

Better Health for All



Santa Clara Valley Health & Hospital System Administration
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DATE: January 30, 2019

TO: Honorable Members of the Board of Supervisors
Jeffrey V. Smith, M.D., J.D., County Executive

FROM: René G. Santiago, Deputy County Executive/Director, SCVHHS
Matthew Gerrior, Director of Custody Health Services

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SUBJECT: Off-Agenda Report on Medical Grievances and Inclusion of Inmates or Former Inmates in a Grievance Resolution Committee

On August 14, 2018 (Item #10), the Board of Supervisors directed staff to provide an off-agenda report relating to Custody Health Services' Medical Grievance Policy.

On December 4, 2018 (Item #11), the Board of Supervisors requested that CHS Administration consider the inclusion of inmate or former inmate input in grievance resolution efforts and to facilitate appropriate classification of grievances with a timely response.

This off-agenda report provides responses to the above referrals.

Custody Health Services Grievance Policy

The Sheriff's Office/Department of Correction's Grievance Unit has sole oversight responsibility over inmate grievances using the ADA Compliance and Grievance Tracking System (ACeS). As a whole, Custody Health Services (CHS) aligns its Inmate Grievance Policy with the Sheriff's Office Inmate Grievance Process. CHS works diligently with the Grievance Unit to respond to and resolve all grievances within thirty (30) calendar days from the date the grievance is received by custody staff.

When an inmate wishes to file a grievance, custody staff provides the inmate a paper grievance form. The inmate submits the completed form in a "Grievance" lock box available in each housing unit. A Custody Sergeant is tasked to retrieve the grievance forms from the housing units and deliver the forms to Administration daily. The grievance forms are again stored in a locked box designated for inmate grievances only while waiting for pick-up by Grievance Unit

staff. Currently, only Grievance Unit badge staff can collect grievance forms from Administration Offices. The collected grievance forms are then distributed among Grievance Unit staff to review and enter into ACeS. Each grievance is sorted into one of thirty-two (32) jail operations categories where each category also has a subcategory description that adds additional descriptive information about the grievance. Upon assignment to a category, the grievance will then be electronically forwarded to the responsible business unit or in some cases, another County Department for resolution.

CHS has designated division managers and senior staff who are responsible for responding to grievances-- Nurse Manager for Medical, Sr. Health Care Program Manager for Behavioral Health, and senior staff for Dental and Pharmacy services.

Upon receipt of a grievance referral from ACeS, an automated email goes out to the manager assigned to the area of concern. The manager is required to provide a response or resolution within the 20-day grace period set forth by the Sheriff's Office Grievance Policy. If a response or resolution is not entered into ACeS within the 20-day time frame, the CHS manager will get an automated reminder by email to respond to and resolve the grievance. A follow-up call or email is also initiated by Grievance Unit staff to ensure the manager complies with the time frame.

Information related to a grievance and response or resolution to a grievance will be documented in the patient's health records if it is relevant to the patient's care. Should a grievance need additional review by another department, the assigned CHS staff will enter referral information into ACeS and consequently, the Grievance Unit will ensure that the grievance is referred to the other department in a timely fashion. Custody staff is responsible for providing the CHS response and/or resolution to the inmate.

In the event an inmate appeals a grievance response or resolution, the Grievance Unit staff will notify the CHS Executive Director by email. If the CHS Director overturns the response or resolution, he instructs the responding manager to implement the appropriate corrective measures. If the CHS Director upholds the initial response or resolution, no further action will be initiated. The CHS Executive Director documents his review of the appeal in ACeS and ensures that actions taken align with CHS policies and procedures. The CHS Director's decision is the final step in the inmate grievance appeals process. Regardless of the appeal's outcome, Grievance Unit staff will route the decision to the inmate.

### **Inmate Input on Medical Grievances**

Because the Health Insurance Portability and Accountability Act (HIPAA) protects and sets limits and conditions on the uses and disclosures that may be made regarding patients' medical records and other personal health information, CHS cannot involve other inmates or formerly incarcerated community members in resolving specific medical grievances filed by an individual. However, CHS will request the Sheriff's Office to be invited to Inmate Advisory Council

meetings or some other similar inmate advocacy platforms to gather inmate input on grievance resolution. CHS is committed to the inclusion of inmates and/or former inmates in the grievance resolution process and will work closely with the Sheriff's Office to facilitate appropriate classification of grievances in a timely manner.

cc: Miguel Marquez, Chief Operating Officer  
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