

SECTION V.13. Complaint Procedures

Complaints are a valuable aspect of quality improvement. Individuals have the right to make a complaint regarding any aspect of the Choices for Care (CFC), VT Long-Term Care Medicaid program.

In general, the Department of Disabilities, Aging and Independent Living (DAIL) encourages complaints and conflicts to be resolved at the local level whenever possible. Complaints may be made to DAIL verbally, by telephone, or in writing. DAIL staff will respond in a courteous, timely, and professional manner to all complaints, and will document all complaints which are referred to DAIL for resolution.

A. Procedures

All CFC provider agencies are required to have a complaint procedure that addresses how complaints will be collected and resolved internally. In general, the following procedures apply:

1. If a complaint arises, the individual or their case manager (if applicable) should be encouraged to contact the provider agency directly to resolve the issue.
2. If the individual is unable to resolve the issue, the individual or their case manager (if applicable) may contact the Department of Disabilities, Aging and Independent Living (DAIL).
3. DAIL staff shall document the complaint and discuss possible means of addressing the complaint with the individual, their case manager (if applicable), and the person/provider against whom the complaint was made.
4. DAIL staff shall document any actions, investigations, and/or results associated with the complaint.
5. DAIL staff will send a brief written summary of the result of the investigation to the complainant.
6. DAIL staff will send a written summary of the result of the investigation to the person/provider against whom the complaint was made. This shall include a plan of correction if necessary.

B. Long-Term Care Ombudsman

The Vermont Long-Term Care Ombudsman Program helps resolve complaints for individuals residing in licensed nursing facilities, residential care homes, assisted living residences, and Choices for Care participants. Individuals, case managers and providers may contact the Ombudsman by calling Vermont Legal Aid at 1-800-917-7787.

C. Division of Licensing and Protection (DLP)

DAIL staff shall forward the following types of complaints to the Division of Licensing and Protection for investigation and resolution:

1. Suspicion of Abuse, Neglect or Exploitation shall be forwarded to Adult Protective Services within 48 hours. (800-564-1612 or 802-871-3317)
2. Issues related to Home Health Agency Medicare and Medicaid certification (i.e.: skilled nursing services, LNA, PT, OT, MSW).
3. Issues related to Nursing Facility, Residential Care Home, or Assisted Living Residence licensing regulations.

All mandated reporters are required by law to report suspected abuse, neglect of exploitation to DLP/APS.

Individuals, case managers or providers may contact DLP for assistance by calling (800)-564-1612 or 802-871-3317.

D. Medicaid Fraud

Medicaid fraud is committed when a Choices for Care (CFC), Long-Term Care Medicaid provider is untruthful regarding services provided to the participant in order to obtain improper payment. Medicaid fraud could also be committed by CFC a participant. The Medicaid Fraud and Residential Abuse Unit of the Vermont Attorney General's Office investigates and prosecutes people who commit fraud against the Medicaid program.

Examples of Medicaid fraud include, but are not limited to:

1. Billing for services not actually provided (e.g. signing or submitting a timesheet for services which were not actually provided).
2. Billing for services provided by a different person (e.g. signing or submitting a timesheet for services provided by a different person).
3. Billing twice for the same service (e.g. signing or submitting a timesheet for services which were reimbursed by another source, or signing or submitting a duplicate timesheet for reimbursement from the same source).

DAIL staff shall refer suspected cases of Medicaid fraud to the Attorney General's Medicaid Fraud Control Unit for investigation and resolution. In addition, DAIL staff may also refer the case to the local police authorities for further investigation and possible prosecution.

Individuals, case managers or providers may contact the Medicaid Fraud unit for assistance by calling (802) 828-3171. Cases of suspected Medicaid fraud, waste or abuse

may also be referred to the Department of VT Health Access (DVHA) at (802) 879-5900 or <http://dvha.vermont.gov/for-providers/program-integrity-reporting-suspected-fraud-waste-and-abuse>.