

## BHS Policies and Procedures



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

1380 Howard Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103  
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Policy or Procedure Title: **Member Grievance Procedure in Compliance with Section 504 and the ADA**

Issued By:

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Director of Managed Care, Behavioral Health Services

Effective Date: January 23, 2024

Manual Number: 3.04-03

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

**Technical Revision, last reviewed April 9, 2024. Replaces 3.04-03 of February 18, 2016.**

**Equity Statement:** The San Francisco Department of Public Health, Behavioral Health Services (BHS) is committed to leading with race and prioritizing Intersectionality, including sex, gender identity, sexual orientation, age, class, nationality, language, and ability. BHS strives to move forward on the continuum of becoming an anti-racist institution through dismantling racism, building solidarity among racial groups, and working towards becoming a Trauma-Informed/Trauma Healing Organization in partnership with staff, members, communities, and our contractors. We are committed to ensuring that every policy or procedure, developed and implemented, leads with an equity and anti-racist lens. Our policies will provide the highest quality of care for our diverse members. We are dedicated to ensuring that our providers are equipped to provide services that are responsive to our members' needs and lived experiences.

**Purpose:** Section 504 of the 1973 Rehabilitation Act was the first disability civil rights law to be enacted in the United States. It prohibits discrimination against people with disabilities in programs that receive federal financial assistance. Under this law, individuals with disabilities are defined as persons with physical or mental impairment which substantially limits one or more major life activities. 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..." This law set the stage for enactment of the Americans with Disabilities Act (ADA) in 1990. Title II of the ADA requires that all programs offered through State and local governments be accessible and usable to people with disabilities "who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided." 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 member, defined as a client or their authorized representative, encounter discriminatory practices due to disability at any of Behavioral Health

Services' program sites or those of contracted services.

**Definitions:**

**Member:** prospective and current clients of Behavioral Health Services seeking and/or utilizing services and benefits

**Policy:** BHS does not discriminate on the basis of disability. Any member and their representative experiencing discriminatory practices at a BHS site due to disability has the right to report and file a complaint.

**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 BHS ADA Investigator, who operates within the BHS Office of Justice, Equity Diversity & Inclusion (JEDI) and can be contacted at BHS-ADA@sfdph.org. All other complaints pertaining to BHS, including those alleging discrimination outside the scope of Section 504 and the ADA, can, per consent of the complainant, be re-directed to the Grievance and Appeal Office for Behavioral Health Services (mail to 1380 Howard Street, 2<sup>nd</sup> Floor, San Francisco, California 94103, email BHS.GrievanceAppeal@sfdph.org or call 628-754-9299) and processed according to policy 3.11-01<sup>1</sup>.
  
3. A complaint may be filed in writing or, when requested, 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 BHS ADA Investigator, in collaboration with the DPH ADA Coordinator, will investigate and reach out to both the complainant and the organization in question. The DPH ADA Coordinator will seek assistance from the Mayor's Office on Disability (MOD) in investigating and responding to the complaint. The same applies in the event that the complaint is received directly from the MOD and is written on behalf of the aggrieved party.
  
5. A written draft response of the investigative findings will be sent to the Mayor's Office on Disability for review prior to the final copy being sent to the complainant.

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<sup>1</sup> Grievance and Appeal System for Behavioral Health Services (BHS Manual No. 3.11-01)

6. If the BHS ADA Investigator finds sufficient evidence, the written draft response should indicate specific actions, reasonable accommodations, and timetables for amelioration of the discriminatory condition identified, in consultation with the DPH ADA Coordinator and the System of Care (SOC) Directors or other section's leadership where applicable.
7. The final copy is signed by the BHS ADA Investigator and then sent to the complainant within thirty (30) days of receipt of the complaint with copies directed to the Mayor's Office on Disability, the appropriate SOC Director, the Office of Justice, Equity, Diversity & Inclusion (JEDI), and the BHS program/contractor named in the grievance.
8. The complainant can request reconsideration of the complaint if they are dissatisfied with the resolution. The request for reconsideration should be directed to the Mayor's Office on Disability: ADA Compliance Officer, 1155 Market Street, 1st Floor, San Francisco, California 94103 (Voice/Video Phone: 415-554-6789; Fax: 415-554-6159; Email: [MOD@sfgov.org](mailto:MOD@sfgov.org)).

**Retention of Records:** Members' medical records shall be retained for a minimum of ten years.

**Contact Person:** ADA Investigator, Behavioral Health Services: [BHS-ADA@sfdph.org](mailto:BHS-ADA@sfdph.org)

**Distribution:**

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