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**Title: Establishing Written Procedures Implementing the Developmental Disability Reform Act**

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*Implementation Date:* April 1997

**Policy:** Disability Planning Organization of Kansas, Inc. (DPOK) shall establish written procedures that will aid in its implementation of the provisions held in K.A.R. 30-64-01 et seq. The development and adoption of these procedures shall follow a process specified by the Developmental Disability Reform statutes and regulations.

**Regulatory Source:** K.A.R. 30-64-21

**Definitions:** DPOK = Disability Planning Organization of Kansas

**Procedures:**

1. The Board of Directors of the Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) shall present the procedures to the DPOK, Inc. Council of Community Members for review and written comment at least 30 days before they are accepted for final implementation by the Board.
2. The Board of DPOK, Inc. shall include the Council’s written comments when the procedures are submitted to the commission for review.
3. The President/CEO of DPOK, Inc. on behalf of the Board shall present the procedures for review and comment to other interested parties and the public through a public notice. The review shall occur thirty days or more before final implementation of the procedures by the Board. The comments resulting from the public notice(s) shall be included with the procedures when they are submitted to the commissioner for review.
4. Changes to the procedures, once approved by the commissioner, can be made only by following the steps described in this set of procedures.

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**Title: Single Point of Application, Eligibility Determination and Referral for Persons with Intellectual/Developmental Disabilities (I/DD)**

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*Implementation Date: June 2001*

**Policy:** The Disability Planning Organization of Kansas, Inc. in its capacity as **Community Developmental Disability Organization (CDDO)** for Cloud, Dickinson, Ellsworth, Jewell, Lincoln, Mitchell, Ottawa, Republic and Saline counties shall serve as the single point of application, eligibility determination and referral for all persons in need of specialized developmental disability services and supports to remain in the community.

**Regulatory Source:** K.A.R. 30-64-23

**Definitions:** CDDO = Community Developmental Disability Organization  
DPOK = Disability Planning Organization of Kansas

**Procedures:**

*Eligibility*

1. The Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) shall determine if the person for whom services/supports are requested has a developmental disability. This will be done using K.S.A. 39-1803 and the applicable Kansas division policy related to eligibility determination.
  - a. Employees of the CDDO who determine eligibility shall complete and remain current with approved training.
2. DPOK, Inc. shall complete the current statewide application for functional eligibility assessment after the person has been determined to have a developmental disability.
  - a. Only DPOK, Inc. employees or contracted persons who have received approved training may complete and submit functional eligibility assessments.
3. DPOK, Inc. will inform eligible persons of the role of community service providers and how each may be accessed.
4. DPOK, Inc. funding identified in the applicable Kansas division/CDDO contract shall only be available for approved eligible persons who meet the definition of having developmental disability and are in need of services/supports necessary to remain in the community.
5. If the person does not meet the definition of developmental disability, information about services and supports which may be of help will be provided.

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## *Service Access*

1. Persons (parents/guardians and referral sources where appropriate) shall be fully and impartially informed regarding all community service providers affiliating with DPOK, Inc. and the array of services available.
  - a. Information provided will include education about service options and identifying information as made available by the provider affiliating with DPOK, Inc.
2. DPOK, Inc. staff shall impartially inform the eligible person and their support network of:
  - a. services in DPOK, Inc. service area
  - b. licensed providers and agencies in the area that have advised the CDDO they might be willing to provide services to that person
  - c. The way to contact those licensed providers or agencies to further inquire about services
3. DPOK, Inc. staff shall impartially assist the person in:
  - a. deciding which community services the person may wish to obtain or accept within the next year from the date of the person's application for that service
  - b. accessing the community services of the person's choice
4. DPOK, Inc. shall maintain a list of the persons who have made application for community services and have been determined eligible.
  - a. Affiliated licensed developmental disability service providers in the DPOK, Inc. service area may have access to the contact information for persons on the list, except for those requesting their names be kept confidential.
5. For persons already accessing services from an area provider and expressing a desire to change providers, the person will be referred to DPOK, Inc. directly for assistance.

## *Waiting List Management*

1. DPOK, Inc. shall document if the eligible person would accept services offered to them as outlined in the current division of Kansas government policy related to waitlist management.
2. Community service providers affiliating with DPOK, Inc. shall provide notice to DPOK, Inc. regarding inquiries for services that have been initiated with the community service provider to ensure that DPOK, Inc. has accurate information about persons waiting for services.
3. DPOK, Inc. will serve or arrange to serve in a timely manner everyone requesting service, which meets the intellectual or developmental disability definition, is eligible for funding and needs services as notified of approved service access by the applicable division of Kansas government.

## *Records Management*

1. DPOK, Inc. shall maintain confidential records of all referral, eligibility determination, assessment and service information activities for persons making application for services or seeking change in services.

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**Title: Gatekeeping Related to Disability Planning  
Organization of Kansas, Inc. Community  
Developmental Disability Organization  
Responsibility**

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*Implementation Date:* 1997

**Policy:** Disability Planning Organization of Kansas, Inc. (DPOK) shall review persons living in or seeking service in its service area who apply for admissions to a private or public Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID)

**Regulatory Source:** K.A.R. 30-64-29

**Definitions:** ICF-IID = Intermediate Care Facility/Individuals w/Intellectual Disabilities  
DPOK = Disability Planning Organization of Kansas  
CDDO = Community Developmental Disability Organization  
BASIS = Basic Assessment and Services Information System

**Procedures:**

1. DPOK, Inc. will review the following:
  - a. Persons living in the DPOK, Inc. service area applying for admission to any ICF/IID.
  - b. Persons living in Kansas state hospitals applying for admission to ICF/IIDs in DPOK, Inc. service area.
2. DPOK, Inc. will determine if the person meets the definition of intellectual disability contained in the CDDO contract and if they meet the criteria for admissions to an ICF/IID by completing the current statewide application for functional eligibility assessment.
3. DPOK, Inc. will assure the person (their guardian, family and support network) is assisted to understand the various community service options and determine if placement in an ICF/IID is consistent with the person's preferred lifestyle. Assistance can occur through person-to-person contact or phone consultation meetings.
4. If appropriate funding is available and it is determined community services could meet the eligible person's needs, the person and their support network will be informed of the services of such and he/she/they will be offered assistance with referral.

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5. After reviewing community service options and the person requesting service continues to desire ICF/IID placement, the steps contained in the applicable gatekeeping policy from the state of Kansas will be followed.
6. DPOK, Inc. shall annually review persons living in private ICF/IIDs in its service area. This will be done using the current statewide application for functional eligibility assessment. Results will be forwarded to the CDDO responsible for the person's home county.
  - a. "Home County" is defined by DPOK, Inc. in accordance with the listed order of priority per the definition found in the CDDO annual contract with the state of Kansas.
7. Annually DPOK, Inc. will make available information about community based services and providers to persons and their guardian, if appropriate.
8. Based on notification from CDDO's conducting annual reviews for persons in ICF/IIDs with DPOK, Inc. identified as "Home County" CDDO, DPOK, Inc. will provide area service information to area family members or guardians.
9. The Secretary of the applicable division of Kansas government shall be notified by DPOK, Inc. of any person it believes should not be served in the community setting because that person presents a danger to himself/herself or others even when provided appropriate community service.

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**Title: Uniform Access to Service and Continuity/Portability for People from the DPOK, Inc. Service Area**

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*Implementation Date:* 1996

**Policy:** The Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) shall insure uniformity in access to services. DPOK, Inc. will insure that no developmental disability community service provider (CSP) otherwise qualified to provide service to persons with an intellectual/developmental disability discriminates in the selection for or delivery of service to that person because of the severity of the person’s disability, except if the Secretary of the applicable division of Kansas government has determined that the person is inappropriate for community services because the person presents a danger to self or to the community.

**Regulatory Source:** K.A.R. 30-64-25

**Definitions:** DPOK = Disability Planning Organization of Kansas  
CSP = Community Service Provider  
CDDO = Community Developmental Disability Organization

**Procedures:**

1. DPOK, Inc. and a community service provider (CSP) may voluntarily agree that the CSP will only provide specific kinds of service as long as everyone in DPOK, Inc.’s service area who needs community services has access to them regardless of the severity of their disability.
2. DPOK, Inc. shall review all referrals to community service providers that have not been accepted for services.
3. If a person feels that he/she has been discriminated against with regard to provision of services, the person with the assistance of an advocate as needed, may access DPOK, Inc. Appeal & Dispute Resolution Process.
4. The CSP and CDDO shall communicate regarding capacity, specialization and potential for growth.
5. CDDO shall monitor the waiting list as it is made available, for potential service needs and trends for referrals not accepted and referred outside CDDO area.
6. Annual planning and reports shall be made available.

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**Title: Discharge by Disability Planning Organization of Kansas, Inc.**

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*Implementation Date:* 1997

**Policy:** Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) shall seek to assure that no qualified person participating in community services covered by CDDO Contract is discharged from service except for a reason permitted by Law, Regulation, or State Policy.

**Regulatory Source:** K.A.R. 30-64-25 thru 30-64-28

**Definitions:** DPOK = Disability Planning Organization of Kansas  
CDDO = Community Developmental Disability Organization

**Procedures:**

Permanent discharge by DPOK, Inc. shall not be permitted except for the following reasons:

1. The person and the person’s guardian, if one has been appointed, requests permanent discharge from DPOK, Inc. CDDO and affiliated services. This may be done without a 30-day notice and without notification of the State of Kansas. If the person requires other continuous services and requests assistance, DPOK, Inc. will assist the person with referral for alternative services.
2. The Secretary of the applicable division of Kansas government determines the person to be inappropriate for community services based on a finding that the person presents a clear and present danger to self or others in the community.
3. If public funding for all services is no longer available.
4. If the person has available private funds and the person does not pay charges for items specified within a written service agreement.
5. A person refuses to apply for and fulfill qualification requirements (e.g. report assets, cooperate with assessments etc.) for Medicaid or other funding resources for all services requested, if they are unable to private pay for all services needed.

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## Title: Affiliation to Provide Services

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Implementation Date: 1997

**Policy:** Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) will enter into an Affiliate Agreement with any requesting entity to provide community service to eligible persons, if the requesting entity meets the qualifications for and abides by the procedures applicable for affiliates in DPOK, Inc.'s service area, and adheres to the terms of the Affiliate Agreement.

**Regulatory Source:** K.A.R. 30-64-21

**Definitions:** DPOK = Disability Planning Organization of Kansas  
CSP = Community Service Provider  
CDDO = Community Developmental Disability Organization  
DD = Developmental Disability (Reform Act)

**Procedures:**

1. Any CSP that wishes to affiliate with DPOK, Inc. must make a request to DPOK, Inc.
2. DPOK, Inc. will determine with the CSP the specific service(s) to be provided through affiliation with DPOK, Inc., and develops with the CSP an appropriate Affiliation Agreement. The CSP must furnish to DPOK, Inc. the required documentation for affiliation as identified in the agreement.
3. Upon receipt by DPOK, Inc. of required documentation and a properly signed Affiliate Agreement, the CSP/Affiliate may commence providing community service as specified within the agreement.
4. DPOK, Inc. will not enter into or maintain an Affiliate Agreement with any CSP:  
Which refuses to accept a reimbursement rate for service provided which is at least equal to that established by the Secretary and which applies to DPOK, Inc. as CDDO or as agreed to in the affiliation agreement.

or

Which has established a pattern of failing to abide by DPOK, Inc.'s service area procedures pursuant to K.A.R. 30-64-21, or failing to comply with the affiliation agreement

or

Which DPOK, Inc. has demonstrated to the satisfaction of the Secretary that such an affiliation would seriously jeopardize DPOK, Inc.'s ability to fulfill its responsibilities under the DD Reform Act Rules and Regulations, or its CDDO contract with the Secretary.

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

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*Implementation Date: November 1999*

**Policy: This process is applicable to Community Developmental Disability Organization (CDDO) functions, as well as a means of facilitating resolution of issues between persons seeking or receiving services and service entities or among service entities.**

**Regulatory Source: K.A.R. 30-64-32**

**Definitions: CDDO = Community Developmental Disability Organization  
DPOK = Disability Planning Organization of Kansas**

**Procedures:**

**In the case of complaints regarding CDDO functions directed to the Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) by persons and support networks or community service entities, the appeal and dispute resolution steps are as follows:**

1. The person or organization should first discuss their concern with the staff person responsible for the activity of concern.
2. If the problem is not resolved by that contact person in 7-10 working days the person or organization has 20 calendar days from that review/decision to deliver to DPOK offices a request in writing (letter) to meet with the CDDO Director.
3. If the problem is not resolved in 7-10 more working days to their satisfaction the person or organization may:
  - a. Be referred on to relevant State of Kansas CDDO function review procedures.
  - b. If no State of Kansas procedure oversight procedures apply, the person or organization has 20 calendar days from that review/decision to deliver to DPOK offices a request in writing (letter) to meet with the Senior Management Team.
    - i. Meeting shall be set within 10 working days of receipt of the request.
    - ii. A written reply to the stated concern will be made within two calendar 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
  - a. Has no decision making authority.
  - b. Is impartial to the issues.
  - c. 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.)

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- d. Is independent and agreeable to the parties involved in the dispute; DPOK, Inc. will be responsible for facilitating the location and selection process.
- e. Achieves resolve within 40 calendar 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.
  - a. Written request must be made within 20 calendar days of the Senior Management reply, mediation decline or mediation withdrawal.
  - b. The Service Appeals Committee has the final decision making responsibility per the Board of Directors.
  - c. If the committee fails to issue a written decision within 20 calendar 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.

**In the case of complaints to community service entities from persons 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 person receiving services or complaining entity must access the internal appeals process of the target entity.
  - a. Each affiliated community service provider must develop its own internal appeal process.
  - b. A copy of this procedure will be provided to DPOK, Inc. upon request.
  - c. 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 persons with intellectual/developmental disabilities and is not resolved through community service provider internal appeals process, notification of the dispute should be forwarded to DPOK, Inc.
  - a. Notification of DPOK, Inc. by either party might allow the opportunity for:
    - i. DPOK, Inc. to offer information.
    - ii. With notification DPOK, Inc. may monitor for resolution to occur within 20 days of notification.
    - iii. At any time either party in the appeal/dispute process may request intervention by a mediator that
      1. Has no decision making authority.
      2. Is impartial to the issues.

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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. Is independent and agreeable to the parties involved in the dispute; DPOK, Inc. will be responsible for facilitating the location and selection process.
  5. Achieves resolve within 40 calendar days following the original receipt of the notice to DPOK, Inc. requesting mediation.
- iv. If either party declines mediation appeal shall continue to Step 3.
  - v. 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.
    - a. A written appeal to the commission must be delivered within 60 calendar days of the original notification to DPOK, Inc. of the dispute.
    - b. 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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## **Title: Quality Assurance Committee – CDDO Functions**

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*Implementation Date:* 1997

**Policy:** Disability Planning Organization of Kansas, Inc. (DPOK) shall seek to insure the quality of community services being provided to persons with intellectual/developmental disabilities that it serves directly or through its Affiliate Contracts, by the establishment and use of a Quality Assurance Committee.

**Regulatory Source:** K.A.R. 30-64-27

**Definitions:** CDDO = Community Developmental Disability Organization  
DPOK = Disability Planning Organization of Kansas  
ANE = Abuse, Neglect, Exploitation

### **Procedures:**

1. The Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) Council of Community Members shall serve as the Quality Assurance Committee.
2. Each Community Service Provider in DPOK, Inc. Service area must have an internal Quality Assurance process.
3. As part of their internal Quality Assurance system, each Community Service Provider in the DPOK, Inc. service area will have a process for on-site monitoring and review. They will complete an on-site review for each person receiving service. The review by each Provider must assess that:
  - a. persons live and work in healthy and safe environments,
  - b. medications are administered properly,
  - c. legal rights of persons served are protected by the provider including reporting any suspected instances of ANE, and correcting or is in the process of correcting any situation relating to any confirmed instances of ANE,
  - d. services are provided so that there are opportunities of choice,
  - e. person's rights are protected, and
  - f. services assist the person to increase independence, or in the case of medical or behavioral barriers, assists the person to maintain level of independence or slow the rate of loss of independence.

OR

- g. In the event a provider serves a broader population of persons with general population services (equipment vendor, Lifeline provider, home health services, child placing services, etc), an internal quality assurance process is in place to review the specific service quality.

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4. Each Community Service Provider licensed by the commission to provide services to persons with developmental disabilities in DPOK, Inc. service area must have an internal Quality Assurance Process that also include:
  - a. on-site monitoring (as described above)
  - b. ensuring that services meet the applicable requirements of K.A.R. 30-63-01 et seq.
5. The CDDO shall as directed by the Quality Assurance Committee arrange for on-site monitoring of services provided in the service area. The monitoring shall
  - a. occur at least annually,
  - b. include day and living services,
  - c. ensure that
    - i. services which are paid for are provided, and
    - ii. services which are provided are paid for,
  - d. monitor for all points as applicable above regarding person rights, progress toward independence, health and safety, and
  - e. Determine whether services enhance quality by ensuring that
    - i. services are consistent with and responsive to the person centered plan,
    - ii. the person was able to choose,
      1. Where to live,
      2. Who to live with,
      3. What work or valued activity they want to do,
      4. With whom they want to socialize,
      5. What social, leisure, religious or other activities the person wants to do, and
      6. If choices are limited, the plan clearly states why and efforts to accommodate choices.
6. The CDDO will seek provider assurance they have corrected or are actively in the process of correcting the cause of any confirmed violations of the Affiliate Contract.
7. The Quality Assurance Committee shall meet at least quarterly and shall prepare a written report of its findings and noted with the minutes.

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**Title: Disability Planning Organization of Kansas, Inc.  
Council of Community Members**

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*Implementation Date:* 1997

**Policy:** The Disability Planning Organization of Kansas, Inc. Board of Directors shall establish a Disability Planning Organization of Kansas, Inc. Council of Community Members.

**Regulatory Source:** K.A.R. 30-64-31

**Definitions:** DPOK = Disability Planning Organization of Kansas  
CDDO = Community Developmental Disability Organization

**Procedures:**

See the Disability Planning Organization of Kansas, Inc. Council of Community Members By-laws.

**DPOK, INC COMMUNITY SERVICE COUNCIL BYLAWS**

**SECTION 1 - NAME**

The name of the council shall be the DPOK, Inc. Community Service Council sometimes hereafter referred to as "Council".

**SECTION 2 - PURPOSE**

The purpose of the DPOK, Inc. Community Service Council is:

1. To provide comment, which may be written to the DPOK, Inc. Board of Directors, regarding the DPOK, Inc. procedures that implement the requirements of the regulations in effect for the Developmental Disabilities Reform Act.
2. To express opinions and make suggestions and recommendations to the Board of Directors of DPOK, Inc. concerning any service issue, including:
  - a. the types of services being offered by the various providers within the service area, and the manner in which those services are being provided
  - b. the review of the dispute resolution procedures used by DPOK, Inc.
3. To participate in local capacity building plans including overseeing development, implementation and progress reporting subject to direction and approval of the DPOK, Inc. Board of Directors.

**SECTION 3 - MEMBERSHIP**

The membership of the Council will be comprised of the following:

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1. 51% persons with an intellectual/developmental disability or family member or guardian of a person with an intellectual/developmental disability; at no time shall more than 1/3 of the 51% be made up of persons who do not have an intellectual or developmental disability.
2. Of the 51% referred to in SECTION 3, #1, representation from a minimum of 2 different licensed affiliated providers will be encouraged in the nomination and election process.
3. The total Council membership shall be **21** persons.
  - a. 4 family members or guardians
  - b. 9 persons with an intellectual/developmental disability
  - c. 6 affiliate representatives
  - d. 2 DPOK, Inc. representatives

The term of membership for each Council member shall be:

1. Three years
2. DPOK, Inc. shall appoint the first Council members to either a 1 year or a 2 year term; 8 to a one year and 9 to a two year term.
3. The membership term shall begin July 1 and end June 30.
4. Appointed affiliate members shall be eligible to be appointed to a maximum of two consecutive three year terms.
5. Replacement of affiliate and DPOK, Inc. members shall be done by the Board of Directors of DPOK, Inc.; the Council will be asked to make nominations to the DPOK, Inc. Board.
6. No member shall meet the requirements of more than one category of membership.

Any member may resign at any time by giving written notice to the Chairperson of the DPOK, Inc. Board of Directors. Such resignations shall take effect at the time specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any member may be removed from office for incapacity or misconduct by the vote of two-thirds (2/3) of the total DPOK, Inc. Board members then in office.

If a member vacancy occurs by reason of death, resignation, removal, or for any other reason, the DPOK, Inc. Board of Directors shall appoint a new member to fill the remainder of the term, which has been vacated. The new member appointed to fill a vacancy will be eligible for being appointed to two additional three year terms.

### **SECTION 4 - OFFICERS**

The officers of the Council shall be chosen by the members of the Council and shall be a Chairperson and a Vice-chairperson.

The elected officers shall hold the office for a maximum of two years. Elections will be held at the meeting prior to the current officer's last meeting. If the Chairperson resigns from the Council or their elected position, then the Vice-Chair will be appointed Chair person.

The Chairperson shall be vested with the authority to guide the Council in accordance with the provisions of these by-laws and directives as may be enacted by the Board of Directors of DPOK, Inc.

The Vice-chairperson shall in the absence of or inability of the Chairperson, perform the duties of the Chairperson. If the Vice-Chair resigns their position on the Council, then a new election will be held.



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## **SECTION 5 – MEETINGS**

The Council shall meet at least quarterly.

A quorum of the Council shall exist at a meeting when at least 7 of the Council members are present and at least 51 percent of those Council members present are persons who are developmentally disabled, family members or guardians of a person with an intellectual/developmental disability and are not employees, paid consultants, or board members of any provider or CDDO.

DPOK, Inc. personnel or persons invited for information sharing/presentation purposes shall not be considered to be Council Members. They have no voting rights and acting only in a support function to the Council.

All meetings of the Council shall be open to the public.

All meetings of the Council shall be conducted in accordance with the Sturgis Standard Code of Parliamentary Procedure.

## **SECTION 6 - DISSOLUTION**

The Board of Directors of DPOK, Inc. has the authority to dissolve the Council in conjunction with the Developmental Disability Reform Law.

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## **Title: Fiscal Management**

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*Implementation Date:* 1997

**Policy:** The Disability Planning Organization of Kansas, Inc. shall act in a fiscally responsible manner.

**Regulatory Source:** K.A.R. 30-64-33

**Definitions:** DPOK = Disability Planning Organization of Kansas  
CDDO = Community Developmental Disability Organization

### **Procedures:**

1. The Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) Fiscal year is July 1 to June 30.
2. DPOK, Inc. shall collect, record, and maintain that information which is necessary to adequately account for its income, expenses, assets, capital, and liabilities. Recording systems will reflect generally accepted accounting principles and fulfill the laws and regulations of licensing and governmental units under whose discretion the agency may fall.
3. DPOK, Inc. shall utilize an accrual system of accounting
4. DPOK, Inc. shall develop an annual budget related to its division's accounts, which will be used as the estimated basis for regular and major sources of funding and expenses. The Board of Directors is responsible for approving the annual budget. Specific budget items for programs or cost centers, income or expense, are intended as guidelines for the development and administration of the budget.
5. Periodic reports are reviewed by the Board of Directors. An independent Certified Public Accounting firm shall conduct an annual audit of the agency's financial statements.
6. DPOK, Inc. shall expend the funds received pursuant to the annual contract with the commission in accordance with that contract, commission Policy and in accordance with applicable legislative regulations. DPOK, Inc. shall not use funds received pursuant to the annual CDDO contract to supplant funds previously received from local tax levies made pursuant to K.S.A. 19-4004, and amendments thereto.
7. DPOK, Inc. shall not transfer funds received through the annual CDDO contract to any other entity, except in accordance with that contract, or as otherwise expressly authorized in advance, in writing, by the commission.
8. All funds which DPOK, Inc. receives pursuant to the annual CDDO contract shall be subject to audit by that organization.
9. The Board and management shall make every effort to maintain Discretionary Reserves equivalent to a minimum of DPOK, Inc. of operating expenses for three months. This reserve shall be in addition to any other restricted funds and is not intended as a holding fund for normal cash flow.

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The Discretionary Reserve may be accumulated through net income gains, windfall income, or other non-budgeted income. The Reserve may be utilized for a variety of purposes at the discretion of the Board. Such purposes would include: the easing of a financial crisis, as in times of unexpected heavy cutbacks from regular funding sources, emergency non-budgeted or costly equipment or repair; to take advantage of opportunities which help secure continued or future delivery of services.

a. This fund may be utilized at the discretion of the Board and only after Board approval.

10. DPOK, Inc. shall strive to protect its assets and protect its Board, staff, interns, clientele, and the public by maintaining an adequate coverage on its buildings, vehicles, equipment and inventory, and by providing general and professional liability insurance, workers' compensation, and bonding of appropriate personnel.
11. DPOK, Inc. shall require affiliated community service provider's to maintain and grant access to their fiscal records as required by applicable laws, regulations and annual CDDO contract.

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**Title: Portability of Home and Community Based Services (HCBS)/Intellectual Developmental Disability (IDD)**

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*Implementation Date:* 1998

**Policy:** Agreement between Community Developmental Disability Organizations (CDDO's) to transfer HCBS/IDD monies when a person being served moves from one CDDO area to Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) service area.

**Regulatory Source:** K.A.R. 30-64-28

**Definitions:** CDDO = Community Developmental Disability Organization  
HCBS = Home and Community Based Services  
IDD = Intellectual Developmental Disability  
DPOK = Disability Planning Organization of Kansas

**Procedure:**

1. To be completed and processed according to the commission's applicable transfer or portability policy and prevailing CDDO contract specifications.

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**Title: Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) Funding Committee**

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*Implementation Date:* 1999

**Policy:** The Disability Planning Organization of Kansas, Inc. (DPOK) will identify a committee to make a recommendation for crisis and contract exception for children and adults who meet state qualifications for intellectual or developmental disability. This committee will review and make a recommendation to the applicable Kansas commission for all initial IDD Waiver access requests. Funding recommendations will be made based upon appropriate state or federal guidelines, rules or regulations along with a review of health and welfare need(s) of the person; while keeping in perspective the focus on the increased independence of the child or adult and the efficiency and effectiveness of the public funds approved for the person's personal plan.

**Regulatory Source:** K.A.R. 30-64-30

**Definitions:**     **IDD = Intellectual Developmental Disability**  
                          **CDDO = Community Developmental Disability Organization**  
                          **DPOK = Disability Planning Organization of Kansas**  
                          **HIPAA = Health Insurance Portability and Accountability Act**

**Procedure:**

1. Funds available for distribution include Home and Community Based Services/IDD Medicaid waiver dollars.
2. The committee may be made up of the following representative parties:
  - a. Relevant CDDO Staff
  - b. Kansas CDDO Coalition Funding Panel
3. Meetings will be held as needed as identified by CDDO Staff.
4. The person's information shall be presented in a format convenient for the committee's review.
  - a. Participants shall be held responsible for the confidentiality of the information shared for the purpose of funding recommendation (per DPOK and HIPAA confidentiality guidelines).
5. Written correspondence will be sent to each person/family/legal guardian and service provider(s) as needed:
  - a. to inform of committee's recommendations for funding.

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- b. If the committee recommends denial of the service access request, the CDDO will include the DPOK dispute resolution procedure and rights in the written correspondence.
  - c. Persons waiting for funding for services will be reported in the State data system per State procedure.
6. Reports will be provided as outlined in current State policy.
7. Transfers to another CDDO catchment area will be completed and processed according to the commission's applicable transfer or portability policy and prevailing CDDO contract specifications.

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**Title: Training Outline for Single Point of Application and Operations Staff**

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*Implementation Date: June 2001*

**Policy: Guide training program for Disability Planning Organization of Kansas, Inc. (DPOK) staff to complete the single point of application, determination and referral functions.**

**Regulatory Source: K.A.R. 30-64-23**

**Definitions: DPOK = Disability Planning Organization of Kansas**

**Procedure:**

1. The person(s) designated to be responsible for the activities related to serving as the single point of contact; service application, eligibility determination, and information and referral shall participate in
  - a. Training/meetings made available by the commission according to current state policy
  - b. In-services, training, conferences or community events enhancing awareness of:
    - i. disability categories,
    - ii. service options,
    - iii. community resources,
    - iv. provider services,
    - v. generic community resources, or
    - vi. on-going review of current rules, policies, regulations, and relevant handbooks to assure Single Point operations meet current guidance.
2. Staff shall record a minimum of 16 hours annually devoted to the enhancement of skills, knowledge or process training.
3. Employee development opportunities shall be recorded and retained.

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**Title: Election of Disability Planning Organization of Kansas, Inc. CDDO Council of Community Members**

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*Implementation Date: March 2002*

**Policy: To define the process for nomination and election of persons, family and guardian council members.**

**Regulatory Source:**

**Definitions: DPOK = Disability Planning Organization of Kansas  
CDDO = Community Developmental Disability Organization  
BASIS = Basic Assessment and Services Information System**

**Procedure:**

1. Member vacancies will be announced by DPOK, Inc., who will then initiate the required nomination and election process in coordination with the Chairperson of the Council of Community Members.
  - a. Affiliate member nominations may be proposed by Council and appointed according to Council by- Laws.
2. Nominations of guardian/family members shall occur with:
  - a. family members of children urged to nominate a representative of families with children receiving services.
  - b. legal guardians of adults urged to nominate parents or legal guardians of adults receiving services.
  - c. Notices requesting nominations will be mailed to appropriate parties.
    - i. A stamped, self-addressed envelope will be included with the nomination request.
    - ii. Nominations will be received for a period of fifteen days from the date of the nomination mailing.
  - d. Election ballots will be prepared containing the names of all of the nominated parties with nominee permission.
    - i. Ballots will be available in alternate formats as requested.
    - ii. Ballots will be mailed to parents of children group and guardians of adults group according to designations and addresses.
    - iii. A stamped, self-addressed envelope will be included with the ballot.
  - e. Ballots will be received for a period of fifteen days from the date of the ballot mailing.
  - f. DPOK Staff and a designee of the Council will count ballots received.



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- g. Notification of persons elected will occur in writing by DPOK and the Chairperson of the Council of Community Members.
3. Nominations of persons served shall occur according to local provider formats developed with guidance from Council of Community Members.
  - a. Election of persons served shall occur at an election event sponsored by DPOK and the Council of Community Members.
  - b. A means of voting shall be offered to all persons attending the event.
  - c. Absentee ballots will be furnished upon request for persons unable to attend the election event.
  - d. Each adult entered in BASIS as seeking or active in a service in DPOK database system is eligible to vote.
  - e. The Council Chairperson and a Council designee shall be responsible for counting ballots.
  - f. Those receiving the most votes shall be appointed to the vacant Council member positions.
  - g. Remaining nominees shall be retained as alternates, available to fulfill mid year vacated positions or perform in other advisory roles to the Council and DPOK.
  - h. Notifications of persons elected will occur in writing by DPOK and the Chairperson of the Council of Community Members.
4. All activities relating to council membership and terms will be in accord with the Bylaws for the DPOK, Inc. CDDO Council of Community Members.

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## Title: Conflict of Interest Plan

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Implementation Date: 2001

**Policy:** The Disability Planning Organization of Kansas, Inc. (DPOK, Inc.) will facilitate the initial and ongoing sharing of basic information with persons about the existence of all affiliated community service providers (CSP) in this Community Developmental Disability Organization's (CDDO) nine county area. DPOK, Inc. will provide or arrange to provide this information through the use of DPOK, Inc. CDDO assigned personnel or by contracting with trained designees to perform CDDO tasks.

**Regulatory Source:**

**Definitions:** CSP = Community Service Provider  
CDDO = Community Developmental Disability Organization

**Procedure:**

1. The following DPOK, Inc. CDDO procedure speaks broadly to the principles of a person's choice in service providers:
  - a. Single Point of Application, Eligibility Determination and Referral for Persons with an intellectual or developmental disability.
2. Annual rights and provider information from CDDO for persons will be provided to each new service applicant and annually thereafter by CDDO personnel or a designee trained to share information.
  - a. Including rights according to Developmental Disability Reform Act, associated regulations, information about services in the area and a listing of providers.
  - b. Acknowledgement of Information Received from DPOK, Inc. CDDO form will be obtained at each exposure with a copy going to the person's main case record.
3. In the event that a CSP, person, family member, or guardian is concerned about fair treatment in information sharing, the DPOK Appeal & Dispute Resolution Process can be utilized.

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## **Title: Restraint/Seclusion Policy**

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*Implementation Date: March 2005*

**Policy:** Regulations and Commission Policy are not specific regarding proper procedures for protecting people's rights when Restraints (Mechanical, Physical, or Chemical) or Seclusion (isolation from others) are used as behavior intervention strategies. The Disability Planning Organization of Kansas, Inc. (DPOK) recognizes the willingness of providers in this CDDO area to be proactive in the areas of safeguards for persons in services.

Persons served shall have the right to be free from the unreasonable, unsafe, or unwarranted use of restraint or seclusion for the purposes of discipline, punishment or staff convenience. Service providers are expected to use positive behavioral support methods. If restraint or seclusion is used as safety intervention, it should be method of last resort. Restraint and seclusion are not treatment interventions. It is inappropriate to use these methods instead of providing adequate levels of staff. If such methods are used for the purpose of behavior intervention strategy, that use must follow the prescribed process.

The Restraint/Seclusion procedures shall give formal guidance for the provision of any service using funds administered by DPOK. However, the procedures serve only as a blueprint for advocacy by case managers or service providers working with families who are seeking to restrain or seclude children or adults in the home and in working with community/education services seeking to restrain or seclude.

**Regulatory Source:**

**Definitions:** **Mechanical Restraint** – means the use of any device or object to limit a person's movement except that a protective or stabilizing device ordered by a person appropriately licensed to issue the order for the

device or required by law shall not be considered to be a mechanical restraint. A mechanical restraint shall not mean any device used by a law enforcement officer, campus police officer, or school security officer carrying out law enforcement duties.

**Physical Restraint** – means the use of bodily force to substantially limit a person’s movement, except that consensual, solicited, or unintentional contact, or contact to provide comfort, assistance, or instruction shall not be construed to be physical restraint. Inappropriate Physical Restraint can include but not be limited to: tape, blankets, tie downs, body carrier.

**Chemical Restraint** – means the administration of medication for the purpose of behavioral restraint.

**Time Out** – means a behavior management technique utilized with children that involves removing a child from sources of reinforcement following an inappropriate behavior for a limited period of time (as defined does not require these procedures when carried out by a family teaching a child). However, regarding adults, Time Out and Seclusion shall be considered the same for the purposes of these procedural requirements.

**Seclusion Room** – means a room or other confined area in which a person is placed in isolation from other persons for a limited time as a behavior intervention strategy and which the person is prevented from leaving.

**Imminent Risk of Harm** – means an immediate and impending threat of causing substantial physical injury to self or others.

**CDDO = Community Developmental Disability Organization**

**DPOK = Disability Planning Organization of Kansas**

\* Principles and procedures are excerpted from The Child Health Act of 2000 and proposals from the Kansas Disability Rights Center and Kansas Dept of Education

### Procedure:

1. The use of restraint or seclusion is prohibited except for an
  - a. Emergency AND
  - b. For the safety of the person and others around them (imminent risk of harm).
2. If by recorded history or recent event it is determined that a person is likely to have recurring behavioral episodes that put themselves or others around them at risk of harm, the person's support team shall conduct:
  - a. Functional Assessment of the behavior,
  - b. Risk Assessment, and
  - c. Clear data based demonstration of other less restrictive behavior intervention strategies that have been implemented and proven ineffective.
3. If the decision is made to use restraint or seclusion it must be defined in the person's person centered plan.
  - a. Where the seclusion can occur or specifically how the restraint may occur,
  - b. The maximum length of any period of restraint or seclusion,
  - c. The number of times during a single day restraint/seclusion used,
  - d. Other team defined conditions, and
  - e. Specify data to be collected to determine whether the strategy is effective, including number of times used within a fixed period of time.
  - f. Establish a date of review within 60 days of implementation to determine the effectiveness of the intervention, including:
    - i. Case Manager
    - ii. CDDO Representative
    - iii. Guardian (if applicable)
    - iv. Commission licensing or quality area representative
    - v. Appropriate service provider(s)
  - g. A team meeting may be convened at any time to review and possibly make changes in the use of intervention with as little as 3 day notice.
  - h. Restraints and seclusion plans cannot be written if the person is known to have any medical condition that a licensed health care provider has indicated in written statement precluding the action.
  - i. Restraint plan shall not be required for medication prescribed by a health care professional for the purpose of aiding comfort in preparation for a specific medical procedure.
  - j. Restraint or Seclusion Plan must be reviewed and approved by licensed provider's Behavior Management Committee.
  - k. In the event of self-directed supports, targeted case management provider's Behavior Management Committee must review and approve the coordination of such a plan by the case manager.
4. When restraint or seclusion is used, according to plan OR emergency:
  - a. As soon as possible after use the immediate staff or witnessing staff will document the use of the seclusion or restraint,
    - i. Including all information noted 3.a, 3.b, 3.c, 3.d, & 3.e above.
    - ii. Description of the antecedents that immediately preceded the use,
    - iii. The specific behavior being addressed,

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- iv. The alternative methods used to de-escalate the situation prior to use,
    - v. How the restraint ended, injuries, medical care provided, etc.
    - vi. Suggestions for strategies to be used in the future to avoid use,
    - vii. Signature of person initiating the action,
    - viii. Signature of witness to the intervention,
  - b. Notify Targeted Case Manager,
  - c. Notify Guardian, if applicable, and
  - d. Provider shall facilitate efforts to define alternative methods of behavior management to keep the situation from escalating to emergency status following any such episode.
5. During the period of restraint or seclusion designated personnel must have the ability to see and hear the person at all times.
6. No more than one person at a time may be placed within one seclusion space.
7. Seclusion Rooms shall be:
  - a. At least 36 square feet,
  - b. Equipped with heating, cooling, ventilation and lighting comparable to remainder of building,
  - c. Free of objects that pose a danger,
  - d. Equipped with a door that locks only if the lock automatically disengages when a person on the exterior of the door moves away.
8. Physical/Mechanical restraint should be proportionate to the severity of the person's behavior, size and physical strength/capabilities.
9. Personnel implementing restraint or seclusion must be properly trained, including:
  - a. Methods of getting the person into seclusion room,
  - b. Methods for placing the person in the restraint or room,
  - c. Supervision the person while in restraint.
  - d. Training should include at a minimum:
    - i. Proper use of positive behavior supports and techniques and strategies designed to minimize and prevent the need for usage of restraint and seclusion,
    - ii. Understanding of rules governing seclusion and restraint,
    - iii. Safe administration of seclusion and restraint practices,
    - iv. Physical safety during emergencies,
    - v. Identify the effects of physical restraint on the person restrained, monitoring physical signs of distress and obtaining medical assistance,
    - vi. Simulated experience of administering and receiving physical restraint and its effects on the person restrained,
    - vii. Instruction on documenting and report requirements.
10. Provider shall provide to DPOK a Quarterly Summary Report of each use of restraint or seclusion.
11. DPOK will make available information to providers seeking to implement effective positive behavior support plans.
12. Provider plans may include:
  - a. Organization wide approach to preventing and responding to problem behavior that is proactive and instructional, rather than reactive and punitive.
  - b. Person and organizational strategies.
  - c. A system of continual data collection.
  - d. Utilization of data-based decision-making.

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- e. Application of research-validated positive behavior interventions.

**NOTE:** At no time shall aversive behavioral interventions such as application of noxious, painful, intrusive stimuli or activities intended to induce pain such as electric skin shock, ice applications, hitting, slapping, pinching, kicking, hurling, strangling, shoving, deep muscle squeezes or other similar stimuli; any form of noxious, painful or intrusive spray, inhalant or tastes; withholding sleep, shelter, bedding, bathroom facilities or clothing; contingent food programs that include withholding meals or limiting essential nutrition or hydration or intentionally altering staple food or drink in order to make it distasteful; movement limitation used as a punishment such as helmets, immobilized wheelchairs, removal from wheelchair. The term aversive does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a formal token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the person; or other similar interventions.

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