

# **Harvey-Marion County CDDO Service Area Policy/Procedure**

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**Subject: Dispute Resolution**

**Ref: K.A.R. 30-64-32**

**Effective Date: March 2009      Revision Date: June 2014**

**Purpose:** Establish clear procedures and timelines for resolving disputes within the Harvey-Marion County CDDO service area.

**Intended Outcome:** Disputes within the service area are resolved at the lowest possible level, in an orderly, timely, and respectful manner.

**Policy:** The Harvey-Marion County CDDO, together with the Harvey-Marion Community Council, provides for a local means of resolving any disputes that may arise between any of the following parties in the local service system:

A person receiving services; the person's guardian if one has been appointed; other individuals from the person's support network; a case manager of a person receiving services; affiliated community service providers; any entity that wishes to become an affiliated community service provider; the Harvey-Marion County CDDO; and any other component of the community service system.

Harvey-Marion County CDDO upholds the right of persons receiving services to be treated with dignity and respect; towards that end, Harvey-Marion County CDDO requests that all parties in the local service system embody this value by treating all other parties in the local service system with dignity and respect.

Harvey-Marion County CDDO requires that all affiliating community service providers develop internal complaint/grievance procedures, and provide these procedures to each person who receives their services, and the person's guardian(s) if appointed.

**Procedure Part One, for disputes that do not involve Harvey-Marion County CDDO as a party** (see below for Procedure Part Two for disputes involving Harvey-Marion County CDDO as a party):

1. Any party who contacts the office of the Harvey-Marion County CDDO regarding a dispute with a second party is referred to the second party's internal complaint/grievance procedure, if this has not already been followed.
2. If the second party's internal complaint/grievance procedure has been followed and the dispute is still unresolved, the party may proceed by filing a written notice to the Executive Director of the Harvey-Marion County CDDO regarding the dispute.
3. Upon receipt of written notice of the dispute, the Executive Director of the Harvey-Marion CDDO offers the following options:

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- a. Hearing by Harvey-Marion Community Council. Within 20 calendar days following receipt of written notice of the dispute, the Harvey-Marion County CDDO Executive Director convenes the Harvey-Marion Community Council to hear the dispute and make written recommendations for its resolution;
  - b. Mediation. Within 40 calendar days following receipt of written notice of the dispute, the Harvey-Marion County CDDO Executive Director arranges for mediation to be completed by an independent party with no decision-making authority who is impartial to the issues being discussed.
    - (1) Fees. Mediation fees will be shared equally between the parties to the mediation if the parties are able to pay; no one will be denied mediation services solely because of an inability to pay.
    - (2) Declining mediation. Any party to the dispute may decline to enter mediation if the party prefers to proceed directly to the next option.
    - (3) Withdrawing from mediation. Any party to the dispute may withdraw from mediation if the party believes further efforts at mediation will not resolve the dispute.
4. If the dispute is still unresolved, either party may appeal to either of the following:
    - a. Harvey-Marion County CDDO Board of Directors. Within 20 days following receipt of written notice, the Board of Directors conducts appropriate proceedings and issues a written decision. Failure to issue a written decision by the end of the 20-day period constitutes a decision in favor of the appellant. Each decision of the board is binding upon the parties, unless either party decides to appeal further to the commission. Or;
    - b. The Director of KDADS. Written notice of appeal needs to be delivered to the Director of KDADS within 60 calendar days following the CDDO's initial receipt of written notice of the dispute. The Director of KDADS has the authority to review the dispute and determine appropriate steps to achieve resolution as well as to prevent recurrence. Appropriate steps may include requiring changes of policies, procedures, or practices of community service participants; or requiring corrective action or peer review process by community service participants, or other resolution guidelines.
  5. A decision by the Director of KDADS may be appealed to the Office of Administrative Appeals within the Kansas Department of Administration pursuant to Chapter 30, Article 7, Kansas Administrative Regulations.
  6. Nothing limits the right of any person to bring any action as may be permitted by law against a CDDO, any affiliated community service provider, or any other individual or entity.

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#### **Procedure Part Two, for disputes involving the Harvey-Marion County CDDO as a party:**

1. Upon receipt of written notice of the dispute, the Executive Director of the Harvey-Marion CDDO offers options of a hearing by the Harvey-Marion Community Council within 20 calendar days, or Mediation within 40 calendar days (same as 3A and 3B above).
2. If the dispute is still not resolved, either party may appeal to the Harvey-Marion County CDDO Board of Directors, or any other body that the governing board may designate. Within 20 days following receipt of written notice, the Board of Directors/designee then conducts appropriate proceedings and issues a written decision. Failure to issue a written decision by the end of the 20-day period constitutes a decision in favor of the appellant. Each decision of the Board of Directors/designee is binding upon the parties, unless either party decides to appeal further to the Director of KDADS.
3. If the dispute remains unresolved, either party may appeal to the Director of KDADS. Written notice of appeal needs to be delivered to the Director of KDADS within 10 calendar days following the appealing party's receipt of the governing board's decision. The Director of KDADS has the authority to review the dispute and determine appropriate steps to achieve resolution as well as to prevent recurrence. Appropriate steps may include requiring changes of policies, procedures, or practices of community service participants; or requiring corrective action or peer review process by community service participants, or other resolution guidelines.
4. A decision by the Director of KDADS may be appealed to the Office of Administrative Appeals within the Kansas Department of Administration pursuant to Chapter 30, Article 7, of Kansas Administrative Regulations.
5. Nothing limits the right of any person to bring any action as may be permitted by law against a CDDO, any affiliated community service provider, or any other individual or entity.