

**Sedgwick County
Developmental Disability Organization**

Policy Section	General	Policy Number	A-03
Policy Name	Dispute Resolution: Individual Disputes with Affiliated Providers	Revision Date	11/2008
Former Number	A-01-03	SRS Approval Date	8/2009

PURPOSE:

These procedures identify the means by which persons with developmental disabilities and/or the family, legal guardian, or support network of a person with developmental disabilities may resolve disputes regarding the services they receive from an affiliated provider.

POLICY:

Persons with developmental disabilities and/or the family, legal guardian, or support network of a person with developmental disabilities who have an unresolved dispute with an affiliated service provider, may seek resolution to the dispute through review by the Sedgwick County Developmental Disability Organization (SCDDO) and/or a mediator.

PROCEDURES:

1. When managing a dispute with an affiliated provider, the person with developmental disabilities and/or the family, legal guardian, or support network of a person with developmental disabilities must make reasonable attempts to resolve the issue using the agency's dispute resolution processes.
2. Each affiliated provider is required to have internal procedures which:
 - a. Afford the person with developmental disabilities and/or the family, legal guardian, or support network of a person with developmental disabilities a means to voice concerns and have those concerns responded to by agency staff and administration in a timely manner;
 - b. Assure there is no retaliation against persons who complain or utilize dispute resolution procedures; and

- c. Refer unresolved disputes to the SCDDO for an external process of resolution.
- 3. If a reasonable attempt has been made to resolve the dispute using internal provider processes and the dispute remains unresolved, the affiliated provider and/or the person with developmental disabilities and/or the family, legal guardian, or support network of a person with developmental disabilities shall forward the dispute in writing to the SCDDO.
- 4. The SCDDO will investigate the dispute and assure the affiliated provider has established procedures for management of disputes, that they were properly followed, and that the person with the dispute made reasonable attempts to resolve the dispute using those procedures.
- 5. If the procedures of the affiliate were either not in place or not properly applied, the SCDDO shall oversee the process and assure that dispute resolution methods are established and properly applied no longer than ten (10) business days after the SCDDO receives written notification of the dispute.
- 6. If the person with the dispute did not make reasonable attempts to resolve the dispute using internal provider procedures, the person will be required to do so prior to accessing any further means for resolution.
- 7. If the dispute was properly managed by the affiliated provider, but unresolved and further intervention is requested, the SCDDO will provide the following options to the individual requesting resolution:
 - a. The person may request intervention into the dispute by a mediator who has no decision-making authority and is impartial to the issues being discussed. All efforts will be made to procure a mediator within ten (10) business days of receipt of the dispute, with consideration given for availability of the person and mediator. Mediation shall be completed within forty (40) calendar days following SCDDO receipt of written notice of dispute.
 - b. The person may request the dispute be referred to the SCDDO Dispute Resolution Committee comprised of the SCDDO Director, the Division of Human Services Executive Director, a member of the Board of County Commissioners appointed Physical and Developmental Disabilities Advisory Board Executive Committee, and a primary or secondary consumer appointed by the SCDDO Community Council. This committee must respond within ten (10) calendar days of receipt of the dispute. The SCDDO must render a written decision, supported by a majority vote of the Committee within twenty (20) calendar days following the initial written appeal.

8. When mediation is used to resolve disputes, the parties involved shall equally share the cost and no person shall be denied mediation due to inability to pay.
9. At any time during the dispute resolution process, the person may request and receive assistance from the SCDDO.
10. Decision by the SCDDO Dispute Resolution Committee or by mediation shall be considered binding unless either party appeals to the Kansas Department of Social & Rehabilitation Services, Division of Disability and Behavioral Health Services, Community Supports and Services (SRS/DBHS/CSS).
11. Written notice of appeal shall be delivered to SRS/DBHS/CSS within 10 calendar days of the appealing party's receipt of the decision.
12. The decision of SRS/DBHS/CSS may be appealed to the Office of Administrative Appeals within the Kansas Department of Administration pursuant to Article 7.