

## **Supports Intensity Scale Complaint Procedure** *(July 2008)*

This procedure provides specific directions to persons receiving services, guardians, authorized representatives, advocates, and service providers on how to present and seek resolution to complaints regarding the results of a Supports Intensity Scale (SIS) interview with a person receiving developmental disabilities services. A typical complaint may be submitted because the complainant believes that the results of the SIS interview were not accurate due to the way the instrument was administered. Community Centered Boards (CCB) and Regional Centers (RC) are responsible for administering the SIS and are primarily responsible for addressing complaints regarding SIS administration. This complaint process relies on the current complaint and grievance procedures used by CCBs, RCs, and DDD as required by DDD Rule 16.326. Complaints regarding administration of the SIS are not subject to the dispute resolution procedure specified in DDD Rule 2 CCR 503-1-16.322 or the Medicaid fair hearing process specified in Medicaid Rule 10 CCR 2505-10-8.057.

A complaint may be lodged verbally or in writing and must be addressed and resolved in a timely and efficient manner. To the extent possible, complaints should be resolved at a local level to provide the complainant with relief as quickly and effectively as possible. However, when immediate and direct action to address the complaint is unsuccessful, additional processes must be put into action to ensure the complainant's concerns are reasonably considered and addressed.

### **CCB/RC Responsibilities Regarding SIS Complaints**

The CCB/RC must address the concerns/issues raised by the complainant in accordance with the agency's grievance/complaint process. The CCB/RC will provide a copy of the agency's grievance/complaint process and the SIS Complaint Procedure to the complainant when he/she expresses dissatisfaction with the administration of the SIS.

A complaint about administration of the Supports Intensity Scale may be submitted for any reason. Possible reasons might include that the complainant believes:

- The interviewer did not administer the SIS correctly,
- The respondents who participated in administration of the SIS did not provide accurate information about the consumer during the SIS interview,
- The respondents who participated in administration of the SIS provided accurate but incomplete information about the consumer during the SIS interview. Prospective respondents who could have provided accurate and complete information about the consumer were not invited, or
- The consumer's guardian, authorized representative, or involved family member was not invited to the SIS interview.

A CCB/RC always has the option to resolve a complaint by arranging for a second SIS interview if there is a concern about the accuracy or completeness of the information obtained during the first interview. The CCB/RC should arrange for the second interview to be conducted by someone other than the person who conducted the first interview. That individual may be another certified SIS interviewer on the CCB/RC staff or a certified SIS interviewer employed at a different CCB/RC. The results of any re-administered SIS will determine the final SIS score. Only one additional interview will be provided for any individual complaint.

The CCB/RC shall ensure that the complainant is informed of support persons available to assist him/her with submitting the complaint.

Additionally, per DDD Rule 16.326 C. 5., the CCB/RC must also include provision for review by the agency director or designee if the grievance/complaint cannot be resolved at lower levels within the CCB/RC. If local efforts to resolve the complaint have failed, the complainant should be informed that the complaint may be submitted to DDD.

The CCB/RC shall maintain a record of all complaints it receives and efforts to resolve those complaints.

### **Division for Developmental Disabilities (DDD) Procedure**

In general, a request for DDD involvement should only be necessary when local efforts have failed to resolve the complaint or if there is a valid reason that the complainant does not want to contact the CCB or RC directly. A CCB/RC may request DDD involvement in a SIS-related complaint if the CCB/RC has reason to believe the complaint cannot be resolved at the local level.

The extent of DDD oversight or direct involvement in the resolution of a SIS-related complaint will vary depending upon the complainant's efforts to resolve the complaint with the CCB/RC, the source of the complaint, history of the CCB/RC in resolving complaints, or other relevant factors. For example, the nature and severity of the complaint may make contact by the complainant with the CCB/RC inappropriate, previous efforts to resolve similar issues may have been unsuccessful, the person may have a personal history with the agency that would make filing a complaint difficult, or there is fear of retribution.

The following are general descriptions of different levels of involvement DDD may have in response to complaints:

1. If the complainant has not contacted either the CCB or RC, he/she will be requested to contact the CCB/RC first to try to resolve the problem at the local level. Names, positions, and phone numbers of persons to contact will be provided as needed. The complainant will be asked to let DDD know if contact with the appropriate CCB/RC did not lead to resolution of the complaint.

DDD will also contact the CCB/RC to let them know of the complaint and to expect a call from the complainant. Depending on the nature of the complaint, DDD may also ask the complainant or CCB/RC involved to inform DDD of the resolution of the complaint.

2. If a determination is made that it is appropriate for DDD to act directly, DDD will review the complaint and determine if the CCB/RC has administered the SIS in conformance with DDD directives and the AAIDD standards for SIS administration. Such a review shall be conducted by a DDD staff member with specific training in administration of the SIS. DDD staff will collect all information from the CCB/RC necessary to address the complaint and shall document the complaint in the DDD Complaint Log.
3. It is in everyone's best interests to ensure that SIS interviews result in accurate information. DDD may, if warranted, provide an independent evaluation by arranging for another SIS interview utilizing a certified SIS interviewer not associated with the CCB or RC.

4. Depending on the nature and severity of ongoing complaints(s) and the CCB or RC involved, DDD may conduct additional follow-up. This is most likely to occur if there are persistent SIS-related complaints about a specific CCB or RC. The focus of the follow-up actions will be to collect additional information from the involved parties to determine if the complaint(s) can be substantiated. After completion of follow-up on the complaint(s), DDD will do one or more of the following:
  - provide technical assistance to the CCB/RC:
  - request specific corrective action plans from the CCB/RC to ensure the SIS process is implemented per DDD directives and implementation guidelines of AAIDD
5. DDD staff responsible for follow-up to the complaint will ensure that the complainant is informed of the findings/outcome of the follow-up. This will be done in writing. The CCB or RC will be copied on any correspondence to the complainant.