

TITLE: Disability Planning Organization of Kansas, Inc. Appeal & Dispute Resolution Processes

PURPOSE: This process describes the elements for implementing the SRS approved procedure for "Dispute Resolution for CDDO Functions". Process is applicable to Community Developmental Disability Organization (CDDO) functions, as well as a means of facilitating resolution of issues between individuals seeking or receiving services and service entities or among service entities.

PROCEDURES:

- I. **In the case of complaints regarding CDDO functions directed to the Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) by individual and support networks or community service entities, the appeal and dispute resolution steps are as follows:**
  1. The individual or organization should first discuss their concern with the individual responsible for the activity of concern:
    - 1.1 Eligibility Specialist for eligibility or gatekeeping issues
    - 1.2 Quality Assurance Representative for Basic Assessment and Services Information System (BASIS) issues.
    - 1.3 Funding Coordinator for funding issues
    - 1.4 Quality Assurance Representative for service quality issues (following procedures outline in section II of this procedure, if applicable).
    - 1.5 CDDO Director for affiliate provider and community service capacity issues.
  2. If the problem is not resolved by that contact person in 3 to 5 days the individual or organization may request to meet with the:
    - 2.1 CDDO Director for eligibility, gatekeeping, BASIS, funding, or quality issues.
    - 2.2 Vice President/CFO for affiliate agreement questions
    - 2.3 Vice President/COO for community service capacity issues.
  3. If the problem is not resolved in 5-7 more days the individual or organization may
    - 3.1 be referred on to relevant SRS CDDO function review procedures
    - 3.2 If no SRS procedure oversight procedures apply, the individual or organization may request in writing to meet with the Senior Management Team (Vice President/CFO, Vice President/COO, and President/CEO)
      - 3.2.1 Both a written and verbal reply to the stated concern will be made within two weeks of the date of the meeting.
  4. At any time either party in the appeal/dispute process may request intervention by a mediator that
    - 4.1 Has no decision making authority
    - 4.2 Is impartial to the issues
    - 4.3 Is paid equally by parties to the mediation (except that mediation will not be denied because of inability to pay. In no case shall the fee requirement be modified or waived for mediation services provided at the request of another CDDO or community service provider.)
    - 4.4 Is independent and agreeable to the parties involved in the dispute; DPOK, Inc. will be responsible for facilitating the location and selection process
    - 4.5 Achieves resolve within 40 days following the original receipt of the notice to DPOK, Inc. or request by DPOK, Inc. for mediation.
  5. If either party declines mediation and continues dissatisfied, appeal shall continue to Step 7.

6. Either party may withdraw from mediation, if it is believed further efforts are not likely to resolve the dispute, and the process may move on to step 7.
7. If the issue was not resolved by DPOK, Inc. Senior Management with or without mediation a hearing may be requested with the Service Appeals Committee of the Board of Directors by requesting the President /CEO to arrange the hearing.
  - 7.1 The Service Appeals Committee has the final decision making responsibility per the Board of Directors
  - 7.2 If the committee fails to issue a written decision within 20 days of notice from the President/CEO, the appeal shall be deemed to have been decided in favor of the appellant
8. Service Appeals Committee decision shall be binding unless either party further appeals to the commission.
9. A written appeal to the commission must be delivered within 10 calendar days of the DPOK, Inc. Board Service Appeals Committee decision.
10. The decision of the commission may be appealed to the office of administrative appeals within the Kansas department of administration pursuant to article 7.

**II. In the case of complaints to community service entities from individuals seeking or receiving services or complaints to community service entities from other community service entities, the appeal and dispute resolution steps are as follows:**

1. The individual receiving services or complaining entity must access the internal appeals process of the target entity.
  - 1.1. Each affiliated community service provider must develop its own internal appeal process.
  - 1.2. A copy of this procedure will be provided to DPOK, Inc.
  - 1.3. Parties expressing concerns shall first utilize the internal appeals process set by the community service provider.
2. In the event that the issue is relevant to services to individuals with developmental disabilities, notification of the dispute should be forwarded to DPOK, Inc.
  - 2.1. Notification of DPOK, Inc. by either party might allow the opportunity for:
    - 2.1.1. DPOK, Inc. to offer information
    - 2.1.2. With notification DPOK, Inc. may monitor for resolution to occur within 20 days of notification.
    - 2.1.3. At any time either party in the appeal/dispute process may request intervention by a mediator that
      - 2.1.3.1. Has no decision making authority
      - 2.1.3.2. Is impartial to the issues
      - 2.1.3.3. Is paid equally by parties to the mediation (except that mediation will not be denied because of inability to pay. In no case shall the fee requirement be modified or waived for mediation services provided at the request of another CDDO or community service provider.)
      - 2.1.3.4. Is independent and agreeable to the parties involved in the dispute; DPOK, Inc. will be responsible for facilitating the location and selection process.
      - 2.1.3.5. Achieves resolve within 40 days following the original receipt of the notice to DPOK, Inc. requesting mediation.
    - 2.1.4. If either party declines mediation appeal shall continue to Step 3.

- 2.1.5. Either party may withdraw from mediation if it believes further efforts are not likely to resolve the dispute and the process may move on to step 3.
3. Unresolved disputes may be appealed to the commission.
  - 3.1. A written appeal to the commission must be delivered within 60 calendar days of the original notification to DPOK, Inc. of the dispute.
  - 3.2. DPOK, Inc. is notified of such appeals to the commission.
4. The decision of the commission may be appealed to the office of administrative appeals within the Kansas department of administration pursuant to article 7.

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