



# YES Rights and Resolutions

COMPLAINTS AND APPEALS

JANUARY 1, 2021 - MARCH 31, 2021 (3<sup>RD</sup> QTR SFY 2021)

Quality Management Improvement and Accountability | Data and Reports

September 1, 2021

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YES Rights and Resolutions  
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 JANUARY 1, 2020 - MARCH 31, 2021 (3<sup>RD</sup> QTR SFY 2021)

The Youth Empowerment Services (YES) Quality Management Improvement and Accountability (QMIA) Council believes that complaints are a valuable source of information about the YES system of care and that each complaint received offers an opportunity to monitor and improve Idaho’s behavioral health system for youth and families.

Each YES system partners’ complaints system is one of several mechanisms constructed within the YES system of care to place youth and families at the center of their care. Each YES system partner, including family members, contributes its complaint information individually, each with a shared purpose of quality management and system improvement.

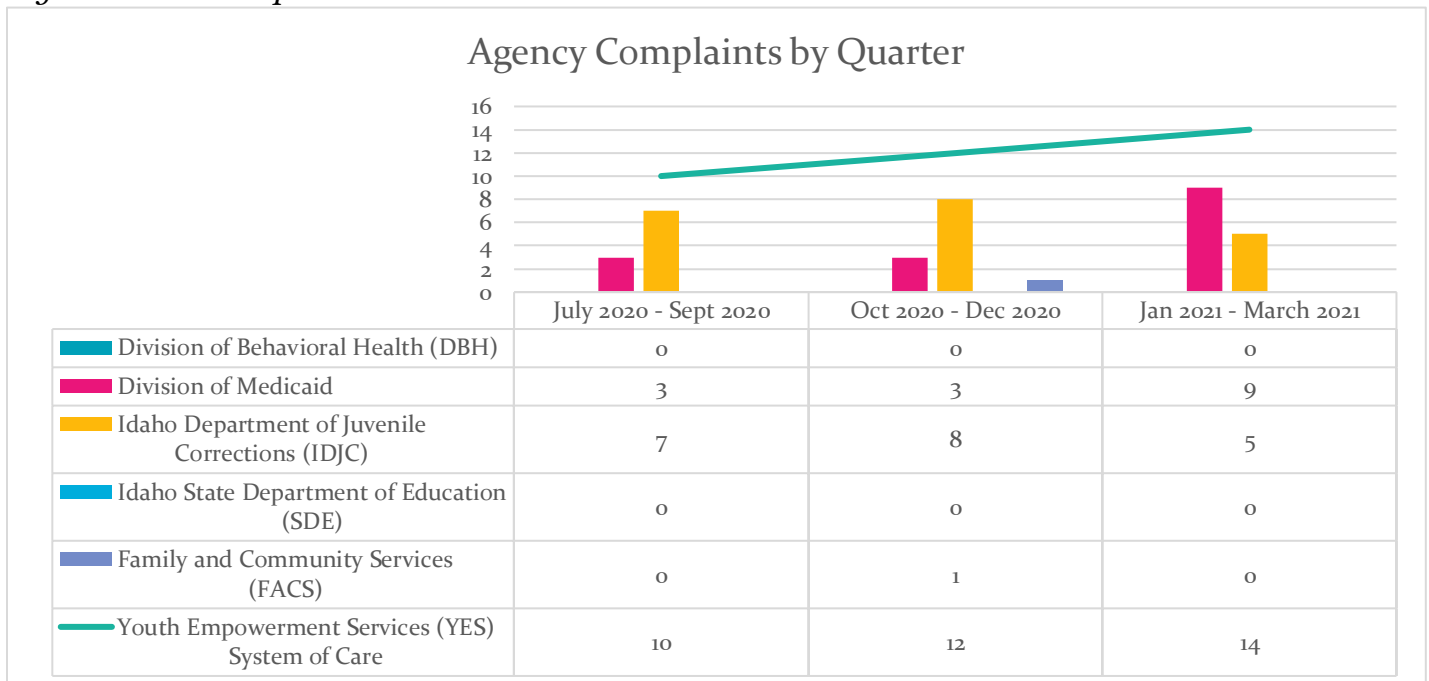
This is the YES Rights and Resolutions report whose purpose is to monitor youth and family concerns or complaints relating but not limited to informing, access, service appropriateness, service effectiveness, and quality. These benchmarks have been identified and adopted by the Division of Behavioral Health (DBH) as key to Transformational Collaborative Outcomes Management (TCOM), which is an effective and integrated approach to addressing the needs and strengths of individuals, and facilitating change at all levels of the system.

TCOM is grounded in a philosophy of a single shared vision—helping people achieve their health and wellness goals as they navigate healthcare, child welfare, justice, behavioral health, education, and other complex systems.

**Overview of SFY 2021**

A total of thirty-six (36) YES complaints, and three (3) appeals have been tracked since July 2020. This is an average of twelve (12) complaints and 1 appeal per quarter. For the past nine (9) months, the data shows a slight increase in complaints and appeals overall.

*Figure 1: YES Complaints Across Time*



### 3<sup>rd</sup> Quarter Summary, SFY 2021

In the 3<sup>rd</sup> quarter of SFY 2021, there were fourteen (14) YES-related complaints, and three (3) appeals reported across all partners in the YES system of care.

- \* Of those fourteen (14) complaints, five (5) were related to Access to services, and two (2) are related to Clinical services

Table 1: Total Complaints and Appeals in 2nd quarter, State Fiscal Year 2021

	Division of Behavioral Health\ (DBH)	Division of Medicaid	Division of Medicaid Appeals/EPSDT	Department of Juvenile Corrections (IDJC)	Family and Community Services (FACS)	State Department of Education (SDE) 1	Total
3rd Q	0	9	3	5	0	-	17

### Quality Management Improvement and Accountability (QMIA)

The Quality Management Improvement and Accountability (QMIA) Council brings together DBH, Medicaid, FACS, IDJC, and SDE to collaborate in YES quality monitoring.

- Quarterly Report – in progress
- Currently an exploration into Early Periodic Screening Diagnosis & Treatment (EPSDT) denials is underway. Completing a case study of a family with multiple applications and denials may shed light on areas that need improvement.
- Quality review data identifies issues facing non-dominant culture youth/families

### The QMIA Family Advisory Subcommittee (Q-FAS)

The Q-FAS presents an opportunity to gather and learn from family’s stories. Q-FAS solicits family members’ and family advocates’ first-hand input on families’ experiences accessing and utilizing YES services. The feedback received about successes, challenges and barriers to care is used to identify areas that need increased focus and to prioritize quality improvement projects. This subcommittee helps to guide YES partners work, providing children, youth, and families in Idaho access to appropriate and effective mental health care. Q-FAS is currently experiencing a change in Group membership as a family advocate plans to step down in the near future. Q-FAS sessions from have noted the following:

- Need for crisis response team to intervene and help evaluate if an ER visit and possible acute inpatient is needed.
- Need for acute inpatient for medication issues
- Need for Partial hospitalization and day treatment for kids 5 to 12
- More collaboration between Developmental Disabilities Program (DD) and YES services
- More access to instate services- step-down, diversion, hospital and residential.

<sup>1</sup> Complaints reported by the SDE are not necessarily complaints related to mental health services as their federally required reporting system does not filter complaints based on the child’s disability.

## Division of Behavioral Health (DBH)

DBH received zero (0) YES complaints or appeals in the 3<sup>rd</sup> quarter of SFY 2021.

- DBH has continued to partner with parents and community members who submit contact the YES inbox with complaints that relate to YES partners, maintaining the importance of improving families experience to support their overall recovery.
- Multiple Quality Assurance processes are in development focusing on CANS implementation, trauma, crisis, peer support, and clients rights.

## Idaho Department of Juvenile Corrections (IDJC) (YES Class Families/Youth)

There were five (5) youth and no family complaints during the 3<sup>rd</sup> quarter of SFY 2021. Of the complaints received by IDJC staff, three (3) of the complaints were resolved in sixteen (16) calendar days or less, and one (1) of the complaints was resolved in one (1) calendar day. One (1) complaint was marked as unresolved by the youth who submitted it after being addressed by IDJC staff.

Table 3: IDJC Complaint Detail, 3Q, 2021

Region	Date of Complaint	Type of Concern	Status (as of June 30)	Resolution	Timeliness To Resolution (days)
1	01/22/2021	Youth felt staff was making intimidating gestures and joking with him.	Resolved	Discussed concerns with staff, staff worked on relationship and is now that juvenile's staff advocate.	4
1	02/1/2021	Youth complaint that the facility level system is not being upheld fairly.	Resolved	Additional training for staff on program in progress occurred.	3
2	02/23/2021	Youth reported that his privileges are wrongfully taken away.	Resolved	Unit manager advised youth that giving away his PE shoes to someone else is program rule violation and that is why his privileges were taken away.	16
3	02/24/2021	Youth states that staff does not provide fair and equal treatment.	Unresolved	Youth was informed that he doesn't have the right to always made demands and that staff have to make judgement calls on some matters. Youth marked grievance as unresolved.	1
3	02/27/2021	Youth states that it is not fair that staff is making her learn on the computer and not hands on.	Resolved	Education is aware that students are struggling with course content and needing more help. They will provide additional resources and teachers as needed and monitor this situation.	1

## Division of Medicaid

The Division of Medicaid reported nine (9) complaints during the 3<sup>rd</sup> quarter of SFY 2021, with a combined average of ten (10) days to resolution. Two thirds of the complaints were determined to be unsubstantiated. Of the remaining complaints one (1) was resolved in immediately and two (2) resulted in “education” for providers to improve the customer experience. Details appear in Table 2.

Table 2: Medicaid Complaint Detail, 3Q 2021

Date	Region	Type	Description	Status of Complaint	Decision Summary	Days to Resolution
01/19/2021	4	Member Representative Against Provider	Inadequate or inappropriate treatment intervention	Closed	Unsubstantiated	16
01/22/2021	4	Member Representative Against Provider	Untimely follow up - Provider	Closed	Unsubstantiated	14
02/11/2021	4	Member Representative Against Provider	Wait time for return visit	Closed	Unsubstantiated	12
02/24/2021	4	Staff/Other Against Provider	Lack of crisis response by provider	Closed	Substantiated - provider was educated and an appointment was made for the member	14
03/17/2021	5	Member Representative Against Provider	Inadequate or inappropriate treatment intervention	Closed	Unsubstantiated	15
03/17/2021	5	Member Representative Against Provider	Availability of specific provider/service	Closed	Unsubstantiated	6
03/19/2021	4	Member Representative Against Provider	Rude Driver	Closed	Substantiated - Transportation Provider has been educated to ensure all drivers conduct themselves in an appropriate, professional, and courteous manner at all times.	7
03/30/2021	3	Member Representative Against Provider	Attitude of provider	Closed	Unsubstantiated	7
03/31/2021	3	Parent Against Assessor	Parent misunderstood benefits	Closed	miscommunication / language barrier - child was removed from pre-schools, mother thought child would receive care in school with YES	0

☑ MTM Transportation

☑ Liberty Healthcare

## Early Periodic Screening Diagnosis and Treatment

Early and Periodic Screening, Diagnostic and Treatment (EPSDT) is a benefit for individuals under the age of 21 who are enrolled with Medicaid, to ensure individuals receive appropriate preventive, dental, mental health, developmental, and specialty services. EPSDT is utilized when other services/supports offered within Idaho’s behavioral health system of care, are deemed to be unsuccessful or insufficient.

A Psychiatric Residential Treatment Facility (PRTF) is a type of service covered under EPSDT and is defined by CMS as any non-hospital facility with a provider agreement with a State Medicaid Agency to provide the inpatient services benefit to Medicaid-eligible individuals under the age of 21 (psych under 21 benefit).

There were three (3) EPSDT PRTF Denial Appeals during the 3<sup>rd</sup> quarter of SFY 2021. Two (2) of the appeals were Withdrawn in an average of fifty-nine (59) days, and one (1) Default after one hundred twenty-seven (127) days.

Table 3: EPSDT Appeal Detail, 3Q 2021

Date	Region	Type	Status of Complaint	Decision Summary	Days to Resolution
09/29/2020	3	Standard	Default	Guardian decision to go to hearing. Guardian does not attend hearing.	127
10/06/2020	7	Standard	Withdrawn	Parent decision to withdraw and reapply with new updated supporting documentation	93
01/29/2021	2	Standard	Withdrawn	Guardian decision to withdraw and reapply with new updated supporting documentation	25

## Idaho State Department of Education (SDE)

The Department of Education provides several “Dispute Resolution Processes” in the districts to help families resolve complaints, including Mediation, Facilitation, State Complaints, and Due Process Hearings. Facilitation and mediation are voluntary processes structured to increase understanding and reach resolution before a conflict develops into a formal dispute. State complaints can be filed by any individual or organization alleging any violation of the IDEA, including an alleged failure to comply with a previous due process hearing decision. Due Process Hearings involves an allegation or a series of allegations by either a parent/adult student or the district on issues relating to the identification, evaluation, educational placement, and the provision of free, appropriate public education (FAPE.)

Table 3: SDE Complaint Detail, Historical (2016 – 2020)

This worksheet contains four tables representing four years of dispute resolution data for school years 2016-2017, 2017-2018, 2018-2019, and 2019-2020.					
Section A: Written, Signed Complaints					
Item #	Item description	2016-2017	2017-2018	2018-2019	2019-2020
<b>1</b>	<b>Total number of written signed complaints filed.</b>	<b>28</b>	<b>41</b>	<b>29</b>	<b>30</b>
1.1	Complaints with reports issued.	22	35	23	27
1.1.a	Reports with findings of noncompliance.	16	20	16	22
1.1.b	Reports within timelines.	22	35	23	27
1.1.c	Reports within extended timelines.	0	0	0	0
1.2	Complaints pending.	0	0	0	0
1.2.a	Complaints pending a due process hearing.	0	0	0	0
1.3	Complaints withdrawn or dismissed.	6	6	6	3

<b>Section B: Mediation Requests</b>					
Item #	Item description	2016-2017	2017-2018	2018-2019	2019-2020
<b>2</b>	<b>Total number of mediation requests received through all dispute resolution processes.</b>	<b>19</b>	<b>18</b>	<b>9</b>	<b>14</b>
2.1	Mediations held.	9	13	2	14
2.1.a	Mediations held related to due process complaints.	1	1	0	1
2.1.a.i	Mediation agreements related to due process complaints.	1	1	0	1
2.1.b	Mediations held not related to due process complaints.	8	12	0	13
2.1.b.i	Mediation agreements not related to due process complaints.	6	12	2	13
2.2	Mediations pending.	0	0	0	0
2.3	Mediations withdrawn or not held.	10	5	7	0
<b>Section C: Due Process Complaints</b>					
Item #	Item description	2016-2017	2017-2018	2018-2019	2019-2020
<b>3</b>	<b>Total number of due process complaints filed.</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>5</b>
3.1	Resolution meetings.	4	3	2	2
3.1.a	Written settlement agreements reached through resolution meetings.	2	2	0	2
3.2	Hearings fully adjudicated.	2	1	2	1
3.2.a	Decisions within timeline (include expedited).	0	0	1	1
3.2.b	Decisions within extended timeline.	2	1	1	0
3.3	Due process complaints pending.	0	0	3	0
3.4	Due process complaints withdrawn or dismissed (including resolved without a hearing).	3	2	0	4
<b>Section D: Expedited Due Process Complaints (Related to Disciplinary Decision)</b>					
Item #	Item description	2016-2017	2017-2018	2018-2019	2019-2020
<b>4</b>	<b>Total number of expedited due process complaints filed.</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>
4.1	Expedited resolution meetings.	0	1	0	1
4.1.a	Expedited written settlement agreements.	0	1	0	1
4.2	Expedited hearings fully adjudicated.	0	0	0	0
4.2.a	Change of placement ordered.	0	0	0	0
4.3	Expedited due process complaints pending.	0	0	0	0
4.4	Expedited due process complaints withdrawn or dismissed.	1	1	0	2

## Establishing Centralized Complaints Update

### Completed:

- Published one number for complaints (DBH number) on informational brochures.
- Added links to the YES website for Concerns and Complaints process and form.
- Developed collaborative process between DBH and Medicaid for sharing complaints filed via the Complaints form and SharePoint
- Set up QMIA-Family Advisory Subcommittee (Q-FAS) to discuss family concerns and complaints
- Created link on YES website for Family stories

### In Progress:

- Publishing YES report on complaints and appeals called YES Rights and Resolutions quarterly
- Assess YES partners current complaint management processes (In draft)
- Training scheduled for regional staff



### **Plan for Q4 SFY 2021**

- QMIA Council to review all formal complaints for trends and identification of YES quality issues
- Establish best practices for complaints management
- DBH lead work with YES partners to:
  1. Finalize option for centralized tracking
  2. Finalize option for “impartial” process to address complaints
  3. Develop work plan to implement centralized tracking and impartial processes
  4. Implement work plan