



Shawnee County
Community Developmental Disabilities Organization
"Your resource for connecting our community"

Subject: Dispute Resolution Effective Date:	Reviewed: 08-31-09, 08-26-10, 8-22-11, 09-08-14, 09-01-16, 10-13-17	Policy No: 06-020
Revised: 06-10-99, 01-04-02, 08-02-02, 10-20-03, 09-08-14, 09-01-16, 10-13-17	Forms:	

POLICY: *The Shawnee County Community Developmental Disabilities Organization (CDDO) in conjunction with the Council of Community Members (CCM) shall organize and implement a dispute resolution process and resource for *parties and entities within Shawnee County Service Area (per KAR 30-64-32) to resolve disputes.*

1. "Parties" are defined as:

- a. The person receiving services through the I/DD system
- b. The person's legal guardian (if one has been appointed)
- c. Other individuals/personal representatives of the person's served support network
- d. The CDDO
- e. Affiliated Community Service Providers (CSP)

2. "Entities" are defined as:

- a. The person and/or guardian and/or in conjunction with personal representation of support network
- b. The CDDO and any affiliated CSP
- c. The CDDO and any entity that requests to become an affiliated provider
- d. The CDDO and any other component of the community services system
- e. Affiliated CSP

GUIDELINES:

1. The local dispute process is as follows;

- a. When required:
 - When an internal affiliated provider dispute/grievance protocol is exhausted and/or unsuccessful.
 - When disagreement in outcome/decision exists and efforts to resolve with applicable parties have been unsuccessful.
- b. When a complaint is received by the CDDO, Kansas Department for Aging and Disability Services (KDADS) will be notified per current State/CDDO contract guidelines.
- c. An appeal:
 - Must be made within 60 days of the occurrence of the issue resulting in dispute/grievance.
 - Initiation of the local dispute process will be recognized upon delivery of a "notice", in writing, identifying date of the occurrence of the issue giving rise to the dispute and stating the purpose and request for review and consideration.
 - Delivery of a notice means: Personal delivery to the CDDO Director or CDDO Administrative Assistant. Mail delivery which is complete upon emailing, mailing and fax delivery which is complete upon receipt of a confirmation.
 - The last day of the 60-day period is to be included in time calculation, unless it is a Saturday, Sunday or a legal holiday, in which event, the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

2. Dispute Protocol

- a. Upon receipt of the written notice of dispute, the local CDDO Dispute Resolution Committee will review the request for dispute resolution and provide the opportunity for resolution between the disputing parties within 20 calendar days following the receipt of written notice of dispute. If the notice is served by mail delivery, the CDDO will provide the opportunity for dispute resolution within 23 calendar days.
- b. In addition to the above procedure, all parties in a local dispute have an opportunity for the intervention into the dispute by a mediator who has no decision-making authority and is impartial to the issues being discussed and a mechanism by which any fees charged by the mediator can be shared equally between the parties to the mediation. A person shall not be denied mediation services solely because of an inability to pay the applicable fee. Mediation shall be completed no later than 40 calendar days following the receipt of written notice or email to the CDDO of a dispute; 43 calendar days if notice was served by mail delivery. Any party to the dispute may decline to enter any process of mediation if that party chose to proceed directly to the appeal procedures provided below. Any party to the dispute may withdraw from any mediation whenever that party believes further efforts at mediation will not likely result in resolution of the dispute.

3. Upon withdrawing from mediation, either party to the dispute has the right to appeal to either of the following within 60 days of the initial dispute notice:

- a. The governing board of the CDDO, or any other body that the board may designate, if the dispute involves the CDDO as a party. The board shall have 20 days from the date of receipt of a written notice of appeal to conduct any appropriate proceedings and issue a written decision concerning the issue in dispute. If the board fails to issue a written decision by the end of this 20-day period, the appeal shall be deemed to have been decided in favor of the appellant. Each decision of the board shall be binding upon the parties unless either party further appeals to KDADS.
- b. If the dispute involves the CDDO as a party, in which case the appeal shall first have been made to the governing board, as specified above. If the appeal is from a decision of the governing board of the CDDO, a written notice of appeal shall be delivered to KDADS within ten (10) calendar days of the appealing party's receipt of the board's decision. If the dispute does not involve the CDDO as a party, a written notice of appeal shall be delivered to KDADS within 60 calendar days following the CDDO's receipt of written notice of the dispute as specified in the paragraph above. The authority to review the dispute and make an appropriate decision shall be reserved by KDADS to assist the parties in resolving the dispute and preventing similar disputes in the future, including by requiring changes of policies, procedures, or practices of community service participants; by requiring corrective action or a peer review process by community services participants; or by using other resolution guidelines. The decision of the division may be appealed to the:

Office of Administrative Appeals/Kansas Department of Administration
1000 S Kansas Ave.
Topeka KS 66612

4. Nothing in this policy shall be construed to limit the right of any person to bring any action against the CDDO, any affiliated community services provider, or any individual or entity as may be permitted by law.