

**PM ATTACHMENT 5.5.1 DRAFT**

**ADHS/DBHS NOTICE OF SMI GRIEVANCE AND APPEAL PROCEDURE**

It is the philosophy of the Arizona Department of Health Services, Division of Behavioral Health Services (ADHS/DBHS) to provide state residents with timely access to appropriate and effective behavioral health care. Services are provided through the Regional Behavioral Health Authority (RBHA) or Tribal Regional Behavioral Health Authority (TRBHA). Should you need to request an investigation, file an SMI grievance, or file an appeal, the following process is followed:

**SMI GRIEVANCE/REQUEST FOR INVESTIGATION/**

Any person may file an SMI grievance or request an investigation regarding any act or omission of ADHS/DBHS, the Arizona State Hospital, the T/RBHA, or one of its providers, alleging that a rights violation or a condition requiring investigation has occurred or currently exists. (Please note: allegations about the need for, or appropriateness of behavioral health services should not be considered an SMI grievance, but should be addressed through the appeal process described below.) The request may be verbal or written and must be initiated no later than one year after the date of the alleged rights violation or condition requiring investigation. Forms for filing are available at ADHS/DBHS, the Arizona State Hospital, the T/RBHAs, case management sites and at all provider sites.

All SMI grievances/requests for investigation must be filed with the appropriate RBHA. Allegation of rights violation by a TRBHA or their providers or SMI grievances/requests for investigation related to physical or sexual abuse will be addressed by ADHS/DBHS. SMI grievances/requests for investigations on such issues may be filed with the RBHA to be forwarded to ADHS/DBHS or may be filed directly in writing with ADHS/DBHS at 150 North 18<sup>th</sup> Avenue, Suite 210, Phoenix, Arizona 85007, or orally, by calling (602) 364-4575. Within 7 days of the date received, you will be sent an acknowledgment letter and, if appropriate, an investigator will be assigned to research the matter. When a decision is reached, you will receive a written response.

**APPEAL**

Any person, age 18 or older, his or her guardian, or designated representative, may file an appeal related to services applied for, or services the person is receiving. Matters of appeal are generally related to: a denial of services; disagreement with the findings of an evaluation or assessment; any part of the Individual Service Plan; the Individual Treatment and Discharge Plan; recommended services or actual services provided; barriers or unreasonable delay in accessing services under Title XIX; and fee assessments. Appeals must be filed with the RBHA or ADHS/DBHS for the TRBHA and must be initiated no later than 60 days after the decision or action being appealed. Appeal forms are available at ADHS/DBHS, the T/RBHAs, case management sites and at all provider sites.

The RBHA or ADHS/DBHS (for TRBHA appeals) will attempt to resolve all appeals within seven days through an informal process. If the problem cannot be resolved, the matter will be forwarded to ADHS/DBHS for further appeal. If the RBHA will not accept your appeal or dismisses your appeal without consideration, you may request an Administrative Review by ADHS/DBHS of that decision.

For SMI grievances/requests for investigation and appeals, to the greatest extent possible, please include:

1. Name of person filing the SMI grievance/request for investigation or appeal
2. Name of the person receiving services, if different.
3. Mailing address and phone number.
4. Date of issue being appealed or incident requiring investigation.
5. Brief description of issue or incident.
6. Resolution or solution desired.

For either process above, you may represent yourself, designate a representative or use legal counsel. You may contact the State Protection and Advocacy System, the Arizona Center for Disability Law 1-800-922-1447 in Tucson and 1-800-927-2260 in Phoenix. You may also contact the Office of Human Rights at (602) 364-4585, or 1-800-421-2124 for assistance. If your complaint relates to a licensed behavioral health agency, you may contact the Office of Behavioral Health Licensure, 150 N. 18<sup>th</sup> Avenue, Phoenix, Arizona 85007, (602) 364-2595.

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Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date

**RBHA NAME**  
**RBHA address and phone number**  
**In English and Spanish**