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## **Client Grievance Process**

### **1.0 Background:**

During the administration of the Ryan White HIV/AIDS Program (RWHAP) Part A, Minority AIDS Initiative, RWHAP Part B, State Services and State Services Rebate grants, the Ryan White Grants Management Division (RWGMD) may receive complaints from clients (or their representatives) or other stakeholders of funded subrecipient agencies. A complainant shall not be discriminated against nor suffer retaliation as a result of filing a complaint in good faith or participating in the investigation of a grievance

### **2.0 Purpose :**

Ensure that subrecipients follow a complaint process that is transparent and efficient. By establishing a stepwise process, subrecipients and clients can be assured all complaints and grievances will be managed fairly and equitably, allowing DCHHS to identify areas of opportunity for process improvement by applying a systems approach to complaint resolution management at local and system levels.

### **3.0 Persons Impacted by Policy:**

- DCHHS staff.
- DCHHS subrecipients, their staff, and volunteers.
- Stakeholders of DCHHS-funded agencies.
- Stakeholders of DSHS-funded agencies.
- Clients receiving DCHHS and Texas Department of State Health Service-funded services.

### **4.0 Phases of the Complaint Resolution Process:**

- a. Client complaint intake.
- b. Complaint investigation.
- c. Reporting complaint (DSHS, DFPS)
- d. Complaint resolution.
- e. Complaint escalation.
- f. Complaint closeout.

### **6.0 Documentation:**

- All complaints shall be documented on the DCHHS Complaint Form on [the DCHHS Ryan White Program webpage](#).
- If a client needs assistance completing the form, they should go to the [DCHHS contacts](#) page for assistance.

#### **6.1 Report Format:**

##### **1. Main Report**

##### **a. Aims & Objectives**

- Tell the reader what you tried to do in the investigation (e.g., “The investigation was designed to get to the root causes of a client being treated differently than other clients receiving OAHS care).



- What you hoped to achieve by doing it. (e.g., “We intend, by addressing those root causes, to prevent similar and related incidents happening in the future.”)
- 2. Incident Description:
  - Precisely describe the incident. At this stage, you should be objective. (e.g., Incident Statement - “Client was told we don’t treat your kind here at a cardiology clinic” Include any inconveniences to the client, for example, copayment, travel, did not receive medical care, and worsened condition.
  - Damage or potential injury.
  - Emotional or psychosocial injury
  - Cover: **Who, What, When, and Where** in your description, and add any significant and immediately striking factors known to be true.
- 3. Method of Investigation:
  - Begin this section by describing your investigation team: who it was made up of, their qualifications, their positions, and anything else relevant about them.
  - Detail any site visits you made.
  - Summarize
    - Any findings you may have made concerning documentation
    - Results of any interviews you conducted
      - To whom did you talk?
      - Where?
      - What was the relevant information the interviewee gave you?
      - No need to include the whole transcript or detailed notes
      - Note the location of supporting data in your report.
- 4. Findings (To keep findings in a logical order, consider using the TOP-SET acronym)
  - Time, Sequence, and History
  - Organization / Control / Responsibility
  - People and their involvement
  - Similar events Environment and its effects
  - Technology, equipment & processes
- 5. Recommendations
  - Address [root causes](#).
  - Also, all the individual contributory causes you found along the way.
- 6. Summary:
  - Who was involved in the incident?
  - What happened.
  - When it happened.
  - Where it happened.
  - Who you are and why investigating.

## 7.0 Complaint Processes

### I. Client Intake & Investigation

- a. Gather the Complainant Information and complete Section I A of the Complaint Form.
  1. Does the client have a circumstance/experience that prevents interactive data collection?
    - a. Yes, obtain assistance and reschedule intake with the client so that necessary accommodations have been obtained (translator; assistance for people who are hard of hearing, a person with low vision, or an intellectual disability.
    - b. No, complete the form with the client.
- b. Ask the client if this information may be shared with persons with a business interest for



reporting and follow-up.

- i. Yes, move forward to Intake I B. Agency/Person who is the subject of the complaint.
  - ii. No, document the “No” statement and only use redacted information for any reporting and no PHI.
- c. Complete Section I B.
- d. Complete Section I C.
- e. Go to Section II A, Complaint Details.
- i. Gather information for numbers 1-3 in this section.
  - ii. Identify the type of complaint(s):
    1. If denial of services, assess the reason for denial and go to Step 5.
    2. If there is a lack of access, assess the lack of access and go to step 5.
    3. If there is a violation of DCHHS policy, gather information and then review the policy/ When done, go to step 5.
    4. If there is a confidentiality violation, gather information and consult DCHHS and DSHS policies to determine any violations.
    5. If discrimination complaint, gather information and research.
      - a. Does the client want this reported to OCR?
        - i. If yes, determine if the client wants to report or have DCHHS investigate the complaint.
          1. If the client reports, direct them to the website.
            - a. Go to step 5 and complete the complaint form.
          2. If DCHHS reports, document the reporting, inform the client, go to step 5, and complete the complaint form.
    6. If there is a DSHS policy/procedure violation, gather information and contact DSHS to determine if there was a violation. Go to step 5 and complete and sign section II.
    7. If an allegation of abuse, go to Section II B of the Complaint Form and report via the phone or online based on emergent need status.
      - a. Emergency: Call 911 and then go to “C.”
      - b. Emergent call
      - c. Non-emergent online
      - d. A-C complete; update #5 and complete Section II.
- f. Other: Gather information, conduct necessary research, go to #5, Section II C, and complete.



**II. Complaint Escalation Process:**

- a. The client verbalized dissatisfaction with the outcome of the complaint resolution and wanted it elevated to the next level.
- b. Was the nature of the complaint related to:

<b>Violation of DSHS P&amp;P</b>	<b>Violation of DCHHS P&amp;P</b>	<b>Acute Care Facility</b>	<b>Civil Rights (Federal Office of Civil Rights-OCR)</b>	<b>Housing (Federal Office of Housing and Urban Development – HUD)</b>	<b>Discrimination (US Department of Justice - DOJ)</b>
1. Report to DSHS (obtain client okay to share information)	1. Report internally	1. Report to Texas Health and Human Services	1. Report on behalf of the client or provide the client with agency contact information	1. Report on behalf of the client or provide the client with agency contact information	1. Report on behalf of the client or provide the client with agency contact information
2. Follow the DHHS process	2. Follow DCHHS process	2. Follow HHS process (staff/client)	2. Follow OCR process (staff/client)	2. Follow HUD process (staff/client)	2. Follow US DOJ process (staff/client)
3. Communicate the outcome to the client	3. Communicate the outcome to the client	3. Client/staff communicate the outcome	3. Client/staff communicate the outcome	3. Client/staff communicate the outcome	3. Client/staff communicate the outcome
4. Is the client satisfied with the outcome?	4. Is the client satisfied with the outcome?	4. Is the client satisfied with the outcome?	4. Is the client satisfied with the outcome?	4. Is the client satisfied with the outcome?	4. Is the client satisfied with the outcome?
4a. If yes, move to closeout	4a. If yes, move to closeout	4a. If yes, move to closeout	4a. If yes, move to closeout	4a. If yes, move to closeout	4a. If yes, move to closeout
4b. Client not satisfied	4b. Client not satisfied	4b. Client not satisfied	4b. Client not satisfied	4b. Client not satisfied	4b. Client not satisfied
4c. Client pursues the DSHS complaint process and notifies DCHHS of the outcome	4c. DCHHS staff ask the client if they want to escalate	4c. Client follows the HHSC complaint process and notifies DCHHS of the outcome	4c. Client follows the OCR complaint process and notifies DCHHS of the outcome	4c. Client follows the HUD complaint process and notifies DCHHS of the outcome	4c. Client follows the US Justice complaint process and notifies DCHHS of the outcome
5. Go to closeout	5. Go to closeout or escalation and follow the steps for each type	5. Go to closeout	5. Go to closeout	5. Go to closeout	5. Go to closeout



### III. Complaint Resolution Process:

- a. Complaint investigation completed and documented.
- b. The client verbalizes the desired outcome and is recorded by DCHHS staff.
- c. DCHHS staff develop a timeline for complaint resolution.
- I. Submit the timeline to the client for approval (the deadline for submission and approval is two weeks). If the client approves the timeline:
  - DCHHS staff works with the client and involved parties to achieve a resolution.
  - Copy of approved timeline to supervisor at DCHHS.
  - Copy of approved timeline to involved parties.
  - DCHHS staff updates the client on the status (midpoint in the timeline).
- II. The client does not approve of the timeline:
  - DCHHS staff make revisions and submits them to the client.
  - Rejoin the process at (I).
- d. Was the complaint resolved?
  - Yes, the complaint was resolved per the plan and/or the client's satisfaction.
    - Who resolved it (DCHHS, subrecipient, outside agency)?
    - Document the resolution:
      - i. Did the resolution meet the client's needs?
        1. Yes, move to complaint closeout.
        2. No, inquire if the client wants the issue moved to escalation.
          - a. Yes, proceed to escalation; go to the Flowchart for Complaint Escalation.
          - b. No, determine if the client wants the issue closed out or a meeting with DCHHS to discuss the next steps. Go back to complaint resolution.
- No, the complaint was not resolved per plan and/or the client's satisfaction.
  - Does the client want this complaint elevated? If yes, go to the Flowchart for Complaint Escalation. If no, determine if the client wants the issue closed out or a meeting with DCHHS to discuss the next steps. Go back to complaint resolution.



#### IV. Complaint Closeout Process

- a. The client signs off that case is resolved and will be closed out (wet signature, electronic or attestation).
- b. DCHHS staff signs off on the report.
- c. Complete the report and submit it to the supervisor for review.
- d. If the client approves, the report with the outcome is shared with interested parties (DSHS or subrecipient).
- e. Final report is stored per guidelines for storing/filing documents with PHI.
- g. Send client complaint closeout letter to the address client determines to be appropriate, for example, not to violate confidentiality, send the letter to the case manager. See the standard letter in the organization files. The letter is filed with the final report.

#### **f. Optional:**

- The team conducts an After-Action-Review (AAR) and discusses lessons learned and strategies to prevent a reoccurrence of the issue. For example, policy changes, process changes, provide technical assistance.
  - Meeting notes and the outcome may be part of DCHHS CQM.
- Client survey of the complaint process:
  - On a scale of 1 to 5, with one (1) being the lowest level of your satisfaction and five (5) being the highest, how satisfied were you with how DCHHS handled your complaint?
  - On a scale of 1 to 5, with one (1) being the lowest level of your satisfaction and five (5) being the highest, how satisfied were you with the ease of filing a complaint?
  - On a scale of 1 to 5, with one (1) being the lowest level of your satisfaction and five (5) being the highest, how satisfied were you with how you were treated during the process?
    - This survey may be part of the DCHHS Clinical Quality Monitoring (CQM) Program



## **8.0 Complaint Process Flowcharts:**









## References

- Institute for Healthcare Improvement. (2022). *Five whys: Finding the root cause*. Retrieved from [5 Whys: Finding the Root Cause | IHI - Institute for Healthcare Improvement](#)
- Kelvin Consultants LTD. (2022). How to write the investigation report. Retrieved from [How to Write the Investigation Report - Kelvin TOP-SET \(kelvintopset.com\)](#)