

10A NCAC 28B .0203 STATE FACILITY GRIEVANCE PROCEDURE AND REPORTS

(a) Each state facility shall have a written procedure to process clients' formal grievances in a fair, timely, and impartial manner. The grievance procedure shall specify that it is not intended to cover informal verbal expressions of dissatisfaction or discontent which can be resolved informally.

(b) The grievance procedure shall include the following:

- (1) a provision stating that grievances may be filed on behalf of a client by:
 - (A) the client;
 - (B) the legally responsible person of a minor client or incompetent adult client;
 - (C) the internal client advocate; or
 - (D) any other competent adult, including a state facility employee, who has been designated by the client and given written consent to bring a grievance on his behalf;
- (2) a provision requiring grievances to be filed in writing and a copy sent to the internal client advocate;
- (3) a provision specifying the progressive steps of the grievance process and state facility employees by position responsible for hearing the grievance at each step. Such provision shall state whether the State Facility's Human Rights Committee shall be included in the progression. (The absence of such a provision shall in no way prevent clients from presenting their concerns to the Human Rights Committee at any time. Such a provision would simply include it in the routine progression.) The progression should begin at a level closest to the client such as the client's responsible professional and, if unresolved, progress through the organizational structure of the state facility. The treatment team and the State Facility Director shall be included in the progression;
- (4) a provision specifying the number of days for action to be taken at each level;
- (5) a provision specifying required written documentation for the grievance including, at a minimum, a description of the grievance, all parties involved, dates and actions taken at each step and specifying state facility employees responsible for such documentation and where in administrative files the record of documentation shall be filed; and
- (6) a provision stating that the State Facility Director shall make a final decision regarding the grievance before the client may request review of the decision by the Division according to Rule .0204 of this Section.

(c) All final decisions relative to grievances filed on behalf of clients shall be reviewed by the Human Rights Committee whenever such review is in accordance with 10A NCAC 28A .0209.

(d) The State Facility Director shall submit a written report at least annually to the Human Rights Committee and internal client advocates which documents the number, nature, and resolution of grievances at the state facility for the previous year.

*History Note: Authority G.S. 143B-147;
Eff. October 1, 1984;
Amended Eff. April 1, 1990; July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*