)(5)(ix), 460.71(a) and 460.120(b)(c)(1)(2)(3)(d)(e)(f)

Date Adopted: 09/04/2018

Last Review/Revision Date: 08/10/2020

1. Purpose

To provide a clear process for participants, family members and representatives to express medical and nonmedical grievances to Senior Care Partners P.A.C.E., and for Senior Care Partners P.A.C.E. to ensure these grievances are evaluated and resolved in a thorough and timely manner and in compliance with regulatory requirements.

2. Scope

This SOP applies to all Senior Care Partners P.A.C.E. staff and providers.

3. Definitions

Grievance: A grievance is a complaint, either written or oral, expressing dissatisfaction with service delivery or the quality of care furnished. Grievances include any allegations of violations of participant rights including discrimination on the basis of race, ethnicity, color, national origin, religion, sex, age, disability, sexual orientation, or source of payment.

4. Procedure

I. Notice/Explanation of Grievance Process

- a. Senior Care Partners P.A.C.E. shall give each participant and/or representative, as applicable, written information on the grievance process and applicable procedures upon enrollment and at least annually thereafter at the Participant Care Plan Meetings. Senior Care Partners P.A.C.E. also shall give this information to participants/representatives upon request.
- b. Orientations and annual trainings for all Senior Care Partners P.A.C.E. employees shall include:
 - i. An explanation of Senior Care Partners P.A.C.E.'s grievance policy and procedures, and employee responsibilities to receive and document grievances and to assist participants with resolution of grievances; and
 - ii. Requirements to maintain confidentiality of grievances.
- c. All contracted providers shall receive:

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- i. An explanation of Senior Care Partners P.A.C.E.'s grievance policy and procedures, and contracted providers' responsibilities to receive and document grievances; and
- ii. Requirements to maintain confidentiality of grievances.

II. Filing and Documentation of Grievance

- a. A grievance may be expressed by participants/family/members/representatives (hereafter referred to as complainants) in writing or verbally to any Senior Care Partners P.A.C.E. employee or contracted provider at any time.
 - i. Complainants who wish to submit a grievance in writing may do so utilizing the Senior Care Partners P.A.C.E.'s participant grievance form.
 - ii. If a written grievance is shared with a contracted provider, the provider shall forward the written grievance to Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or designee within 2 business days of its receipt.
 - iii. If a grievance is shared verbally with a Senior Care Partners P.A.C.E. employee, either in person or by telephone, he/she shall document the grievance, attempting to gather as complete information as possible.
 - iv. If a grievance is shared verbally with a contracted provider, either in person or by telephone, the contracted provider shall document the grievance, attempting to gather as complete information as possible, and forward it to Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or designee within 2 business days.
 - v. Senior Care Partners P.A.C.E. shall have appropriate arrangements in place to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aides and services, or language assistance services, respectively, if needed to participate in Senior Care Partners P.A.C.E.'s grievance process.
 - vi. In the event the complainant filing the grievance wants to do so anonymously, documentation of the grievance will not include any information identifying the complainant.
- b. Upon its receipt by Senior Care Partners P.A.C.E., a grievance will have the "date of occurrence" as the date the grievance actually occurred and the "date reported" as the date the grievance was actually received by Senior Care Partners P.A.C.E. or its contracted provider. For verbal grievances documented by employees or contracted providers, the "date reported" is the date the grievance was shared by the complainant with employee/contracted provider.
- c. Upon receipt of the written grievance or verbal grievance documented by employee or contracted provider, it shall be forwarded to Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or designee. If the grievance involves an allegation of discrimination, it shall be forwarded to Senior Care Partners P.A.C.E.'s Compliance Officer. Grievances will be housed in the electronic medical records quality initiative's data base.
- d. The Quality Improvement Coordinator or Compliance Officer, as appropriate, shall

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respond to the complainant in writing within 5 calendar days to confirm receipt of the grievance and to explain the grievance process, including specific steps and timeframes for response that will be taken to resolve the grievance. If the complainant checked that he/she doesn't want an official letter regarding the grievance mailed to them at the time of filling out the grievance, written receipt will not be given.

- e. If the complainant indicates he/she does not wish to file a grievance and/or to be notified orally of the resolution by checking no on the grievance form, Senior Care Partners P.A.C.E. should proceed with its grievance procedures and all the steps for resolution but will not initiate any additional contact related to the grievance with the complainant.
 - i. Senior Care Partners P.A.C.E. shall continue to furnish the participant with all required services included in the participant's current plan of care during the grievance process.

III. Investigation and Resolution of Grievance

- a. If the grievance involves an allegation of fraud, waste, abuse, harassment, discrimination, retaliation, or conflict of interest, the investigation of the grievance shall be assigned to Senior Care Partners P.A.C.E.'s Compliance Officer.
- b. Upon receipt of the documented grievance, Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or designee sends the grievance form to the appropriate leader who will investigate, determine the best method to solve the problem, and take the steps necessary to settle the matter, including calling or meeting with parties involved to make sure they are happy with the resolution, bringing it to the IDT and/or other applicable staff.
- c. When there is more than one leader responsible for resolution, the Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or designee will designate who the leader with the biggest part of the grievance is at the time of sending the grievance for resolution. This leader needs to ensure he/she speaks with the others who may have smaller parts of the grievance and puts what they did in the resolution. This leader calls the person filing the grievance and presents the resolution. It is important to record attempts of emails/phone calls on the form when the person who filed the grievance isn't answering phone calls or responding to emails.
- d. Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or Compliance Officer, as appropriate, shall contact the appropriate individuals if needed. Interested persons shall have an ability to submit evidence related to the grievance. Based on this input and with input from others as necessary and consistent with the need to assure confidentiality, a resolution to the grievance shall be developed.
- e. Any grievance involving a contract provider should be sent by the Quality Improvement Department to the Contract Specialist to see if a violation occurred.
- f. Senior Care Partners P.A.C.E.'s Quality Improvement Coordinator or Compliance Officer, as appropriate, will ensure that the resolution addresses all areas of concern. The resolution shall be implemented as expeditiously as possible, but no later than 30 calendar days from the "date reported".

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- g. If the complainant is dissatisfied with the proposed resolution to his/her grievance, with the complainant's approval, Senior Care Partners P.A.C.E.'s Quality Improvement Manager shall be informed of the grievance and proposed resolution and attempt to resolve the ongoing grievance by proposing an alternate resolution. The complainant shall be informed verbally and in writing of the alternate resolution; and if it is acceptable to him/her, this acceptance shall be documented. The alternate resolution shall be implemented as expeditiously as possible, but no later than 45 calendar days from the date of the grievance.
- h. If the complainant remains dissatisfied with the alternate resolution to a grievance that does not involve discrimination, he/she shall be informed verbally and in writing by Senior Care Partners P.A.C.E.'s Director of PACE IDT Operations or designee of his/her option to pursue his/her grievance with an external entity. Senior Care Partners P.A.C.E.'s Director of PACE IDT Operations or designee shall assist the complainant if requested to do so.
- i. If allegations of discrimination are not resolved to the complainant's satisfaction, he/she shall be informed verbally and in writing by Senior Care Partners P.A.C.E.'s Compliance Officer of his/her right to file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue SW, Room 509F, HHH Building, Washington, DC 20201, 1-800-368-1019, 800-537-7697 (TDD). Senior Care Partners P.A.C.E.'s Compliance Officer shall assist the complainant if requested to do so.
- j. The availability and use of this grievance procedure does not prevent a person alleging discrimination from pursuing other legal or administrative remedies, including filing a complaint of discrimination in court or with the U.S. Department of Health and Human Services, Office for Civil Rights through the OCR Complaints Portal or by mail or phone. Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html> and must be filed within 180 days of the date of the alleged discrimination.

IV. Tracking, Analysis and Reporting

- a. Information on all grievances shall be shared with the Senior Care Partners P.A.C.E.'s Quality Improvement staff to maintain, aggregate and analyze information related to grievances.
 - i. This information shall be used to populate the Grievance Requests Record Layout/Audit Data Universe.
 - ii. All grievances and related documentation shall be maintained by Senior Care Partners P.A.C.E.'s Quality staff in the electronic medical record quality initiative events portal ensuring participant/complainant confidentiality.
- b. Grievance data shall be reviewed on a Quarterly basis by Senior Care Partners P.A.C.E.'s Quality Improvement staff.
- c. Grievance data shall be shared on a Quarterly basis with the Senior Care Partners P.A.C.E. Quality Improvement Committee.

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- d. Grievance data shall be utilized in Senior Care Partners P.A.C.E.'s internal quality improvement program.
- e. Grievance data shall be reported to CMS consistent with PACE Quality Data reporting requirements and for audit purposes, and to the State Administering Agency consistent with state requirements.

5. *References*

04 – PR Internal Form – Grievance

Attachment A: Grievance process map/flow chart

6. *Reviewed and Approved by:*

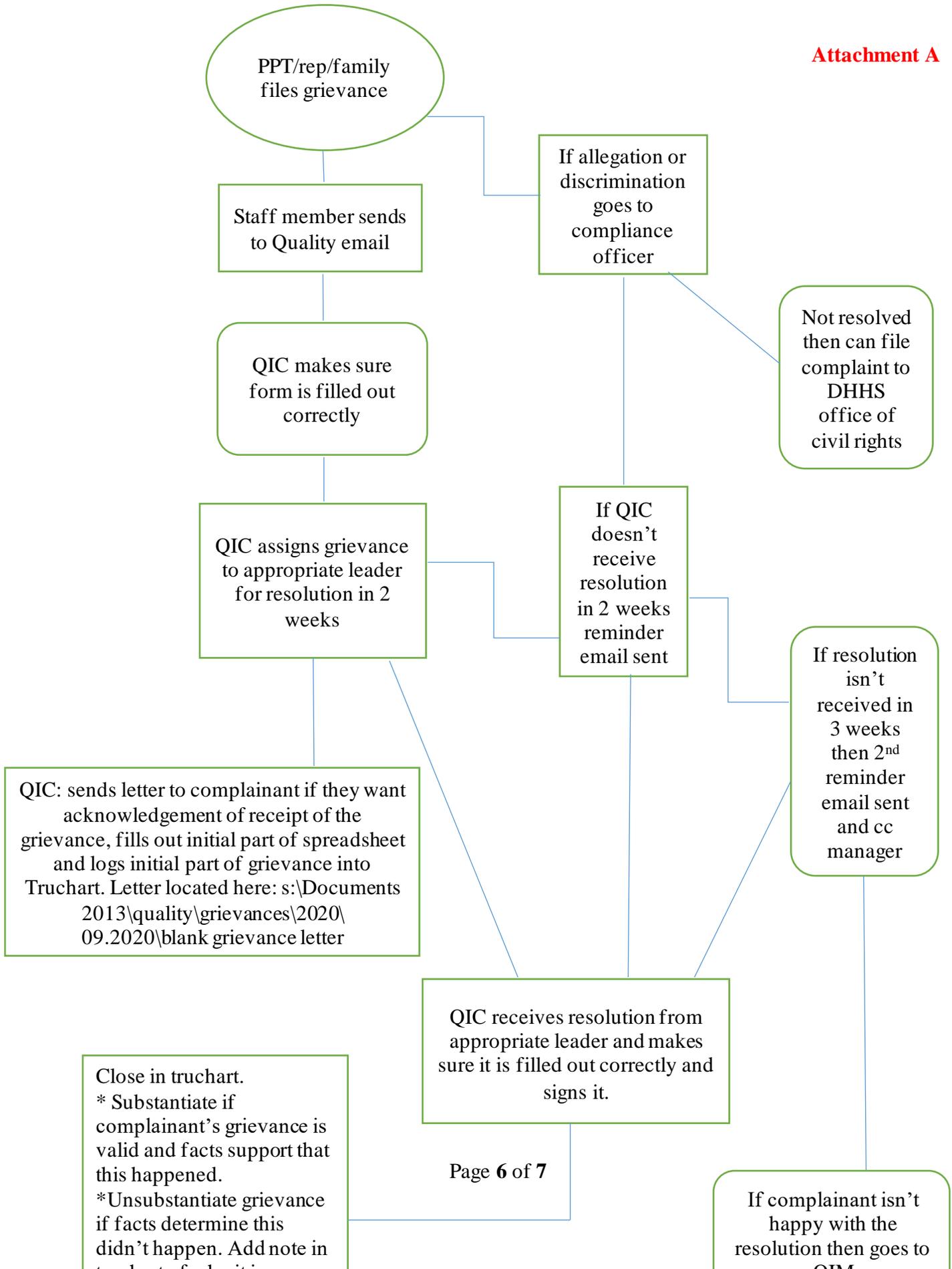
Review Date	Reviewed By		Review Date	Reviewed By
09/04/2018	C. Bradley MSN, RN			
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08/10/2020	A. Ackerman, LNHA, RD			

Approved by Policy Committee on:

10/01/2020

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Attachment A



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Attachment A

