

CLIENT GRIEVANCES

Minnesota Sex Offender Program

Issue Date: 8/6/19 Effective Date: 8/6/19 Policy Number: 215-5021

POLICY: Clients and their authorized representatives may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal.

AUTHORITY: Minn. Stat. § 144.651 subd. 20

APPLICABILITY: Minnesota Sex Offender Program (MSOP), program-wide

PURPOSE: To provide an administrative process for clients of the Minnesota Sex Offender Program (MSOP) or a client's authorized representative(s) to seek formal review of concerns related to their confinement and/or recommend changes in MSOP policies.

DEFINITIONS:

Authorized representative – a client's attorney, legal guardian or other individual identified in writing by the client as representing the client's interests.

Business day – see MSOP Division Policy 120-5600, "Client Computer Network."

Communication Chain – see MSOP Division Policy 420-5099, "Client Requests."

Concern – a current problem, issue or complaint identified by, and specific to, a client.

Client Grievance Record – an electronic file maintained by the grievance coordinator to store all submitted grievances and responses.

Electronic Grievance Log (SharePoint) – a running electronic document maintained by the grievance coordinator to track the processing of all submitted grievances.

Grievance coordinator – a designated staff member at each facility, and at the central office, who coordinates the grievance process, including monitoring the policy implementation (e.g., following the process and timelines for routing grievances for response).

PROCEDURES:

- A. Notice of the Grievance Process - within 24 hours of admission, receiving unit staff advise all clients of the MSOP internal grievance and appeal process. (See MSOP Division Policy 210-5100, "Admission to the MSOP.")
- B. Initiating a Formal Grievance
 1. Prior to filing a written grievance, clients must ensure the grievance does not fall under the listed policies having a separate internal review or appeal process:
 - a) MSOP Division Policy 415-5084, "Administrative Restriction Status;"
 - b) MSOP Division Policy 415-5085, "Protective Isolation Status;"
 - c) MSOP Division Policy 420-5230, "Media Possession by Clients;"
 - d) MSOP Division Policy 420-5010, "Client Behavioral Expectations;"

- e) DCT Policy 125-1000, “Tort Claims;”
 - f) MSOP Division Policy 135-5160, “Accuracy and Completeness Data Challenges;”
 - g) MSOP Division Policy 310-5060, “Psychiatric Services;” or
 - h) MSOP Division Policy 420-5252, “Allowable Items Committee.”
2. Prior to initiating a formal grievance request, clients must attempt formal resolution of their concerns by exhausting the entire chain of communication in accordance with MSOP Division Policy 420-5099, “Client Requests.”
 3. Prior to initiating a formal grievance for a medical concern, clients must attach two Client Medical Requests (310-5010e) following MSOP Division Policy 310-5010, “Health Services Provision of Care.”
 4. A client or his/her authorized representative(s) may submit a formal grievance to the facility grievance coordinator by submitting a Grievance Request (215-5021a). All grievances must be submitted as outlined in the Grievance Request (215-5021a).
 5. If available, the staff addressed by the grievance responds to the grievance. If another staff responds, he/she indicates on the grievance why he/she is responding.
 6. Clients are encouraged to follow the maltreatment reporting procedures in MSOP Division Policy 210-5058, “Vulnerable Adults” to report alleged client maltreatment.

C. Processing Formal Grievances

1. The facility grievance coordinator:
 - a) gathers client grievance forms and ensures forms are complete and in compliance with conditions listed on the Grievance Request Form (215-5021a);
 - b) determines the appropriate area (residential, Health Services, clinical, etc.) to investigate and address the grievances;
 - c) logs grievances into the Electronic Grievance Log (SharePoint) and maintains a copy in the Client Grievance Record. (MSOP Grievance Management SharePoint Site);
 - d) returns incomplete or inappropriate grievance forms to the client or his/her authorized representative who may revise and resubmit;
 - e) sends the client or their authorized representative a copy of the completed MSOP Grievance Coordinator Tracking Form (215-5021e) including the date grievance was logged and name of the assigned area supervisor/manager;
 - f) submits the information to the appropriate area supervisor who:
 - (1) dismisses the grievance;
 - (2) affirms the grievance; or
 - (3) affirms the grievance with modifications;
 - g) logs the grievance response into the Electronic Grievance Log (SharePoint), maintains a copy in the Client Grievance Record, and provides the Grievance Response (215-5021b) with the decision to the client or his/her authorized representative within 15 business days from the date the grievance was logged into the Electronic Grievance Log; and

- h) if the assigned area supervisor/manager is unable to make a decision within 15 business days, the grievance coordinator grants the supervisor/manager a one-time 10 business day extension and sends the client or his/her authorized representative written notification of the extension by completing the Grievance Coordinator Tracking Form (215-5021e).
2. If a client or his/her authorized representative does not receive a Grievance Response (215-5021b) or extension notice within 15 business days, the grievance is considered dismissed, and the client or his/her authorized representative may appeal the grievance dismissal to the appropriate facility director/facility clinical director or department director.

D. Grievance Appeal Process

1. Clients may submit a Grievance Appeal (215-5021c) within 15 business days of the date on the Grievance Response (215-5021b). The client or his/her authorized representative must appeal using the Grievance Appeal (215-5021c) and attach one copy of the Grievance Response (215-5021b) to the facility grievance coordinator.
2. When processing grievance appeals, the facility grievance coordinator:
 - a) determines the appropriate facility/clinical director or department director to investigate and respond to the grievance appeal;
 - b) logs the grievance appeal into the Electronic Grievance Log (SharePoint) and file a copy in the Client Grievance Record;
 - c) sends the client or his/her authorized representative a copy of Grievance Coordinator Tracking Form (215-5021e) including the date the grievance appeal was logged into the Electronic Grievance Log (SharePoint) and the facility/clinical director or division director assigned;
 - d) submits the information to the appropriate facility/clinical director or division director who:
 - (1) dismisses the grievance;
 - (2) affirms the grievance; or
 - (3) affirms the grievance with modifications;
 - e) logs and files in the Client Grievance Record a copy of the facility/clinical director or division director's response and provide the Grievance Appeal Response – Facilities (215-5021f) to the client and his/her authorized representative within 15 business days from the date the grievance appeal was entered into the Electronic Grievance Log; and
 - f) if the facility/clinical director or department director is unable to make a decision within 15 business days, the grievance coordinator grants a one-time 10 business day extension and sends the client or his/her authorized representative written notification of the extension.
3. If a client or his/her authorized representative does not receive the Grievance Appeal Response – Facilities (215-5021f) within 15 business days, or 25 business days if an extension is granted, the client or his/her authorized representative may consider the grievance dismissed and may appeal the grievance to the MSOP Executive Director.

4. If a client or his/her authorized representative is dissatisfied with the facility/clinical director or department director's appeal response, the client or his/her authorized representative may submit a Grievance Appeal (215-5021c) to the MSOP Executive Director within 15 business days of the date on the response. The client or authorized representative must (at their own expense) mail the appeal to: MSOP Executive Director, 444 Lafayette Road, St. Paul, Minnesota 55155-0992.
5. The decision of the MSOP Executive Director on the Grievance Appeal Response – Central Office (215-5021d) is final.

REVIEW: Annually

REFERENCES: MSOP Division Policy 415-5084, "Administrative Restriction Status"
MSOP Division Policy 415-5085, "Protective Isolation Status"
MSOP Division Policy 420-5230, "Media Possession by Clients"
MSOP Division Policy 420-5010, "Client Behavioral Expectations"
DCT Policy 125-1000, "Tort Claims"
MSOP Division Policy 135-5160, "Accuracy and Completeness Data Challenges"
MSOP Division Policy 420-5099, "Client Requests"
MSOP Division Policy 210-5058, "Vulnerable Adults"
MSOP Division Policy 310-5060, "Psychiatric Services"
MSOP Division Policy 310-5010, "Health Services Provision of Care"
MSOP Division Policy 120-5600, "Client Computer Network"

ATTACHMENTS: Grievance Request (215-5021a)
Grievance Response (215-5021b)
Grievance Appeal (215-5021c)
Grievance Appeal Response – Central Office (215-5021d)
Grievance Coordinator Tracking Form (215-5021e)
Grievance Appeal Response – Facilities (215-5021f)
Electronic Grievance Log (SharePoint)

SUPERSESSSION: MSOP Division Policy 215-5021, "Client Grievances," 3/5/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/
Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program