

Standards for Grievance Policies and Procedures for Wisconsin HIV Care and Prevention Provider Agencies

The AIDS/HIV Program, HIV care and prevention providers and consumers of services share a common goal of having high quality HIV-related services available to persons living with HIV disease in Wisconsin. However, consumers may have legitimate complaints about services or service providers. Often these complaints can be resolved informally by the parties involved. The AIDS/HIV Program encourages consumers and providers to attempt informal solutions before engaging formal processes, but sometimes attempts to resolve complaints informally fail. Providers must have formal grievance policies and procedures in place to address complaints that can not be resolved informally or when the complainant does not want to pursue an informal resolution. HIV care and prevention provider agencies that receive funding from the Division of Public Health, AIDS/HIV Program will be required by contract to have written grievance policies and procedures. The AIDS/HIV Program acknowledges that funded agencies range from small community-based organizations to large public institutions, and that grievance processes may differ between agencies. However, the Program believes that certain fundamental elements should be included in any grievance policy and procedure. Therefore, funded agencies may develop their own grievance policies and procedures, but they must comply with the following standards:

- I. Fair and reasonable grievance policies and procedures must be written and must acknowledge and assure that clients have certain rights and responsibilities, including the right to file formal grievances.
- II. Agency grievance policies and procedures must prohibit the agency and its staff (paid and unpaid) from discriminating or retaliating against the complainant for filing a grievance or because of any conditions of the resolution of the grievance.
- III. Agency staff must be trained and understand the rights of the clients they serve.
- IV. Agency staff and clients must be made aware of grievance policies and procedures. The policy and procedures must be posted in prominent areas where staff and clients will see them. Also, clients must be informed of the policy and procedures for filing a grievance upon entrance to care or prevention services. Ongoing clients must be reminded of the policy and procedure periodically. Notices of the grievance policy and procedures must be available in writing, and must also reasonably be made available in alternate formats as needed to accommodate the special needs of clients. Examples of alternate formats include:
 - A. Written notices in other languages to meet the needs of clients with limited English proficiency.

- B. Oral notices such as audio tapes or video tapes for clients with limited reading skills or for clients with visual impairments.
 - C. Written notices in large print format for clients with limited vision or in Braille for clients who are blind.
- V. Grievance procedures must clearly identify the title of a specific staff position or positions that a client may contact for assistance to initiate a grievance. Method(s) of contact such as phone numbers or e-mail addresses must also be clearly provided.
- VI. Grievances must be documented and submitted in writing. If the aggrieved individual is unable to submit the grievance in writing, the grievance may be presented orally and transcribed by the recipient of the grievance or at the request of the aggrieved by a third party.
- VII. Grievance procedures must include reasonable and specific time frames for:
- A. Initiating a grievance following the event or events that trigger the grievance.
 - B. Initial response from the agency acknowledging receipt of the grievance.
 - C. Investigation of the events that lead to the grievance.
 - D. Notification of extension of the time needed for the agency to investigate the grievance.
 - E. Notification in writing to the aggrieved of the decision of the grievance including, results of the investigation, any resulting changes in policy or procedures relative to the grievance or any redress to the aggrieved.
 - F. Notification in writing of the right of the aggrieved to appeal the results of the grievance, including timeframes for submitting the appeal.
 - G. Notification in writing to the aggrieved of the decision of the appeal.
- VIII. Agencies may include in their policy the right to reject grievances that are frivolous in nature or that upon investigation are determined to have no merit. The aggrieved individual must be notified in writing of the rejection of the grievance.
- IX. Agencies must include in their policy the right of the aggrieved to appeal the initial decision of the agency, and may include additional levels of appeal (the right to appeal the decision of the initial appeal).

- X. Agencies must maintain a confidential written log of formal grievances that at a minimum includes the:
 - A. Name or unique identifier of the aggrieved
 - B. Date the grievance or appeal was filed
 - C. Summary statement of the reason(s) the grievance was filed
 - D. Summary statement of the significant facts of the investigation
 - E. Summary statement of the resolution of the grievance
 - F. Date of resolution
 - G. If appealed, a separate entry on the log containing the information in A through F relative to the appeal.
- XI. For monitoring purposes, agencies must make the grievance log with personal identifiers removed available upon request for inspection by the AIDS/HIV Program or its agent.
- XII. Agencies must maintain written documentation of a grievance its investigation and resolution, and if appealed its appeal, for a period of five years from the date of final resolution.
- XIII. These standards do not supersede applicable state or federal laws or regulations.
- XIV. Agencies that are not able to meet all of the requirements of these standards for grievance policies and procedures may submit a written request to the Director of the AIDS/HIV Program to waive certain requirements.