

1.2.7. GRIEVANCE PROCEDURE

Clients and applicants for services have the right to file a grievance over service delivery or denial or termination of services. Providers of programs and services also have the right to file a grievance if a program is terminated or denied funding. Each Area Agency must have a procedure in place to address such grievances. Arizona Administrative Code Title 6, Chapter 8 (R6-8-101 et seq.) outlines requirements and procedures.

Key points for case managers:

- Each area agency must have a written complaint resolution procedure, which must be given to clients.
- The procedure must allow for an informal meeting to discuss the complaint. If there is no resolution, the client may appeal.
- The area agency must make a decision about the complaint within 30 days. If the client is dissatisfied with the decision, she or he must file a request for a hearing with the DAAS within 15 days of receiving the decision.
- The decision shall be sent to all parties within 60 days of the request for a hearing.
- Any hearings shall be conducted in an orderly and dignified manner. All hearings shall be open to the public, but the hearing officer conducting a hearing may close the hearing to other than parties to the extent necessary to protect the interests and rights of the parties.
- A hearing decision shall be rendered exclusively on the evidence and testimony produced at the hearing, appropriate state and federal law, and Department rules governing the issue in dispute.
- All decisions in favor of the appellant apply retroactively to the date of the action being appealed or to the date, the hearing officer specifically finds appropriate.

1.2.8. COST SHARING AND VOLUNTARY CONTRIBUTIONS

There are two ways for clients to help defray the costs for services provided under the Older American Act (OAA). Section 315 of the OAA²⁷ describes the guidelines for any cost sharing and /or voluntary contributions. **Cost sharing** is a payment by the service recipient of a portion of the cost of services. States may impose cost sharing with a sliding fee scale based solely on individual income and the cost of delivering services. Cost sharing cannot be required for the following services:

- Information and assistance, outreach, benefits counseling, or case management services.
- Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.
- Congregate and home delivered meals.

Cost sharing is also prohibited for any services delivered through tribal organizations and for service recipients who are low-income older individuals with income at or below the federal poverty line. Refer to DAAS Policy and Procedures regarding cost sharing arrangements in Arizona.

Voluntary contributions by service recipients, their caregivers or representatives are allowed for all services for which funds are received under this OAA. This includes the services for which cost sharing is prohibited. Area Agencies on Aging may ask for such voluntary contributions but the method of solicitation must be non-coercive. Such contributions shall be encouraged for individuals with a self-declared income at or above 185 percent of the poverty line. The level of contribution must be based on the actual cost of services. Asking for voluntary contributions is a responsibility of the case manager, and Area Agencies and providers of case management will offer training for the case managers on appropriate procedures.

²⁷ Older Americans Act of 2006, http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp.