

Administrative Resolution of Complaints

_____ County Board of MRDD

Item	Rule Citation	Standard Met S/P/N/NA	Comments
<p>Policy & Procedures - The county board has a written Grievance Procedure Policy and an Administrative Resolution of Complaints process. The Grievance Procedure is typically the Informal Complaint Process utilized prior to or in place of the formal process.</p>			
1.	Has the county board adopted a policy regarding the grievance procedure as an informal process for the resolution of disputes with complainants or individuals OAC 5123:2-1-12 [(E)]?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<p><i>Note: interview questions regarding the application of the Grievance Procedure as an informal process is attachment B.</i></p>			
2.	<p>If the county board adopts an informal grievance process for the resolution of disputes, the policy shall authorize the superintendent to appoint one or more persons to conduct an informal hearing to resolve the issue within a time frame of not more than 30 days [(E)]; and shall not affect the rights of the complainant or individual to file an appeal through the administrative resolution of complaints procedures [(E)].</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
<p>Formal Filing of a Complaint using the written Administrative Resolution Process shall use the following process.</p>			
<p>Review of Written Process and the Application of the Formal Administrative Resolution of Complaints Process (Once the process begins indicate in comment section if complainant chooses a alternative complaint resolution process—e.g. goes directly to the superintendent as opposed to supervisor or to the board as opposed to the superintendent or makes a request to withdrawal a complaint at any level of the process).</p>			
3.	Does the county board have a written Administrative Resolution of Complaints process? 5123:2-1-12 Does this process address the following:	<input type="checkbox"/> YES <input type="checkbox"/> NO	

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4.	The county board gives annual notification of the availability of the procedure for administrative resolution of complaints to individuals and any entity in the county that serves persons or provides or desires to provide other goods or services under a contract with the county board. The county board shall post the toll free number for the department and Ohio legal rights service in a visible place. (D)(1)	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
5.	Upon receipt of any complaint subject to administrative resolution, the superintendent or appropriate designee shall provide written notice of the rights to administrative resolution of the complaint to the complainant or individual. Where circumstances permit, this notice shall be given at least ten days before the action is taken. Such notice shall be written in terms comprehensible by the complainant or individual, and shall include the following [(D)(2)(a-d)]:	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
6.	A detailed description of the proposed action [(D)(2)(a)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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7.	A clear statement of the reasons for the proposed action, including the specification of any evaluative instruments or reports upon which such action is proposed [(D)(2)(b)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
8.	Statement that the complainant or individual has the right to seek administrative resolution regarding complaints about such decision [(D)(2)(c)]; and	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
9.	A copy of the written administrative resolution process [(D)(2)(d)].	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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10.	Evidence present to suggest that any request for administrative resolution of complaints filed according to this process will not abrogate any other rights to services. If the county board is requesting a termination or reduction of services or change in services for an individual, current services shall continue to be provided pending final resolution, unless an entity under contract with a county board for the provision of supported living terminates the services it is providing that individual in accordance with the terms of the contract with the county board [(F)(1)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
11.	Notwithstanding any other provisions of this rule, the appeal of any action of a county board or its employees shall begin at the level in which the decision or action was made. [(F)(2)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
12.	When a complaint involves the action of the county board, the request for administrative resolution shall be in writing, and shall be filed with the supervisor of the applicable service component of the county board. If an individual has difficulty in reading or writing, an oral report may be accepted and documented by the county board supervisor receiving the report. An individual who wishes to seek administrative resolution in accordance with this process may be assisted by an advocate who may speak on behalf of the individual at the individual's request [(F)(3)].	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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13.	The county board supervisor will investigate the complaint within ten calendar days of receipt of the request [(F)(3)(a)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
14.	Within ten calendar days of the completion of the investigation, a written report and decision will be completed and discussed with the complainant or individual. Such report shall include a description of the next step in the administrative resolution process [(F)(3)(b)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
15.	Within ten calendar days of receipt of the county board supervisor's written decision, the complainant or individual may request administrative review of the supervisor's written decision [(F)(3)(c)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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16.	Timelines may be extended if mutually agreeable to all involved parties [(F)(3)(d)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
17.	If the complainant or individual wishes an administrative review of the county board supervisor's decision, the following shall occur [(F)(4)(a-c)]	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
18.	A request for administrative review shall be made in writing by the complainant or individual within ten calendar days of receipt of the supervisor's written decision. The request for administrative review of the supervisor's written decision shall be made to the superintendent of the county board or his designee [(F)(4)(a)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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19.	Upon receipt of a request for administrative review of the supervisor's written decision, the superintendent or his designee shall meet with the party initiating the request and conduct an administrative review within ten calendar days [(F)(4)(b)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
20.	During the administrative review, the superintendent or his designee may ask questions to clarify and review the circumstances and facts related to the decision, and provide the party initiating the request the opportunity to present reasons as to why the decision should be reconsidered [(F)(4)(b)(i)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
21.	Within five working days of the administrative review, the superintendent's decision shall be made known in writing to the complainant or individual, and shall include a rationale for such decision, and a description of the next step in the administrative resolution process [(F)(4)(b)(ii)]; and	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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22.	If the complainant or individual is not satisfied with the decision of the superintendent, a written appeal may be filed with the county board president. The written appeal shall be filed with the county board president within ten calendar days of receipt of the superintendent's decision [(F)(5)(a-k)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
23.	Upon receipt of a written request to appeal, the county board president or his designee shall conduct a hearing no sooner than seven calendar days, nor later than the next regularly scheduled board meeting, at a time and place convenient to all parties. The county board may hear the case as a full board or the president of the board with concurrence of the board may establish a committee of two or more board members to hear such appeals. Such a committee shall be vested with the full rights and authorities as the county board in handling the appeal [(F)(5)(a)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
24.	b. No less than seven days prior to the hearing, the complainant or individual shall be provided access to county board records pertaining to the specifics of the appeal [(F)(5)(b)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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25.	The hearing shall be a closed meeting unless the complainant or individual requests an open meeting; (F)(5)(c)	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
26.	The complainant or individual shall be afforded the right to be represented by legal counsel. An individual shall further have the right to be represented by such other representative of the party's choice, and at the expense of the individual [(F)(5)(e)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
27.	The complainant or individual shall be afforded the right to have in attendance and question any official, employee or agent of the county board who may have evidence upon which the appeal is based [(F)(5)(f)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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28.	The decision of the county board shall be based solely upon evidence presented at the hearing [(F)(5)(g)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
29.	Evidence presented at the hearing shall be recorded. Such record shall be made at the expense of the county board, and upon request, one copy of the verbatim transcript shall be provided to the complainant or individual at no cost [(F)(5)(h)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
30.	.In any hearing held under the authority of the county board, the county board may appoint a hearing examiner to conduct the hearing. The hearing examiner shall have the same powers and authority in conducting the hearing as granted to the county board. The hearing examiner shall not be an employee of the county board. The hearing examiner need not be admitted to the practice of law, but shall possess such qualifications as to be able to render neutral and informed decisions on matters presented in the complaint [(F)(5)(i)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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31.	Within five calendar days of the date the hearing is deemed closed, the hearing examiner shall issue a written report and recommendation, setting forth findings of fact, conclusions of law, and a recommendation for the disposition of the complaint. The report and recommendation shall be served upon the parties to the hearing by certified mail [(F)(5)(i)(i)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
32.	The parties to the hearing may file with the county board written objections to the report and recommendation within ten days of receipt of the report and recommendation [(F)(5)(i)(ii)];	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
33.	Within five calendar days of the hearing, or within five calendar days following the board's action, upon receipt of the hearing examiner's report and any objections thereto, written notification of the county board's decision shall be sent by certified mail to the complainant or individual. Such notification shall include a rationale for the county board decision, and a description of the next step in the process [(F)(5)(j)]; and	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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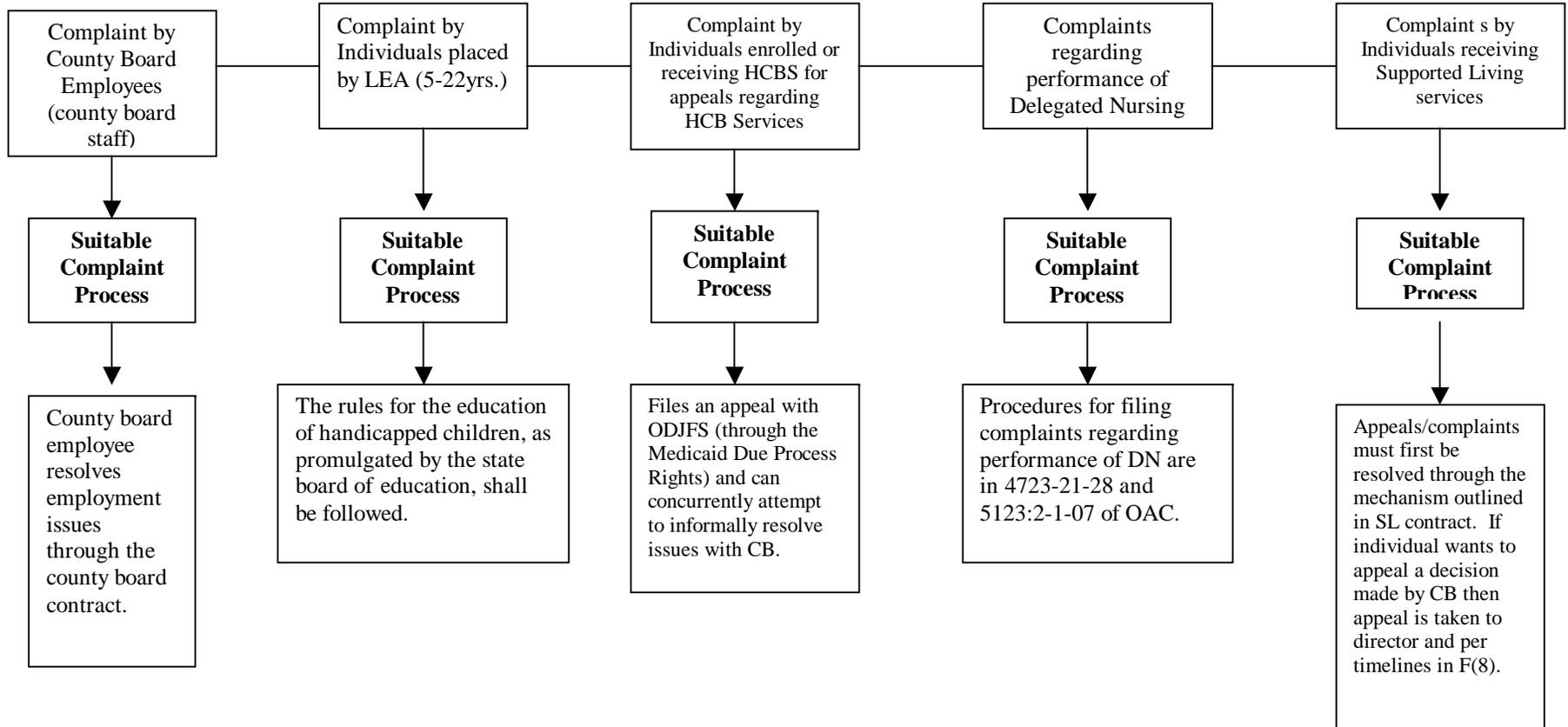
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34.	Timelines may be extended if mutually agreeable to all involved parties [(F)(5)(k)].	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
35.	There is evidence that the county board at all times maintained confidentiality concerning the identities of individuals, complainants, witnesses, and other involved parties who provide information unless the individual, in writing, authorizes the release of information [(F)(6)].	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
36.	. Informing the complainant of the procedures for appealing the decision of the county board to the Director of the Department [(F)(8)].	Written Process contained element <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Actual Practice</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

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