

**MOUNT ROGERS COMMUNITY MENTAL HEALTH  
AND MENTAL RETARDATION SERVICES BOARD**

**TITLE: Human Rights Complaint Resolution, Hearing, and Appeal Procedures**

**SUBJECT: Protocol for Human Rights Complaint Resolution**

**I. DEFINITION:**

Human Rights Complaint: An allegation of a violation of the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and Mount Rogers Community Mental Health and Mental Retardation Services Board policy and procedures related to the regulations.

Local Human Rights Committee (LHRC): A group of at least five people appointed by the State Human Rights Committee. See 12VAC35-115-250D for membership and duties.

**II. PROCEDURES STATEMENT:**

Individuals receiving services from Mount Rogers Community Mental Health and Mental Retardation Services Board have access to a complaint resolution, hearing, and appeal process as follows:

Human Rights Complaint Resolution, Hearing, and Appeal Procedures:

General Provisions:

- A. Mount Rogers Community Mental Health and Mental Retardation Services Board shall assure that individuals receiving services are provided a timely and impartial review of alleged violations of the rights assured under Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and Mount Rogers Community Mental Health and Mental Retardation Services Board policy and procedures. Applicants for treatment or services are entitled to an impartial review solely for the purpose of challenging the denial of admission.

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B. An individual receiving services who believes that their rights have been violated under the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and Mount Rogers Community Mental Health and Mental Retardation Services Board policy and procedures may report a complaint to the Office of the Executive Director, any Mount Rogers Community Mental Health and Mental Retardation Services Board staff or a human rights advocate for resolution.

1. The person receiving the complaint must report it immediately to the Office of the Executive Director, the appropriate Program Director and supervisor. The Executive Director or designee will immediately notify the Human Rights Advocate. If the complaint is received on a weekend or holiday, then the report shall be made on the next business day.

2. The Executive Director or designee shall discuss the report with the individual and inform the individual of the right to pursue a complaint through the informal and formal complaint processes and thoroughly explain the processes so that the individual understands. The individual must be asked if the individual understands the informal and formal processes and the choice that the individual has before asking the individual how the individual wishes to pursue the complaint. If the individual does not make a choice, the complaint will be managed through the informal process.

3. The following steps apply if the complaint is pursued through the informal process:

Step 1. The Executive Director or designee shall attempt to resolve the complaint immediately. If the complaint is resolved no further action is needed.

Step 2. If the complaint is not resolved within five working days the Executive Director or designee shall refer it for resolution under the formal process. The individual may extend the informal process five-day time frame for good cause. The Executive Director or designee must report such extensions to the Human Rights Advocate.

4. The following steps apply if the complaint is pursued through the formal process:

Step 1. The Executive Director or designee shall try to resolve the complaint by meeting with the individual, any representatives the individual chooses, the Human Rights Advocate and others as appropriate

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within 24 hours of receipt of the complaint or the next business day if that day is on a weekend or holiday. The Executive Director or designee shall conduct an investigation of the complaint, if necessary.

Step 2. The Executive Director or designee shall give the individual and the individual's chosen representative a written preliminary decision and action plan if appropriate for resolving the complaint within 10 working days of receiving the complaint. The individual must also be given a written notice about the time frame for the individual's response and information on how to contact the Human Rights Advocate for assistance with the process, and a statement the complaint will be closed if the individual does not respond.

Step 3. If the individual disagrees with the Executive Director's preliminary decision or action plan, the individual can respond to the Executive Director in writing within five working days after the preliminary decision and action plan. If the individual has not responded within five working days, the complaint will be closed.

Step 4. If the individuals disagrees with the preliminary decision or action plan and reports disagreement to the Executive Director in writing within five working days after receiving the decision or action plan, the Executive Director or designee shall investigate further as appropriate and shall make a final decision regarding the complaint. The Executive Director shall forward a written copy of the final decision and action plan to the individual, the individual's chosen representative, and the Human Rights Advocate within five working days after the Executive Director receives the individual's written response. Along with the action plan, the Executive Director will provide written notice to the individual about the time frame for the individual's response pursuant to step 5, information about how to contact the Human Rights Advocate for assistance with the process, and a statement that if the individual does not respond that the complaint will be closed.

Step 5. If the individual disagrees with the Executive Directors final decision and action plan, the individual may file a petition for a hearing by the LHRC using the procedures prescribed in 12VAC-115-180. If the individual accepts the relief offered by the Executive Director, the matter is not subject to further review.

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**HUMAN RIGHTS COMPLAINT  
RESOLUTION PROTOCOL**

Any person who believes that an individual's rights have been violated under the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services will **immediately** report the complaint to the Office of the Executive Director, their Program Director, and their supervisor. If the complaint is received on the weekend or a holiday the report may be made on the next business day.

The Executive Director or Designee will notify the Human Rights Advocate that a Human Rights Complaint has been received within 24 hours of receiving the complaint.

The Executive Director or designee shall review the complaint with the individual and notify the individual of his/her right to pursue the complaint through the informal or formal process. The steps in the informal and formal process shall be thoroughly explained to the individual and the choice that he/she has before the individual chooses the informal or formal complaint resolution process. The informal process will be used if the individual does not make a choice.

**INFORMAL HUMAN RIGHTS COMPLAINT  
RESOLUTION PORCESS**

The Executive Director or designee will attempt to resolve the complaint immediately. If the complaint is resolved no further action is required.

The individual may extend the informal process for five (5) days for good cause. The human rights advocate must be informed of the extension.

If the complaint is not resolved within five (5) working days, the Executive Director or designee shall refer it for resolution under the formal process.

**FORMAL HUMAN RIGHTS COMPLAINT  
RESOLUTION PROTOCOL**

The Executive Director or designee will attempt to resolve the formal complaint by meeting with the individual, any representative the individual chooses, the human rights advocate and others as appropriate within 24 hours of receipt of the formal complaint, or the next business day if that day is a weekend or holiday. The Executive Director or designee shall conduct an investigation of the formal complaint, if necessary.

The Executive Director or designee shall give the individual and his chosen representative a written preliminary decision and, when appropriate, an action plan for resolving the complaint within 10 working days of receiving the formal complaint. Along with the action plan, the Executive Director shall provide a written notice that the time frame to respond if the individual disagrees with the Executive Director's preliminary decision is five (5) days. The individual shall also be given information on how to contact the human rights advocate for assistance with the process and a statement that the formal complaint will be closed if the individual does not respond.

If the individual disagrees with the preliminary decision or action plan and reports his disagreement to the Executive Director in writing within five (5) working days after receiving the decision and action plan, the Executive Director shall investigate further as appropriate and shall make a final decision regarding the formal complaint. A copy of the final decision and action plan shall be forwarded to the individual, his chosen representative, and the human rights advocate within five (5) working days after the individual's written response is received. The Executive Director will also inform the individual how to contact the human rights advocate for assistance with the process and a statement that the complaint will be closed if the individual does not respond. The Executive Director will inform the individual of the time frame, ten (10) working days, to file a petition for a hearing with the chairperson of the LHRC if he/she disagrees with the Executive Director's final decision or action plan.

If the individual disagrees with the Executive Director's final decision or action plan, he may file a petition for a hearing by the LHRC using the procedures prescribed in 12VAC35-115-180.