



Pascua Yaqui TRBHA
CENTERED SPIRIT PROGRAM
Provider Manual - 2023



Section 5.2 Member Complaints

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I. STATEMENT OF PURPOSE:

The Pascua Yaqui (PY) Centered Spirit Program (CSP) serves clients who are eligible for Title XIX and Title XXI as well as those who are ineligible. All clients have the right to submit complaints to CSP. The Arizona Health Care Cost Containment System (AHCCCS) defines a complaint as an expression of dissatisfaction with any aspect of member care other than an action (see definition for “action”). Possible subjects for complaints include, but are not limited to, the quality of care or services provided, and aspects of interpersonal relationships such as rudeness of a provider or employee or failure to respect the member’s rights.

Issues involving an action are subject to an appeal, see *Section 5.1, Notice Requirements and Appeal Process for Title XIX and Title XXI Eligible Persons* and *Section 5.5 Notice and Appeal Requirements (SMI and General)*. For allegations of rights violations involving persons determined to have a Serious Mental Illness (SMI) (see *Section 5.3, Grievance and Requests for Investigation for Persons Determined to have a Serious Mental Illness (SMI)*). While any member can file a complaint, the SMI grievance/request for investigation process is available only to persons determined to have an SMI.

All persons seeking or receiving services as part of the AHCCCS behavioral health system have access to the same complaint process for expressions of dissatisfaction with any aspect of their care. While persons seeking or receiving behavioral health services are encouraged to resolve issues at the lowest possible level, they are not required to do so before utilizing Tribal Regional Behavioral Health Authority (TRBHA) complaint, SMI grievance, and appeal processes. Issues that are handled through the complaint resolution process may still be managed through applicable grievance and appeal processes in the event they remain resolved.

The intent of this section is to present information for providers about the complaint process. Although the TRBHAs are directly responsible for processing all member complaints, providers must understand how a complaint can be filed, reviewed and resolved with the goal of member satisfaction. Provider responsibilities include educating persons about the complaint, appeal, and SMI grievance processes assisting with any steps in these processes and participating in resolution activities. Issues that are not resolved through the complaint resolution process may still be managed through the SMI grievance and treatment appeal processes as applicable.



II. REFERENCES:

The following PY/CSP sections from this Provider Manual can serve as additional resources for this content area:

Section 3.14, Securing Services and Prior Authorization
Section 3.6, Member Handbooks
Section 4.1, Disclosure of Behavioral Health Information
Section 5.1, Notice Requirements and Appeal Process for Title XIX and Title XXI Eligible Persons
Section 5.3, Grievance and Requests for Investigation for Persons Determined to have a Serious Mental Illness (SMI)

The following citations and AHCCCS document can serve as additional resources for this content area:

42 CFR 431.200 et seq.
42 CFR 438.210
42 CFR 438.400 et seq.
A.R.S. 12-2297
9 A.A.C. 21
A.A.C. R9-21-402 (B)
A.A.C. R9-21-403 (C)
9 A.A.C. 34, Article 2
AHCCCS/TRBHA Intergovernmental Agreement (IGA) 2021

III. STANDARDS:

1. CSP Utilization Review Specialist/Quality Manager coordinates communications with eligible and enrolled persons and acts as, or coordinates with advocates, behavioral health providers and others to resolve issues.
2. CSP educates and notifies persons about their rights and the process for filing complaints, appeals, and SMI grievances/investigations in a manner that is understandable, including providing interpreter services and toll-free numbers that have adequate TTY/TTD and interpreter eligibility.
3. CSP handles any complaints which involve potential fraud and abuse in accordance with applicable reporting requirements.
4. CSP promptly identifies and resolves complaints in the most expeditious and equitable manner with due regard for the dignity and rights of all persons.
5. CSP maintains confidentiality and privacy of complaint matters and records at all times.



6. CSP communicates as appropriate, timely information on matters and decisions related to the complaint to affected parties.
7. CSP involves the active cooperation and participation as deemed appropriate of providers with a direct interest in the matter under review.
8. CSP provides education and training to TRBHA and provider staff regarding member rights and the complaint process including the obligation to report suspected right's violations of persons determined to have an SMI pursuant to 9.A.A.C., 21-403 (C).
9. CSP centrally tracks the types and volume of complaints regardless of whom in the organization receives the complaint or whether the complaint is received orally or in writing to identify potential deficiencies in the delivery system for which corrective action plans can be developed, and;
10. CSP refrains from referring complainants to AHCCCS Administration for issues related to the AHCCCS service delivery system.

IV. **PROCEDURES:**

A. Complaint process:

Who can file a complaint?

A complaint may be filed by persons enrolled in, or seeking services through the AHCCCS behavioral health system, a person's family member, legal guardian and/or authorized representative, and/or a service provider. Complaints may be made either orally or in writing.

Each TRBHA is directly responsible for the complaint process and may not delegate the complaint function to a behavioral health provider.

Complaints may be filed directly with the person's respective TRBHA, as identified below, or initiated with the AHCCCS Customer Service Unit at (602) 364-4558 or 1-800-867-5808.

Where must complaints be directed?

For oral complaints: Call CSP in:

Tucson at (520) 879-6060

Guadalupe at (480) 768-2021

To submit a written complaint, mail the complaint to CSP:

Tucson: Utilization Review Specialist/Quality Manager
4567 West Tetakusim Road, Tucson AZ 85746



Guadalupe: Clinical Manager
9417 South Avenida del Yaqui,
Tempe, AZ 85283

All complaints must be acknowledged. Complaints filed orally shall be considered acknowledged at the time of filing. Written complaints must be acknowledged to the complainant within five (5) working days of receipt by the TRBHA.

How long does CSP have to resolve a complaint?

CSP is required to dispose of each complaint and provide oral or written notice as expeditiously as the issue of behavioral health condition requires. Most complaints should be resolved within 10 days, but should in no case exceed 90 days from the day the TRBHA receives the complaint.

Who makes decisions regarding a complaint?

CSP must ensure that the individuals who make decisions regarding complaints are not involved in any previous level of review or decision-making. Individuals must be health care professionals (see definition) with the appropriate clinical expertise in treating the member's behavioral health condition when making a decision regarding:

1. A complaint related to the denial of expedited resolution of an appeal; or
2. Complaints involving clinical issues.

What needs to be in the complaint record?

At a minimum, the complaint record must include the following documentation:

1. The date the complaint was made;
2. The member's first and last name;
3. Title XIX/XXI eligibility status;
4. The behavioral health enrollment category: SMI, GMH, Child/Adolescent, Substance Abuse treatment, not enrolled;
5. The name of the person making the complaint;
6. A description of the complaint;
7. Any identified communication needs;
8. The date that the complaint was acknowledged to the originator of the concern;



9. All steps utilized during the investigation of the complaint and of the resolution;
10. Steps taken to assist in ensuring immediate health care needs are met;
11. The date(s) that the resolution was communicated to affected parties, in accordance with confidentiality requirements, and when;
12. Implemented corrective action plan(s) or action(s) taken to resolve the concern(s);
13. Supporting evidence that the resolution was implemented; and
14. Evidence that identified issues were referred, as indicated, to the appropriate committees, departments, and regulatory agencies.

Complaint records must be maintained for a minimum of six years from the date of resolution or disposition.

What if the complainant is not satisfied with the resolution to the complaint?

The TRBHA will notify the complainant of further alternatives if they are dissatisfied with the complaint determination, including the option to contact AHCCCS at 602-364-4558.

What is the role of contracted providers?

CSP and contracted providers must be available to assist a person in the filing of a complaint and must not retaliate against any persons who file such complaints. Behavioral health providers are also expected to cooperate and participate as requested by CSP in the resolution of the complaints.