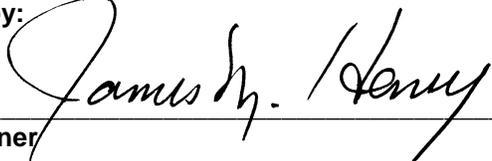


	<b>POLICIES AND PROCEDURES</b>  <b>State of Tennessee Department of Intellectual and Developmental Disabilities</b>	<b>Policy #: 100.1.18</b>	<b>Page 1 of 3</b>
<b>Policy Type: Intermediate Care Facilities for Individuals with Intellectual Disabilities and Harold Jordan Center</b>		<b>Effective Date: March 15, 2013</b>	
<b>Approved by:</b>  <b>Commissioner</b>		<b>Supersedes: N/A</b>	
		<b>Last Review or Revision: N/A</b>	
<b>Subject: Complaint Resolution</b>			

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 33-1-303, and 45 CFR 84.7.
- II. **PURPOSE:** The purpose of this policy is to establish complaint resolution procedures in the event a person supported, their family and/or legal representative, paid advocate, or concerned citizen voices a concern or issue with the quality of services and supports provided by Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or the "Department") Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID), or the Harold Jordan Center (HJC).
- III. **APPLICATION:** This policy applies to employees, contract staff, and volunteers who provide services and supports to persons residing in DIDD ICFs/IID and HJC.
- IV. **DEFINITIONS:**
  - A. **Circle of Support (COS)** shall mean a group of people who meet together on a regular basis to help a person supported plan for and accomplish his/her personal outcomes and actions. The person supported is the focus or the center of the COS. At a minimum, this includes the person supported, his/her family member(s) and/or conservator(s), Qualified Intellectual and Developmental Disabilities Professional (QIDDP), Case Manager, and the providers of any supports and services that the person receives. Friends, advocates, and other non-paid supports are included at the invitation of the person.
  - B. **Civil Rights** shall mean the rights of personal liberty guaranteed to citizens by the Constitutions of the United States and the State of Tennessee, and by federal and state statutes.
  - C. **Complaint** shall mean a concern or dissatisfaction expressed by or on behalf of a person supported regarding any basic civil right, human right, treatment, or services or supports (or lack thereof).

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- E. **Individual Support Plan (ISP)** shall mean a person-centered document that provides an individualized, comprehensive description of the person supported as well as guidance for achieving unique outcomes that are important to and for the person in achieving a good quality of life in the setting in which they reside.
  - F. **Qualified Intellectual and Developmental Disabilities Professional (QIDDP) or Case Manager (CM)** shall mean the staff member who coordinates, facilitates, and documents all Circle of Support (COS) meetings and the entire Individual Support Plan (ISP) process which includes planning and development of the ISP.
  - G. **Human Rights** shall mean the basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression and equality before the law.
- V. **POLICY:** Persons supported in DIDD ICFs/IID and the HJC, or their family or advocate or legal representative acting on their behalf, or concerned citizens, shall have the right to lodge a complaint to facility staff, DIDD management or external representative of their choice, with freedom from restraint, interference, coercion, discrimination, or reprisal.
- VI. **PROCEDURES:**
- A. General Guidelines
    - 1. Staff shall treat complainants with decency and respect.
    - 2. Any harassment, retaliation, or reprisal against anyone filing a complaint is strictly prohibited.
    - 3. Upon request of a person supported or individual acting on his/her behalf, any ICF/IID or HJC staff person shall assist the person with filing a complaint.
    - 4. Staff shall respond to complaints communicated via any means, e.g., in-person, telephone, or written.
    - 5. Staff shall ensure timely and meaningful response to all complaints.
  - B. Resolution Process
    - 1. Complaints regarding civil and human rights, services and or supports shall be directed to the person's case manager or the ICF/IID Director/Chief Officer or designee.
    - 2. Staff members who receive a complaint from a person supported or someone acting on the person's behalf shall document the complaint in writing and send it to the person's case manager. The case manager shall follow-up accordingly.
    - 3. Staff members are encouraged to resolve complaints at the lowest level of organizational management prior to escalating to higher levels in the management hierarchy.

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4. If the case manager is unable to assist the person, family member, legal representative, or advocate in resolving the concern, the case manager shall notify the ICF/IID Director/Chief Officer or designee in writing, within two (2) business days.
5. Within two (2) business days, the ICF/IID Director/Chief Officer or designee shall communicate directly with the complainant to ensure a thorough understanding of the problem and to enlist that person's assistance in suggesting a resolution.
6. If the suggested resolution is achievable, the ICF/IID Director/Chief Officer or designee shall designate a responsible staff member to take necessary action and notify the complainant and staff member of the expected target date to complete the action.
7. If the complainant's desired resolution is not possible, the ICF/IID Director/Chief Officer or designee shall explain the rationale and continue to problem-solve with the complainant for an alternate resolution.
8. All complaints and subsequent follow-through on action steps to resolution shall be tracked by the ICF/IID Director/Chief Officer or designee.

C. Filing a Complaint

1. A complainant is not required to follow an internal complaint process in order to file a complaint. Any person desiring to file a complaint against a DIDD employee, vendor, volunteer, or contractor may file a complaint directly with any the following:
  - a. Regional Director.
  - b. DIDD Complaint Resolution Unit.
  - c. DIDD General Counsel.
  - d. DIDD Deputy Commissioners.
  - e. DIDD Commissioner.
2. The complainant shall provide the following information:
  - a. A description of the complaint/issue.
  - b. Any attempts at resolving the complaint/issue.
  - c. The disputing parties.
  - d. The desired resolution.
3. The complainant may request conflict resolution services through the DIDD Complaint Resolution Unit or external mediation services through DIDD at no cost to the complainant.

VII. **ATTACHMENTS:** None.