



Altruistic Life Services

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Human Rights Complaint Process: 12VAC35-115-175

Policy: It is the policy of Altruistic Life Services to ensure all service recipients be aware of their right to file a complaint. The service recipient will receive support if requested to assist in filing a complaint. The Executive Director is responsible for implementing this policy.

- A. Each individual has a right to:
 1. Make and file a complaint if he /she feels Altruistic Life Services has violated any of his/her assured rights.
 2. Have a timely and fair review of the complaint in accordance with Altruistic Life Services' human rights complaint resolution policies and procedures.
 3. Receive support in filling a complaint on his/her behalf.
 4. Use complaint procedures and.
 5. Make complaints under the law that applies to the protection and advocacy agency.
- B. The individual shall:
 1. If a service recipient files a complaint, he/she shall be contacted by Altruistic Life Services director or the director's designee regarding the complaint within 24 hours;
 2. The service recipient will be provided with contact information that allows them access to a human rights advocate with the complaint;
 3. Altruistic Life Services employees shall not retaliate or attempt to harm any service recipient filing complaints;
 4. Altruistic Life Services management team will ensure the service recipient shall have the right to have the complaint reviewed, investigated, and resolved as soon as possible;
 5. The recipient will receive a report with Altruistic Life Services director's decision and action plan within 10 working days; and
 6. Be notified in writing of his right to and the process for appealing the director's decision and action plan to the LHRC.
- C. Upon receipt of a complaint, Altruistic Life Services shall:
 1. Notify the department of the complaint as soon as possible, but no later than the next business day;
 2. Ensure that the director or the director's designee contacts the individual regarding the complaint within 24 hours;
 3. Initiate an impartial investigation into, or resolution of, the complaint as soon as possible, but no later than the next business day;



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4. Take all steps necessary to ensure that individuals involved in the complaint are protected from retaliation and harm;
 5. Assist the individual making a complaint in understanding the human rights complaint process, the provider's complaint resolution policies and procedures, and the confidentiality of involved information;
 6. Ensure that all communications to the individual are in the manner, format, and language most easily understood by the individual;
 7. Adhere to the reporting requirements in 12VAC35-115-230; and
 8. Report the director's decision and action plan within 10 working days to the individual, authorized representative, if applicable, and human rights advocate.
- D. Altruistic Life Services shall have complaint resolution policies and procedures that address all of the requirements of subsections C and E of this section.
- E. Altruistic Life Services complaint resolution policies and procedures shall be in writing and approved by the department prior to implementation. The policies and procedures shall:
1. Ensure that anyone who believes that a provider has violated an individual's rights under this chapter can report it to the director or the human rights advocate for resolution;
 2. Ensure that employees shall not take, threaten to take, permit, or condone any action (i) to punish or retaliate against anyone filing a complaint or (ii) to prevent anyone from filing or helping an individual file a complaint either under this chapter or with an outside entity;
 3. Ensure that every attempt is made to resolve an individual's complaint as quickly as possible;
 4. Provide opportunities for timely negotiation and resolution for all complaints, including the additional requirements related to abuse, neglect, or exploitation in subsection F of this section;
 5. Establish a process for designating the director's responsibilities to ensure timely complaint reporting and resolution;
 6. Detail the program's complaint review or investigation process, including (i) specific actions the program will take to protect the individual and gather and document relevant information and (ii) how and when the individual and his authorized representative, if applicable, will receive updates on the progress of the review;
 7. Detail notification requirements and deadlines including procedures for providing:
 - i. The program's complaint policies and procedures to all individuals and authorized representatives at admission to service; and



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- ii. Written notification to the individual regarding his right to and the process to appeal the director's decision and action plan to the LHRC; and
 8. Detail staff training requirements regarding the program's complaint resolution process and requirements.
- F. Additional requirements for complaints involving abuse, neglect, or exploitation:
 1. The program director shall take immediate steps to protect the individual until the investigation is complete, including appropriate personnel actions.
 2. Any instance of seclusion or restraint that does not comply with this chapter or an approved variance, or that results in injury to an individual, shall be reported to the authorized representative, as applicable, and the department in accordance with the requirements for reporting allegations of abuse.
 3. The program director shall notify the department and authorized representative, if applicable, of an allegation of abuse or neglect within 24 hours of the receipt of the allegation.
 4. The program director shall ensure that the investigation is conducted by a person trained to do investigations and who is not involved in the issues under investigation.
 5. The investigator shall provide a written report of the results of the investigation of abuse or neglect to the director and to the human rights advocate within 10 working days from the date the investigation began unless an extension has been granted
 6. The program director shall decide, based on the investigator's report and any other available information, whether the abuse, neglect, or exploitation occurred. Unless otherwise provided by law, the standard for deciding whether abuse, neglect, or exploitation has occurred is preponderance of the evidence.
 7. The program director shall submit the final decision and action plan, if applicable, to the individual, authorized representative, if applicable, and human rights advocate within 10 working days of its completion.
- G. If the human rights advocate concludes that there is substantial risk that serious or irreparable harm will result if the complaint is not resolved immediately, the human rights advocate shall inform the director, the provider's governing body, and the LHRC. The LHRC shall conduct a hearing according to the special procedures for emergency hearings in 12VAC35-115-180. Local Human Rights Committee Hearing and Review Procedures.
- H. Any individual or his authorized representative who disagrees with a director's final decision or action plan resulting from any complaint resolution process under this chapter may request an LHRC hearing by following the process described in this section.



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1. The individual or his authorized representative shall file the petition for a hearing with the chairperson of the LHRC within 10 working days from receipt of the director's action plan or final decision on the complaint.
 - i. The petition for hearing shall be in writing. It shall contain all facts and arguments surrounding the complaint and reference any section of this chapter that the individual believes the provider violated.
 - ii. The human rights advocate or any person the individual chooses may help the individual in filing the petition. If the individual chooses a person other than the human rights advocate to help him, he/she and his/her chosen representative may request the human rights advocate's assistance in filing the petition.
 - iii. The LHRC chair shall forward a copy of the petition to the director and the human rights advocate as soon as he receives it. A copy of the petition shall also be forwarded to the provider's governing body.
 2. Within five working days, the director shall submit to the LHRC:
 - i. A written response to everything contained in the petition; and
 - ii. A copy of the entire written record of the complaint.
- I. LHRC hearing procedures:
1. The LHRC shall hold a hearing within 20 working days of receiving the petition.
 2. The parties shall have at least five working days' notice of the hearing.
 3. The director or his designee shall attend the hearing.
 4. The individual or his authorized representative making the complaint shall attend the hearing.
 5. The hearing is an informal process and, as such, the rules of evidence are not applicable.
 6. At the hearing, the parties and chosen representatives and designees have the right to present witnesses and other evidence and the opportunity to be heard.
 7. The hearing shall be conducted in a non-adversarial manner.
 - i. Each party shall be provided the opportunity to present its facts.
 - ii. Each party shall direct questions to the LHRC rather than to the other party.
 - iii. The LHRC shall ask questions, as appropriate, to each party.
 8. Within 10 working days after the hearing ends, the LHRC shall give its written findings of fact and recommendations to the parties and their representatives. Whenever appropriate, the LHRC shall identify information that it believes the director shall take into account in making decisions concerning discipline or termination of personnel.



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9. Within five working days of receiving the LHRC's findings and recommendations, the director shall give the individual, the individual's chosen representative, the human rights advocate, the governing body, and the LHRC a written action plan he intends to implement to respond to the LHRC's findings and recommendations. Along with the action plan, the director shall provide written notice to the individual about the timeframe for the individual's response and a statement that if the individual does not respond, then the complaint will be closed. The plan shall not be implemented for five working days after it is submitted, unless the individual agrees to its implementation sooner.
10. The individual, his chosen representative, the human rights advocate, or the LHRC may object to the action plan within five working days by stating the objection and what the director can do to resolve the objection.
 - i. If an objection is made, the director may not implement the action plan until the objection is resolved. The provider may, however, implement any portion of the plan to which the individual making the complaint agrees.
 - ii. If no one objects to the action plan, the director shall begin to implement the plan on the sixth working day after he submitted it, or as otherwise provided in the plan.
11. If an objection to the action plan is made and the director does not resolve the objection to the action plan to the individual's satisfaction within two working days following its receipt by the director, the individual may appeal to the SHRC under 12VAC35-115-210.