

Customer Service Numbers

ADHS/DBHS: (800) 867-5808; (602) 364-4558

Magellan: (800) 564-5465

CPSA: (800) 771-9889

Cenpatico: (866) 495-6738

NARBHA: (800) 640-2123

Pascua Yaqui Tribe: (520) 879-6060*

Gila River Indian Community: (602) 528-7100*

White Mountain Apache Tribe: (928) 338-4811*

Navajo Nation: (928) 871-6235*

Colorado River Indian Tribes: (928) 669-3256*

*All appeals, grievances, and requests for investigation regarding a person enrolled with a TRBHA can be directed to the ADHS/DBHS Office of Grievance and Appeal.

Resources

Both the Arizona Administrative Code (R9-21-101, *et seq.*) and the ADHS/DBHS Policy & Procedures contain more details about the topics in this brochure. You can find the Arizona Administrative Code at www.azsos.gov/public_services/Title_09/9-21.htm and the ADHS/DBHS Policy & Procedures at www.azdhs.gov/bhs/policy.htm.

When filing an appeal or a grievance/request for investigation, it is strongly recommended that you use the "ADHS/DBHS Appeal or SMI Grievance Form," available at www.azdhs.gov/bhs/provider/forms/pm5-3-1.pdf.

How to Contact Us

Flagstaff Office

877-744-2250 (toll free)
928-214-8231
1500 E. Cedar Ave., Suite 22
Flagstaff, AZ 86004

Phoenix Office

800-421-2124 (toll free)
602-364-4585
150 N. 18th Ave., Suite 210
Phoenix, AZ 85007

Tucson Office

877-524-6882 (toll free)
520-770-3100
4400 E. Broadway, Suite 300
Tucson, AZ 85711

Web Site

www.azdhs.gov/bhs/ohr.htm

The Office of Human Rights (OHR) is part of the Arizona Department of Health Services, Division of Behavioral Health Services. OHR provides advocacy to individuals determined to have a Serious Mental Illness (SMI) to help them understand, protect and exercise their rights, facilitate self-advocacy through education and obtain access to behavioral health services in the publicly funded behavioral health system in Arizona.

OHR/8-20-2009



Division of Behavioral Health Services Office of Human Rights

Complaints, Appeals, and Grievances: Different Ways to Address Your Concerns

The Office of Human Rights publishes other self-advocacy documents on various topics. You can download them from our website or call our office to request a copy.

The intent of this brochure is to provide general information to individuals determined to have a Serious Mental Illness in Arizona's public behavioral health system regarding their rights. It is not intended as a substitute for individual guidance or advice. Additionally, the ADHS/DBHS Office of Human Rights is not a law firm.

Self-Advocacy Tips

If you have been determined to have a Serious Mental Illness (SMI) and have concerns about the treatment you receive from Arizona's public behavioral health system, you have access to several options to help you address your concerns. Deciding which option to use depends on the nature of the issue, what result you want, and how much time you want to spend on the issue. This brochure provides basic information about what options are available and how to use them.

Ways to Raise your Concerns

1) *Informal Complaint*

- This is the least formal way to address a concern. It involves talking with the staff person involved and/or his or her supervisor.
- The main advantages of this approach are that it often is the quickest way to get your needs met and it does not require you to make time for meetings about the issue.
- The disadvantage to this approach is that the Tribal or Regional Behavioral Health Authority (T/RBHA) may not be able to identify, address, or perhaps prevent similar problems from happening in the system.
- This is not the best option if the same problem keeps happening or the staff involved does not seem willing to address the problem.

2) *Formal Complaint*

- A formal complaint is filed either in writing or orally through the Customer Service Department of your T/RBHA (ADHS/DBHS Policy GA 3.6).
- Although complaints are generally handled sooner, the T/RBHA has 60 days to take action.
- The main advantages of this approach are it 1) allows the T/RBHA to track patterns, 2) brings in a person from outside of the provider to look at your issue, and 3) generally is handled more quickly than appeals or grievances.
- The disadvantage to this approach is that if you are dissatisfied with the result, the process does not have a formal "next step." However, you can ask DBHS Customer Service to review the issue. Also, you can choose to file a grievance and/or an appeal if the issue of the complaint is one that can be grieved and/or appealed.

3) *Appeal**

- An appeal is a formal way of disagreeing with a decision about your services. Issues that can be appealed include
 - ◊ Content of Individual Service Plan (ISP) or discharge plan
 - ◊ Denial of a service
 - ◊ Reduction, suspension or termination of a service
 - ◊ Fees assessed to the individual or the denial of a fee waiver
 - ◊ The result of a grievance or request for investigation
 - ◊ Others, per Arizona Administrative Code, R-9-21-401(c).
- If you have TXIX status (AHCCCS coverage), you have the option to use the TXIX appeal process for decisions relating to TXIX services (R9-21-401(I)). See ADHS/DBHS Policy GA 3.5 for details.
- Generally, an appeal must be filed within 60 days of when you were informed of the decision/action to be appealed (R9-21-401(D)).
- An appeal can be expedited upon request if it involves the denial or termination of crisis or emergency services; the denial of admission to or the termination of inpatient services; or the individual can show good cause to support the need for an expedited appeal (R9-21-401(H)).
- Your services will continue during the appeal process unless a clinician determines that the modification or termination is necessary to avoid a serious or immediate threat to your or others health or safety; or if you agree to the modification or termination of your services (R9-21-401(A)).
- You can file an appeal in writing or orally with your T/RBHA Customer Service or the Office of Grievance and Appeal. It is best to file in writing using the DBHS form and to keep a copy for your records.
- After an appeal is filed, an informal conference takes place between you and the provider to try to find a solution to the appeal. (R9-21-401(E)).
- If the issue is not resolved, a second informal conference can be scheduled with the ADHS/DBHS Office of Grievance and Appeals—unless you waive the conference or the appeal involves SMI eligibility. (R9-21-401(F)).

- If the issue is not resolved through the informal conference(s), you have the right to request an administrative hearing.
- At the administrative hearing, you present evidence through testimony of witnesses and records to support your appeal. The administrative law judge then issues a proposed decision, which ADHS/DBHS reviews and then issues a final decision.
- The main advantages to this approach are that 1) it is a formal process with built-in timelines, 2) the decision is enforceable, and 3) the decision can be appealed.
- The disadvantage to this approach is that it can take weeks or even months to complete the process.

4) *Grievance/Request for Investigation**

- This process involves an investigation to explore an alleged violation of rights or a condition that is dangerous, illegal, or inhumane (R9-21-402).
- Generally, the grievance or request must be filed within one year from the event.
- You can file a grievance request in writing or orally. It is best to file in writing using the DBHS form and to keep a copy for your records (R9-21-403(F)).
- You generally file a grievance request with your T/RBHA Customer Service or Office of Grievance & Appeal.
- The assigned investigator interviews you and others involved, reviews clinical records and makes a decision based on the available evidence (R9-21-406).
- The decision can be appealed (R9-21-407).
- At the conclusion of the investigation the T/RBHA is required to develop a plan to correct any violation(s) that were found (R9-21-406(F & G)).
- The main advantages to this approach are that 1) it is a formal process with built-in timelines, 2) the decision is enforceable, and 3) the decision can be appealed.
- The main disadvantages to this approach are that 1) it takes several months for the process and 2) it is difficult to prove violations occurred that are not also supported in some way by the clinical record or some other proof or evidence.

*For more information about grievances/requests for investigation, and appeals please see ADHS/DBHS Policy GA 3/1, 3.3 & 3.5 & OHR's educational documents on these processes.