

**ND Department of Health and Human Services
Bismarck, North Dakota**

PI 22-13

TO: DD Licensed Service Providers
DD Program Administrators
DD Program Managers
Angela Dinius

FROM: Tina Bay, Director
Developmental Disabilities, DHHS

DATE: December 1, 2022

SUBJECT: Client Rights to Submitting a Grievance/Complaint

Clients with intellectual or related disabilities, receiving services that are authorized by Developmental Disabilities (DD) and funded through Medicaid, have the right to submit a grievance/complaint. The types of grievances/complaints that a client and/or legal decision maker may submit includes, but is not limited to, issues with provider staff, provider performance, service delivery, quality, and non-compliance with Home and Community Based Setting (HCBS) rules. Providers must ensure that people experience the benefits of living, working, and participating in the most integrated setting; have maximum choice and control over their lives; and rights are respected and promoted. This includes, but is not limited to, dignity, privacy, and respect; freedom from restraints; right to have visitors anytime; community involvement; making own life choices; access to personal money and possessions; decorate home as they wish; choice in daily schedules, services, roommates, and where they live.

At any time, preferably within 30 days, a client and/or legal decision maker can submit a grievance/complaint to DD by telephone, mail, in person, or email. Within ten (10) business days, DD will review and determine the mechanisms that are needed to resolve the grievance/complaint and other entities who may need to be involved to assist in resolution. Mechanisms may include contact with other entities, investigation, on-site visits, licensure status change, and state improvement and monitoring plan. Entities may include Protection and Advocacy, Child Protection Services, the

provider accreditation entity, the provider agency, and Regional Human Services Centers. The roles and responsibilities of other entities may include, but is not limited to, information exchange, remediation, plan revision, service change, etc.

Contact Information:

DD Quality Assurance Administrator

1237 W Divide Ave Ste 1A

Bismarck ND 58501

701.328.8930

Toll Free: 800.755.8529

dhsddreq@nd.gov

DD Program Managers monitor satisfaction with services, plan implementation, health and safety, and provider interactions. The monitoring includes observations, discussions, and assessment of the physical characters of the home or day activity setting to ensure all HCBS rule characteristics and experiences are present. If concerns are expressed to the DD Program Manager, the concern will be resolved through the team process, with DD, or Protection and Advocacy.

The DD Program Manager will notify clients and/or legal decision makers of their rights to submit a grievance/complaint, at a minimum, initially and annually during the development of the service plan process, and whenever a person communicates concern regarding services. The DD Program Manager provides assistance to the client and/or legal decision maker in the grievance/complaint process. Operation of this system does not preclude the person from requesting a fair hearing to address problems that fall under the scope of the fair hearing process.