



# DISABILITY RIGHTS OKLAHOMA, INC.

## GRIEVANCE PROCEDURES



<https://drok.org/>

### **1 General Policy**

It is the policy of Disability Rights Oklahoma (DROK) to treat its clients and applicants with fairness and professionalism and to protect the confidential nature of all client information. Clients or applicants who believe they have not been fairly or professionally served by DROK, or who believe that their right to confidentiality has been breached, or who believe that the Protection and Advocacy (P&A) system is out of compliance with the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, have the right to present their grievance for prompt consideration and resolution.

### **2 Notification**

It is the policy of DROK to notify all clients and applicants that these grievance procedures exist within 5 day of the following occurrences: (1) a representation agreement is sent to the client; (2) at case closure; (3) a declination letter is sent.

### **3 Time-Lines**

A client or applicant may present a grievance concerning a continuing practice or condition at any time; however, a grievance concerning a particular act or occurrence must be brought within ten (10) days after such act or occurrence. If a good reason is given for not bringing the grievance within the specified time limit, the agency may at its discretion extend this time limit.

### **4 Definitions**

#### **4.1 Client**

A client is anyone whose case has been accepted for representation by DROK.

#### **4.2 Applicant**

An applicant is a person with a disability, his/her legal guardian or legal representative who believes him or herself to be eligible for DROK services and who has sought representation on a specific issue from DROK.

### **5 Types of Grievances**

#### **5.1 Denial of Services**

An applicant who has requested representation by DROK and has been denied may grieve the denial of services.

#### **5.2 Dissatisfaction with Client Representation/Services Provided**

A client may grieve a lack of fairness or professionalism in the handling of his/her case.



### **5.3 Dissatisfaction with PAIMI Services**

Any person, including but not limited to individuals who have received or are receiving mental health services in the State, family members of such individuals, or representatives of such individuals or family members, who believes DROK is not providing its PAIMI Services in conformance with the PAIMI Act may grieve.

## **6 Procedures**

### **6.1 Grievance Procedure for Denial of Services**

Within ten (10) days of the denial of services, the applicant may request that the Executive Director conduct a review of his or her request for representation. This may be done in writing or in the person's primary mode of communication. The Executive Director will be the final arbitrator of grievances concerning representation. The Executive Director will issue a decision within ten (10) working days from receipt of a complaint. The Executive Director reports all such grievances to the Board of Directors at least annually. The Board of Directors, at that time, may ask to review the grievance(s).

### **6.2 Procedure for Dissatisfaction with Client Representation – Informal**

#### **6.2.1 Communication with Case Handler**

The client should initially attempt to resolve any problem by communicating complaints to the person handling the case. This can happen through a face-to-face or phone discussion or by written communication.

#### **6.2.2 Communication with Supervisors**

If the discussion with the case handler does not result in a satisfactory resolution of the client's complaint, the client should next ask to speak with, or write to, the case handler's immediate supervisor.

If the immediate supervisor was involved in the action or decision that is the subject of the complaint, or for any other reason feels (s)he cannot objectively review the complaint, (s)he shall refer the complaint to the Legal Director for review.

The immediate supervisor or Legal Director will listen to the complaint, review the proceeding from the client point of view, review the case with the case handler and review the case file. Following this review. The immediate supervisor or Legal Director will respond to the client within ten (10) working days with a finding.

If the immediate supervisor or Legal Director finds that there is merit to the client's complaint, they will develop and present to the client a plan for resolving the client's dissatisfaction. This may be done in person, by phone, by letter, or by alternative format.

If the client continues to be dissatisfied, (s)he will be advised of further appeal rights, i.e., the right to file a formal grievance within ten (10) working days of receipt of the informal grievance decision.



### **6.2.3 Communication with Executive Director or Board of Directors**

At no time during the informal grievance procedure should the client or staff communicate with the Executive Director or the Board about the substance of the complaint.

This is to ensure that the Executive Director and Board will not have been prejudiced about the complaint before it reaches the formal or appeal stage of the complaint process. If the complaint involves a staff person who is supervised by the Executive Director, the Executive Director will proceed as above; however, the formal complaint procedure will commence with appeal to the Board of Directors, (see below).

### **6.3 Procedure for Dissatisfaction with Client Representation – Formal**

If a grievance cannot be resolved informally, or if the client chooses to not engage in the informal procedure, a client may file a grievance with the Executive Director under the formal procedure.

#### **6.3.1 Content and Time Limits**

If the client does not engage in the informal procedure they must file a formal grievance within ten (10) days of the incident which is the subject of the complaint and shall describe in detail their grievance and their proposed resolution.

If the client engages in the informal procedure and is dissatisfied with the outcome and they want to pursue a formal grievance, the formal grievance must be in writing, and must be presented within ten (10) working days of the final decision from the informal process. The client must clearly state why they are dissatisfied with the results of the informal process and what needs to change in order for the client to be satisfied.

In instances where the client cannot write, the formal grievance may be communicated in the person's primary mode of communication. Upon request, DROK shall designate an uninvolved staff member to assist the complainant in communicating the complaint.

#### **6.3.2 Rejection of Grievance**

The Executive Director may reject the grievance if it was not filed within the time limits specified for filing. If a good reason is given for not filing the grievance within the specified time limit, the Executive Director may at his/her discretion extend this time limit.

#### **6.3.3 Treatment of Grievance**

The Executive Director will investigate the complaint, and inform the client in writing (or alternative format), of the decision and/or proposed resolution within ten (10) working days from the day the grievance was received. The Executive Director's reply must notify the client of the right to file an appeal with the Board of Directors within ten (10) working days of the date the decision was received by the client.



### **6.3.4 Provision of Services During the Pendency of a Formal Appeal**

If it appears to the Executive Director that the attorney/client relationship has deteriorated to the extent that it would no longer be advisable for the attorney to represent the client, the Executive Director may: (1) direct the cessation of advocacy services until the merits of the appeal are decided; or (2) direct another attorney to take over the case until the merits of the appeal are determined. The Executive Director would transfer the case to a different attorney only in instances where the client's case would be negatively impacted by temporary inaction on the case.

### **6.4 Grievance Procedure for Dissatisfaction with PAIMI Program**

The general public, including but not limited to individuals who have received or are receiving mental health services in the State, family members of such individuals, or representatives of such individuals or family members, may file a grievance based on dissatisfaction with the PAIMI Program. Such grievances will be communicated directly to the Executive Director.

The Executive Director will respond to the grievant within sixty (60) days. If the grievant remains dissatisfied, (s)he may file a complaint with the Board of Directors. The Board of Directors will review the complaint and issue a written response within sixty (60) days of receiving the complaint.

### **7. Appeal to the Board of Directors**

At the next regularly scheduled meeting of the Board of Directors, the Appeal will be discussed. The complaining individual may be present or the matter will be discussed based on all written or recorded information relevant to the complaint. The Board of Directors will provide a copy of Final Decision to the complaining individual and to the Executive Director within five (5) working days of the meeting. The Final Decision will include either of the following: 1) a statement supporting the Executive Director's decision; or 2) a decision to reverse the Executive Director's decision and a recommended plan for changing DROK's action. The decision of the Board of Directors shall be final.

### **8. Annual Grievance Reports**

Reports, at least annually, will be provided to the Board of Directors and to the PAIMI Advisory Council describing the grievances received and processed and their resolution, even if there were no complaints received.

### **9. Protection of Client Confidentiality**

Client information is absolutely privileged and confidential and will be maintained during all phases of the grievance process.