

It is the policy of the Memphis TGA Ryan White Program of Shelby County Health Department (Recipient) to show commitment in hearing and responding to complaints filed by funded service providers and individuals receiving services from funded service providers. It is the desire of the Recipient to respond fairly and in a timely manner. The Recipient will attempt to resolve grievances through informal dispute resolution when possible.

The following policy and procedures apply to all programs operated under the auspices of the Recipient, including, but may not be limited to Ryan White Part A, MAI, EHE, and HIV Prevention funding.

#### **A. Parties Who May File a Grievance**

Parties who may file a grievance must be directly affected by the outcome of a decision related to funding, including:

- People living with and affected by HIV are considered directly affected and eligible to file a grievance when a service funded by the Recipient is unavailable (except due to insufficient federal funding or Planning Group restraints) through any Recipient funding service provider.
- Not for Profit and For Profit corporations are considered directly affected and eligible to file a grievance in situations pertaining to request for proposal (RFP) when the entity has had a proposal accepted by Shelby County Health Department for consideration and/ or review and /or scoring.
- Not for Profit or For Profit corporations are considered directly affected and eligible to file a grievance in situations pertaining to contracts when the entity has a current contract from Shelby County Health Department.

#### **B. Types of Grievances Covered by the Program**

A “grievance” shall mean an allegation of a violation of federal or state law, regulations, or adopted policies of the Recipient and the HIV Care and Prevention Group (Planning Group).

The following types of grievances are covered under this policy and procedures:

- A funded service is unavailable or withheld from an eligible person through any Recipient funded service provider;
- Deviations from the established Shelby County Health Department contracting and awards process;
- Deviations from the established Shelby County Health Department process for any subsequent changes to the selection and awards process;
- Contracts and awards not consistent with priorities and resource allocations made by Planning Group.\*

- Contracts and award changes not consistent with priorities and resource allocations made by the Planning Group.\*

\*For grievances related to priorities and resource allocations made by the Planning Group, only active Planning Group members are eligible to file a grievance.

Issues that cannot be grieved are conditions and limitations of services established through federal law and regulation. The conditions and limitations must be specifically addressed by law or written regulation. A copy of the federal requirements will be provided to the client as part of the explanation regarding the exclusion of the issue from the grievance procedure.

### **C. Dispute Prevention**

An important step to any grievance procedure is to develop internal practices to prevent disputes/disagreements. The Recipient has instituted the following practices:

- All agencies contracting with the Recipient to provide services will have an internal grievance procedures for those receiving services.
- The Recipient will provide information to the Planning Group about the grant/contracting process.
- The Recipient will conduct provider meetings at least four times per year.

### **D. Process to File a Grievance**

A party intending to file a grievance may obtain a copy of the Recipient Grievance Form and Policy and Procedures online at [www.hivmemphis.org](http://www.hivmemphis.org) or from the Ryan White Program Office.

Recipient Office Contact:

Sherry Cohen, Administrator

Shelby County Health Department

814 Jefferson Ave

Memphis, TN 38105

Telephone: 901.222.9456

Email: [sherry.cohen@shelbycountytn.gov](mailto:sherry.cohen@shelbycountytn.gov)

Any party needing assistance with the completion of these forms must notify the Recipient at the time of the registration of the complaint.

Any party needing an interpreter (foreign language, sign language etc.) must notify the Recipient at the time of the registration of the complaint. All efforts will be made to secure competent interpreters for the hearing/proceedings.

If a grievance is outside the jurisdiction of the grievance process, the Recipient will assist the individual or party in contacting the proper authorities. However, the responsibility for meeting timelines and providing proper documentation remains solely with the affected party.

#### E. Eligibility Determination

Upon receipt of the Grievance Reporting Form, the Recipient will log the grievance. If the grievance pertains to RFP issues, then the complaint will be immediately forwarded to the Administrator of Purchasing.

The Recipient will have three working days from the date of receipt of the Grievance Reporting Form to determine the following:

- Whether the grievant is “directly affected;”
- Whether the grievance is within the stated timelines;
- Whether the grievance is covered under the Recipient Grievance Policy and Procedures.

If the issue is grievable according to the criteria listed above, the Recipient will determine the type of grievance for hearing purposes, and make the necessary arrangements.

If the issue is not grievable according to the criteria above, a copy of the Grievance Form Reporting Form and a written explanation of the denial will be forwarded to the grievant via certified mail.