



SAN FRANCISCO HUMAN SERVICES AGENCY
**Department of Disability
and Aging Services**

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MEMORANDUM

TO: DISABILITY AND AGING SERVICES COMMISSION

THROUGH: KELLY DEARMAN, EXECUTIVE DIRECTOR, DAS

FROM: CINDY KAUFFMAN, DEPUTY DIRECTOR, DAS
COMMUNITY SERVICES

DATE: FEBRUARY 7, 2024

SUBJECT: REVIEW AND DISCUSSION OF DAS - OFFICE OF
COMMUNITY PARTNERSHIPS PROGRAM
MEMORANDUM #33: CONSUMER GRIEVANCE
PROCESS (INFORMATIONAL ONLY)

The Department of Disability and Aging Services (DAS) presents to the DAS Commission for review: DAS – Office of Community Partnerships Program Memorandum #33: Consumer Grievance Policy.

After a review process, with consideration and implementation of guidance from the DAS Commission, an updated version of this policy will be presented at a *future* Commission meeting for formal adoption.



London Breed
Mayor

Kelly Dearman
Executive Director



Background

This memo and presentation is a ‘re-do’ of a previous review of the DAS Grievance Policy in October 2023. In hindsight, the October 2023 review did not provide sufficient pathways for feedback from the DAS Commission or the DAS Advisory Council.

The informational presentation of this item at the February DAS Commission meeting is intended to allow for better feedback from the Commissioners. At the same time, a similar process of review and discussion is happening with the DAS Advisory Council. The timeline for this review is as follows:

Proposed timeline:

- January 17, 2024: presentation of draft policy for review by DAS Advisory Council (completed)
- February 7, 2024: presentation of draft policy for review by DAS Commission (current)
- February 21, 2024: review by DAS Advisory Council for any changes, formal recommendation for adoption (planned)
- March 6, 2024: return to DAS Commission with requested changes, DAS Advisory Council recommendation, and seek formal vote to adopt (planned)

Development and implementation of a grievance policy for consumers, including formal adoption of this policy by the DAS Commission, is one of our responsibilities as an Area Agency on Aging. This requirement is codified in the California Code of Regulations at 22 CCR 7400 (c)(1).

DAS-OCP Consumer Grievance Policy

DAS and our community partners are committed to providing responsive, professional, quality services to the San Francisco community. This commitment includes a grievance policy allowing program participants to express their concerns about program services and to receive a timely resolution.

DAS requires community-based organizations to offer a grievance process and to effectively notify program participants of this right. The annual program monitoring process conducted by DAS staff specifically includes a review of community-based organization grievance policy and notification to program participants.

The DAS-OCP Consumer Grievance policy (PM #33) details the grievance policy requirement, minimum standards for implementation, and appeal levels. The policy itself is an amalgam of requirements from state legislation, contractual



requirements, and general concepts of due process. The three levels of grievance in this policy are as follows:

Level 1: Service Provider

Level 2: DAS – Clinical and Quality Improvement Staff

Level 3: DAS Advisory Council

The first level is handled at the service provider level. This is often the best place for grievances to be resolved, and most grievances are resolved at this level. If a client is not satisfied with the result at the service provider level, they are given the right to appeal this decision to the Department of Disability and Aging Services. This level of grievance is handled by DAS' Clinical and Quality Improvement unit. This unit is a distinct unit within DAS and leads the documenting, investigation, and resolution of grievances received. Clients still unsatisfied may appeal resolution to a third level. A special panel of DAS Advisory Council members serves as the third and final level of resolution, with a narrow exception for CalFresh Health Living programs.

Attachments

- Exhibit 1: DAS-OCP Program Memorandum #33: Consumer Grievance Process



Office of Community Partnerships
Policy Memorandum No. 33

DATE: TBD, 2023
TO: All OCP Contractors
FROM: Michael Zaugg, OCP Program Director
SUBJECT: **Consumer Grievance Process**

Office of Community Partnerships' contractors must develop a written grievance process for reviewing and attempting to resolve service concerns of consumers, or persons authorized to act on behalf of them, against DAS funded programs and employees or volunteers of such programs.

This requirement is to make certain that consumers have established rights and due process for resolution on a timely basis.

The following information outlines the level of resolution and responsibilities at each stage. Compliance with this requirement at the contractor level will be reviewed by OCP staff through the annual program monitoring process and ongoing site visit monitoring.

1. Levels of Resolution

- | | |
|-------------------------------|--|
| <i>First Level</i> | The service provider (OCP contractor). |
| <i>Second Level</i> | DAS/OCP Staff (DAS CQI/QMS Unit, OCP Analyst Staff, OCP Managers, OCP Program Director). |
| <i>Third and Final Level*</i> | An appointed DAS Advisory Council Panel. |



*A select few programs are provided additional levels of resolution based on specific Federal or State regulations. These program(s) and additional levels of resolution are described in section 9, found at the end of this Policy Memorandum document.

2. Level 1 - Responsibilities of OCP contractors

- A. Each OCP contractor shall develop a Consumer Grievance Policy and Procedure process according to the needs of the program and OCP's requirements as specified below.
- B. The policy shall indicate a time frame within which a grievance will be acknowledged. The time frame shall not exceed 2 working days after receipt of the grievance. The acknowledgement letter will clearly state the grievance levels within the agency.
- C. A written notification shall be issued to the grievant stating the results of the review within 10 working days of the receipt of the grievance. If more than 10 working days are required to review the case, a written letter shall be issued to the grievant notifying them of the extended timeline for review.
- D. The time frame to resolve a grievance at the service provider level shall be no more than 30 calendar days from the date of receipt of a grievance.
- E. All notifications to the grievant shall include a statement that they may appeal to DAS/OCP if dissatisfied with the results of the service provider's review.
- F. The grievance process shall include confidentiality provisions to protect the consumer's right to privacy. Only information relevant to the grievance may be released to the responding party without the consent of the consumer.
- G. The consumer has a right to remain anonymous but will need to provide an address for written correspondences. An e-mail address is acceptable.



3. Level 1 - Grievance Process Notification by OCP Contractors

- A. The grievance process shall be posted in visible and accessible areas of each service program site, such as the site bulletin board. (An example of a notification poster is attached to this policy.)
- B. For areas in which more than 40% of consumers are non-English speaking, the grievance process notification shall be posted in the primary language(s) of the consumers, in addition to English.
- D. Consumers who are homebound and/or participating in services which primarily take place away from service sites will receive notification of grievance procedure in writing by the respective program at the time of enrollment. Examples of such services include Home Delivered Meals and Case Management.

4. Level 2 - Grievance Filing Format to DAS/OCP

If a consumer is not satisfied with the results of their grievance at the provider level, they have the right to appeal to DAS/OCP for review.

- A. Grievance request to DAS/OCP should be submitted in writing. However, if a consumer cannot submit a written grievance, the DAS/OCP shall take all of the following actions:
 - 1) verbally accept the grievance;
 - 2) prepare a written grievance;
 - 3) have the consumer sign the written grievance, although this is not necessary prior to commencement of the review.
- B. The written grievance shall include, at a minimum, all of the following information:
 - 1) the name, mailing address or e-mail address and telephone number, if any, of the consumer or person authorized to act on behalf of the consumer;
 - 2) the type of service and the service provider involved;
 - 3) the name of the individuals involved;
 - 4) the issue of concern or dispute;



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- 5) the date, time, and place that the issue of concern or dispute occurred;
 - 6) the names of witnesses, if any.
- C. The resolution process at the DAS/OCP level shall be completed within 30 days of receipt of the grievance and shall include all of the following:
- 1) the time frame from the receipt of a grievance in which the review will occur;
 - 2) an impartial investigation of the grievance and an attempt to resolve the issues with the parties involved;
 - 3) the time frame within which the investigation of the grievance(s) will occur;
 - 4) the preparation of a written report on the results of the investigation activities, including a process for ensuring that agreements reached during the review process are fulfilled, if applicable. A copy of the report shall be sent to the parties involved.
 - 5) the consumer shall be notified of his/her right to an advisory council hearing if dissatisfied with the results of this review. Notice shall include contact information and instructions to exercise this right.

7. Level 3 - Advisory Council Hearing

If a consumer is not satisfied with the results of the level 2 review, they may request an advisory council hearing to review the grievance.

- A. The request for advisory council hearing shall be made either orally or in writing to DAS staff identified in the level 2 review report.
- B. Within 30 days of the request for hearing, the consumer or person authorized to act on behalf of the consumer, shall be notified in writing of all of the following:
 - 1) the date, time and location of the hearing;
 - 2) the consumer's and other parties' 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.



- C. The hearing body shall issue an *advisory* decision on the grievance within 30 days from the date of the hearing.

8. Level 3 - Requirements of the Advisory Council Hearing

- A. The hearing shall be conducted by an impartial panel composed of three members of the DAS Advisory Council appointed by the Council President. A signed conflict of interest statement shall be obtained from each panel member.
- B. The hearing shall be conducted in a professional manner with testimony restricted to the issues requiring resolution.
- C. All parties shall have the right to all of the following:
 - 1) to be present at the hearing;
 - 2) to present evidence and witnesses;
 - 3) to examine witnesses and other sources of relevant information and evidence.
- D. The panel shall issue an *advisory* decision, which shall contain all of the following:
 - 1) a description of each issue;
 - 2) a statement as to whether the grievance was upheld or denied. In the case of grievances that are upheld, an explanation of the remedy for the grievance shall also be included;
 - 3) a citation of applicable laws and regulations.
- E. The advisory decision shall be forwarded to:
 - 1) the DAS Executive Director, unless the grievance is against the director;
 - 2) the President of the DAS Commission when the grievance is against the DAS Executive Director
- F. No more than 30 days after the receipt of the advisory decision, the Executive Director or President of the DAS Commission shall either:
 - 1) adopt the proposed decision as final.



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2) write a new final decision.

- G. The adopted/final decision shall be communicated in writing to all parties involved. **This shall be the final level of grievance** unless Federal or State regulations for specific programs require further levels of resolution. Any programs meeting this criteria are listed in section 9 below.

9. Programs requiring additional levels of grievance resolution:

A. CalFresh Healthy Living (CFHL), formerly known as SNAP-Ed.

- 1) Staff shall follow the guidelines above for responding to client grievances on the basis of perceived or actual discrimination when delivering CFHL services. Clients shall also be made aware of the option to file a discrimination complaint to the USDA, and be provided a complaint form. The USDA Program Discrimination Complaint Form, (AD-3027) can be found online at:
http://www.ascr.usda.gov/complaint_filing_cust.html
- 2) The process to file a discrimination complaint to USDA related to CFHL services shall be posted in visible and accessible areas of each service program site, such as consumer's bulletin board, and post the "Justice For All" (blue color) poster. Submit complaint to USDA by any of the following methods:
 - a. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
or
 - b. Fax: (202) 690-7442
 - c. Email: program.intake@usda.gov