



Mahoning County Board of Developmental Disabilities

PROCEDURE

RESOLUTION OF COMPLAINTS

Purpose:

To outline the process for individuals/guardians to follow when they feel an adverse action has been taken by the County Board which affects the individual being served or the individual requesting services.

1. This process can include but is not limited to following:
 - a) Eligibility determination.
 - b) Any action regarding waiting list placement.
 - c) Denial, reduction, suspension or termination of County Board service(s) (non-Medicaid Services).
2. The following entities/situations are not applicable to resolution of complaints:
 - a) Education services arranged by the Local Education Agency (LEA).
 - b) If the County Board is a vendor or subcontractor for service delivery.
 - c) The administration of prescribed medication, tube feedings and performance of health-related activities by county board personnel. See OAC 5123:2-17-01 for these situations.
 - d) Services provided to an individual residing @ an ICF/IID.
3. The SSA shall give the "Complaint or Appeal of Adverse Action Explanation Form" contained in the appendix of OAC 5123:2-1-12 (see attachment A) along with the MCBDD resolution flow chart (see attachment B), to an individual or persons:
 - a) At the time of the individual's initial request for services.
 - b) At least annually to each individual receiving or on a waiting list for non-Medicaid services.
 - c) At the time a complaint or when the county board proposes an adverse action.
4. At any point the individual/guardian requests to file a complaint, the complaint must be submitted in writing. The Community Services Director is to be notified of receipt of complaint. If/when necessary, the SSA can assist the individual or person filing the complaint.
5. The SSA shall provide written notice as outlined in OAC 5123:2-1-12 when there is an intent to deny, reduce, suspend or terminate services for an individual at least 15 days prior to notification; Except when it is necessary with no delay in order to ensure health & safety of the individual or other individuals. The SSA shall retain evidence of the written notice.
6. When suspending services without delay (no 15 day notification given) the SSA will convene a team meeting within 5 calendar days of notice to suspend in order to identify measures that may be implemented to eliminate the circumstances that jeopardize the health & safety of others including the individual.

7. All appeals and adverse actions shall follow the MCBDD resolution flow chart (Attachment).
8. If an individual/guardian chooses to utilize an Informal process to address the complaint, which shall take no longer than 30 days, the following can be completed (see below). However, at any time the individual/guardian may choose to engage in the formal process outlined above.
 - a) The individual/guardian contacts the supervisor of the applicable service from which the pending issue originated and requests a case conference to review/discuss said issue(s).
 - b) The supervisor will, at a mutually agreed upon time, schedule & facilities a case conference with those person(s) requested by the individual/guardian.
 - c) During this conference, the supervisor will respond to questions, review circumstances related to the decision and provide the individual/guardian requesting the conference ample opportunity to present reasons as to why the decision(s) should be reconsidered.
 - d) The supervisor will document this conference and if the issues(s) cannot be resolved within 30 days, the supervisor informs the individual/guardian of the option to file a formal appeal as outlined above.

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Complaint Resolutions Process

