Dispute Resolution, 011

Revision Date: January 3, 2020

CDDO Policy 011

Policy:

Cowley County CDDO Department, together with the Advisory Board, 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, Cowley County CDDO Department, and any other component of the community service system. (K.A.R. 30-64-31; 30-64-32)

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

Cowley County CDDO Department 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 parent/guardian(s) if appointed.

Procedures:

1. In the case of a dispute regarding eligibility, the involved party may request reconsideration by an independent third party by requesting such from the CDDO Executive Director. The CDDO will make arrangements with another CDDO to review the information and provide a decision on eligibility.

2. If upon reconsideration the decision is unchanged, the party will be notified of their right to an administrative hearing. An administrative hearing must be requested in writing within 30 days of the final notification.

3. Parties who believe their provision of service or response to individual rights do not conform to the DD Reform Act, related regulations, or current CDDO/KDADS contract may take the following action:

 a. The parties to the dispute will be encouraged to first follow any internal grievance/dispute process of the CSP involved.

 b. If after following the internal grievance/dispute process of the CSP, the dispute remains unresolved, one or both of the parties must present notice to the CDDO within thirty (30) days of the notification from the CSP’s final decision with a request for dispute resolution.

c. The CDDO will notify the CDDO Dispute Resolution Committee comprised of the Executive Director, and three representatives of the CDDO Advisory Board. The CDDO Executive Director will not be allowed to vote in the event that the dispute involves the CDDO. Care will be taken in selecting Advisory Board members to serve on the Dispute Resolution Committee to mitigate any concerns regarding a potential conflict of interest.

d. Within 20 calendar days of the dispute being received by the CDDO, the CDDO Dispute Resolution Committee will hear oral presentations from the grieving parties and attempt to reach a mutually satisfactory solution.

e. If the grievance cannot be resolved, either party may request intervention into the dispute by a mediator who has no decision-making authority and is impartial to the issues being discussed. Mediation must be completed within 40 calendar days following the request for mediation.

f. The cost of a professional mediator will be shared equally by the disputing parties. Persons receiving services will not be denied mediation solely because of inability to pay applicable mediation fees.

g. If the dispute remains unresolved, any party to the dispute may appeal to the Kansas Department of Aging and Disability Services by presenting written notice of appeal within 10 calendar days of the appealing party’s receipt of the decision.

h. The decision of KDADS may be appealed to the Office of Administrative Appeals within the Kansas Department of Administration.

4. The dispute resolution policy is shared annually with all individuals receiving services and is available on the CDDO website.