

## BHS Policies and Procedures



City and County of San Francisco  
Department of Public Health  
San Francisco Health Network  
BEHAVIORAL HEALTH SERVICES

1380 Howard Street, 5th Floor  
San Francisco, CA 94103  
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### POLICY/PROCEDURE REGARDING: **Patient Complaint and Grievance Procedure in Compliance with Section 504 and the ADA**

Issued By: Jo Robinson, LMFT  
Director of Behavioral Health Services

Date: February 18, 2016

Manual Number: 3.04-3

References: Rehabilitation Act of 1973, Section 504; Americans with Disabilities Act (ADA) of 1990

#### **Technical Revision. Replaces 3.04-3 of July 28, 2010.**

**Purpose:** Title II of the Americans with Disabilities Act (ADA) is a civil rights law that requires that all programs offered through State and local governments be accessible and usable to people with disabilities. Section 504 of the Rehabilitation Act of 1973 is also a civil rights law that prohibits recipients of federal funding from discriminating against individuals with disabilities. Section 504 states: "No otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." Accordingly, this grievance procedure is meant to protect the substantive rights of the complainant and to assure compliance with the civil rights laws referenced above.

**Scope:** The procedure outlined below shall be initiated should a client or any agency discover there to be discriminating practices due to disability in any Behavioral Health Services programs or contracted services.

#### **Procedure:**

1. Complaints of unlawful program discrimination may be filed by any person claimed to be aggrieved under the law. All complaints will be kept confidential.
2. Complaints regarding compliance with section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act should be directed to the ADA Coordinator at 1380 Howard Street, San Francisco, California 94103. All other grievances should be directed to the Grievance Officer for Behavioral Health Services at 1380 Howard Street, San Francisco, California 94103 and processed according to policy 3.11-03.

3. A complaint may be filed in writing or, when requested as an accommodation, in another format that accommodates the complainant's disability. The complaint should contain the following information:
  - Complainant's name, address, and phone number
  - Name and address of organization discriminating against complainant
  - Detailed description of the discriminatory incident or condition
  - The location, time, and date of the discriminatory incident
  - Any additional background information useful in evaluating the complaint
  - Complainant's signature and date if submitted in writing
4. Upon receipt of a complaint, the ADA Coordinator will then conduct an investigation. The ADA Coordinator will seek assistance of the Mayor's Office on Disability in investigating and responding to the complaint.
5. A written draft response of the investigative findings will be sent to the Mayor's Office on Disability prior to the final copy being sent to the complainant.
6. If the ADA Coordinator finds sufficient evidence, the written draft response should indicate specific actions and timetables for amelioration of the discriminatory condition identified also in consultation with the Director of BHS and the SOC Directors where applicable.
7. The final copy is signed by the ADA Coordinator and then sent to the complainant within thirty (30) days of the receipt of the complaint with copies directed to the Mayor's Office on Disability, and to the Directors of Behavioral Health Services, System of Care, Office of Cultural Competence, and the BHS program named in the grievance.
8. The complainant can request reconsideration of the complaint if he or she is dissatisfied with the resolution. The request for reconsideration should be directed to the Mayor's Office on Disability: ADA Compliance Officer, 1155 Market Street, 1<sup>st</sup> Floor, San Francisco, California 94103 (Voice: 415-554-6789; Fax: 415-554-6159; TTY: 415-554-6799; Email: MOD@sfgov.org).

#### Retention of Records

A copy of all grievances shall be retained in locked administrative files for 3 years from the date the original grievance was filed.

**Contact Person:** ADA Coordinator, Behavioral Health Services.

**Distribution:**

BHS Policies and Procedures are distributed by the Health Information Management Department under the DPH Compliance Office

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