

# **Harris County Public Health Ryan White Grant Administration**

## **Policy and Procedures for the Formal Investigation Process**

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**REVISED DATE: 06/16**

### **POLICY:**

The Ryan White Grant Administration Quality Analyst Team may conduct investigations of allegations brought against Ryan White Part A funded agencies. Types of allegations which may be investigated include, but are not limited to, violations of client rights, inappropriate client services that adversely affect the welfare or well being of a client and complaints or concerns involving an agency's non-compliance with Ryan White Part A contractual requirements.

### **PROCEDURES:**

#### **FORMAL INVESTIGATION:**

Once the client has been screened through the pre-investigative procedures and the Quality Analyst has received documentation in writing or verbally stating the nature of the complaint, the Quality Analyst will initiate a formal investigation of the allegation as follows:

- A. The Quality Analyst will contact the agency's Executive Director or designee to arrange an appointment and review allegations brought against the agency. The Quality Analyst will establish an appointment date within 5 working days of contact with the agency.
- B. During the review of the allegations, the Quality Analyst will conduct interviews with agency personnel who have knowledge of circumstances surrounding the allegation. The Quality Analyst will review all documentation pertaining to the allegation. All interviews will be taped to ensure accuracy in the reports.
- C. The Quality Analyst Team will evaluate and compile all information received through record review including, but not limited to the sampling of ten (10) random client records, observations, interviews, and review of the agency's internal policy & procedures to determine if there are any standard of care and/or site visit guideline violations.
- D. A final report will be generated within 10 working days of completion of the investigation. The identities of the individuals involved (clients, individuals making complaints, etc.) will remain confidential and will not be identified in the final reports. The Director of the agency involved and the individual making the allegation will

receive a copy of the findings and recommendations (if applicable). The final report will include the following:

- Cover letter
- Complaint Summary of Allegations
- Statement of Deficiencies
- Actions (if any) recommended to the agency

- E. The agency will be required to provide a written Plan of Corrective Action to the recommendations in the final report within 10 working days of the agency's receipt of the final report.
- F. The Quality Analyst will conduct a follow-up visit four months after receipt of the agency's written response to assess progress of the agency's implementation of the recommendations. Follow-up visits may be conducted at the agency's annual site visit.
- G. The Quality Analyst Team will keep all correspondence and other information pertinent to the complaint and the investigation in a locked filing cabinet.

***The Quality Analysts will use the forms below as part of the Formal Investigation process:***

- Quality Analyst Complaint/Incident Investigative Review Tool
- Interview Form (Form E)
- Complaint Summary of Allegations
- Statement of Deficiencies
- RWGA Complaints & Grievances Poster/Flyer – English (Form I)
- RWGA Complaints & Grievances Poster/Flyer – Spanish (Form II)
- Investigation Appeal Form I (Client Appeal Form)
- Investigation Appeal Form II (RWGA Services Response Form)
- Investigation Appeal Form III (Agency Appeal Form)

**MONTHLY/QUARTERLY REPORTS:**

The Quality Analyst will generate quarterly reports regarding all complaints/grievances received by the Quality Analyst Team. These summary reports will not reveal the identity of the clients. All complaints/grievances will be monitored to ensure that the initial client contact was completed within 24 hours of receipt of the complaint/grievance.

**REFERRALS:**

Allegations of situations outside the Ryan White Grant Administration purview will be referred to the most appropriate regulatory body. In the event that this situation should arise, the Quality Analyst will contact the individual making the allegation and inform him or her of the appropriate agency to contact.

**UNLAWFUL ACTIONS:**

In the event an investigation indicates that an individual or an agency performed unlawful actions, the case will be referred immediately to the County Attorney to determine an appropriate course of action.

**REQUESTING COPIES OF REPORTS:**

All written requests for copies of the final report and any supporting documentation will be submitted to the County Attorney's Office for a determination regarding the disclosure of the requested information.

**CONTRACTUAL AGREEMENT TO REVIEW SERVICES:**

Contractual agreements for investigating complaints are cited in the contract under "Inspections and Access to Records"

***INSPECTIONS AND ACCESS TO RECORDS***

- A. Authorized representatives of the County, HRSA and the Comptroller General of the United States have the right, at all reasonable times, to inspect, conduct site visits or otherwise evaluate the work performed or being performed hereunder and the premises in which the services are being performed. The Contractor shall cooperate with and provide reasonable access, facilities and assistance to such representatives. All inspections and evaluations will be performed in a manner so as not to unduly delay service delivery by contractor.*
  
- B. The Contractor agrees that the County, HRSA, the Comptroller General of the United States, or any of their duly authorized representatives, will have access to any pertinent books, documents, papers, and records for the purpose of making audit, examination, excerpts and transcripts of transactions related to this Contract. The County will have the right to audit billings both before and after payment.*

***CLIENT RECORDS***

- A. All client records are the property of the Contractor. The County, however, retains the right to have access to the records or obtain copies for audit,*

*litigation, or other circumstances, that may arise. If this Contract is terminated during the Contract term, the County may provide written notice to the Contractor requesting that the clients receiving services under this Contract have their cases and copies of their records transferred to another service provider. Upon receiving such notice from the County the Contractor shall take all necessary and reasonable steps to obtain the written consent of the clients for transfer of their cases. It is understood and agreed that a client's case and copies of their case records shall only be transferred to another service provider with the client's written consent. Any disclosure or transfer of records shall conform to the confidentiality provisions contained in article XVII of this Contract.*

- B. The Contractor must insure that documentation is provided in the client's record file of proof of HIV status and eligibility for services under this contract.
- C. *Before the start of this Agreement, or any subsequent term, in the event that the Contractor ceases to conduct business, or is unable for any reason, to provide the services described in this Agreement, the Contractor shall make arrangements to retain client records, in a safe and secure manner for up to five (5) years after the client last received services.*

Under the authority of the above contractual agreement, all Quality Analysts will investigate any allegations brought forth against a contracted agency. The Quality Analysts have authorization to access any agency documentation that relates to the complaint.

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**Approved by Manager**  
**HCPH – Ryan White Grant Administration**

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**Date**