



Behavioral Health

 303 E. Vanderbilt Way San Bernardino | (909) 388-0900  
[www.SBCounty.gov](http://www.SBCounty.gov)

## Affordable Care Act (ACA) 1557 Grievance Procedure

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DocuSigned by:  
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 Georgina Yoshioka, DSW, MBA, LCSW, Director

**Purpose** To provide instruction on receiving, logging, and investigating grievances received by San Bernardino County Department of Behavioral Health (DBH) Office of Equity and Inclusion (OEI), ACA 1557 Coordinator.

**ACA 1557 Compliance Coordinator** OEI has designated an employee to serve as the ACA 1557 Coordinator. The ACA 1557 Coordinator is responsible for overseeing the ACA 1557 grievance process, which includes due process and prompt and equitable resolution of complaints and grievances received from clients whose concerns fall under the scope of discrimination as defined under ACA 1557.

**Filing a Grievance**

The following process shall be followed when filing an ACA 1557 grievance:

- Grievance submitted to the ACA 1557 Coordinator within thirty (30) days of the date the person filing the grievance becomes aware of the alleged discriminatory action
- Complaint must be submitted in writing on the approved **ACA 1557 Grievance Form** (COM038) via email to [ACA\\_1557@dbh.sbcounty.gov](mailto:ACA_1557@dbh.sbcounty.gov) or by mail to:  
 DBH OEI  
 Attn: ACA 1557 Coordinator  
 303 E. Vanderbilt Way  
 San Bernardino, CA 92415-0026
- If assistance is needed in completing the form, the complainant may also call the ACA 1557 Coordinator at (909) 252-5143 (TTY: 711).
- The grievance form must include all information necessary to investigate the complaint, including identifying the problem or action alleged to be discriminatory.
- If the grievance is determined to be ACA 1557 related, it shall be entered into the ACA 1557 Grievance Tracking Log.
- If the grievance is determined not to be ACA 1557 related, it shall be referred to the appropriate unit (e.g. ACCESS, Patients' Rights, Compliance, etc.), and the appropriate unit shall follow-up with the complainant.

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### Authorized Representative

At any time during the Grievance or Appeal processes, the complainant may authorize a person to take action or participate in the process on his or her behalf, or to assist the complainant with the process.

### Grievance Investigation Process

The ACA 1557 Coordinator or designee shall conduct an investigation of the complaint as follows:

- Thoroughly investigate, allowing all interested individuals an opportunity to submit evidence related to the complaint;
- Maintain files and records related to grievances, and to the extent possible and in accordance with applicable law, preserving the confidentiality of files, sharing them at a minimum necessary level, and
- Issue a written decision on the grievance, based on evidence, no later than thirty (30) days after its filing date, and include the proposed resolution and a notice to the complainant informing them of their right to pursue further administrative or legal remedies.

### Appeals Process

Every reasonable effort will be made to successfully resolve the grievance, but in cases where the complainant is not satisfied with the outcome, an appeal may be filed in the following manner:

Complainant Action	DBH Action
Complainant may appeal the decision by writing to the DBH Equity, Cultural Competency Officer within 15 days of receiving the ACA 1557 Coordinator's decision.	Equity, Cultural Competency Officer shall issue a written decision in response to the appeal no later than 30 days after its filing.
Complainant may appeal the decision of the Cultural Competency Officer by writing to the DBH Director within 15 days of receiving the Cultural Competency Officer's decision.	DBH Director shall issue a written decision in response to the appeal no later than 30 days after its filing.

If DBH is unable to successfully resolve the grievance, the complainant may file a civil rights complaint with the U. S. Health and Human Services Office of Civil Rights in writing by mail, fax, e-mail, or via the OCR Complaint Portal at [HHS.gov/civil-rights](https://www.hhs.gov/civil-rights).

### Related Policy

[DBH Standard Practice Manual and Departmental Forms:](#)

- Non-Discrimination - Section 1557 of the Affordable Care Act Policy (COM0953)
- ACA 1557 Grievance Form (COM038)

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| <b>Reference(s)</b> | <ul style="list-style-type: none"><li>• Public Law 111-148, Patient Protection and Affordable Care Act, Section 1557</li><li>• U.S. Code, Title 20, Chapter 38, Subsection 1681 et seq.</li><li>• U.S. Code, Title 29, Chapter 16, Subchapter V, Subsection 794</li><li>• U.S. Code, Title 42, Chapter 21, Subchapter V, Subsection 2009 et seq.</li><li>• U.S. Code, Title 42, Chapter 76, Subsection 6101 et seq.</li></ul> |
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