

**CDDO OF SOUTHEAST KANSAS
COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION
POLICIES AND PROCEDURES**

REGARDING: Dispute Resolution
REFERENCE: K.A.R. 30-64-32
Revised 4/19

POLICY

The CDDO, in conjunction with Community Council as specified in K.A.R. 30-64-31, shall develop and implement a dispute resolution process that shall provide a means for resolving disputes for persons receiving services, service providers, potential service providers, or any other component of the community services system. The process will address disputes that may arise between a person receiving services (or any other person properly acting on the person's behalf such as guardian, or other individuals from the person's support network and (1) a service provider, (2) the CDDO, (3) any other component of the community services system. This process will also address disputes that may arise between (1) the CDDO and a service provider, (2) the CDDO and any entity that wishes to become an affiliated provider, (3) the CDDO and any other component of the community services system, (4) community service providers, (5) community service providers and any other component of the community services system. The CDDO and community service providers must assure that there will be no retaliation against any party who complains or utilizes the dispute resolution process.

PROCEDURE

The CDDO will inform each applicant at time of application of the right to appeal and the method to access the dispute resolution process. At the annual functional assessment, the CDDO will inform individuals right to appeal and the method to access the dispute resolution process. In disputes regarding eligibility, the CDDO may arrange for an independent third party who is appropriately trained and is not financially associated with the CDDO to complete an eligibility determination.

Dispute with a Community Service Provider:

In cases of complaint or dispute with a community service provider, the person is expected to first access the dispute resolution process of the service provider. Disputes that are not resolved with a service provider may be presented in writing to the CDDO, to the attention of the CDDO Director. The CDDO must issue a determination within 20 calendar days following receipt of written notice to the CDDO of the dispute. If either party to the dispute is not satisfied with the determination of the CDDO, the party may request mediation *(see Mediation at the end of procedure), or access the appeal process described under "Appeals" in this procedure within 10 working days of receiving the determination of the CDDO.

Dispute with a Managed Care Organization (MCO)

If a community service provider has a dispute with a Managed Care Organization (MCO), the provider must follow the MCO's Dispute Resolution process in the MCO's provider agreement with the service provider. If a person receiving services (or any other person properly acting on the person's behalf) has a dispute with the MCO, they should contact the MCO for instructions on pursuing the dispute.

Dispute with the CDDO:

A dispute with the CDDO must be presented in writing to the CDDO, to the attention of the CDDO Director. The CDDO must issue a response within 20 calendar days following receipt of written notice of the dispute. If the disputing party is not satisfied with the determination of the CDDO, that party may request mediation *(see Mediation at the end of procedure), or access the appeal process described under "Appeals" in this procedure within 10 working days of receiving the determination of the CDDO.

Mediation:

The dispute resolution process allows for the intervention into the dispute by a mediator. The CDDO will maintain a list of, or have access to, trained mediators in the area. Both parties to the dispute must agree upon the mediator. The mediator will have no decision-making authority and will be impartial to the issues being discussed. If mutual

agreement cannot be reached, an impartial party will select a mediator. Any fees charged for the mediation will be equally shared by the parties to the dispute. If a person with a dispute is unable to pay a share of the fees, the person will be assisted by his/her case manager, or other appropriate party, in accessing funds for this process. Mediation shall be completed no later than 40 calendar days following the receipt notice to the CDDO of the dispute. Any party to the dispute may decline to enter into any process of mediation if that party chooses to proceed directly to the appeal procedures described previously. Any party to the dispute may withdraw from mediation whenever that party believes further efforts at mediation will not likely result in resolution of the dispute.

Appeals

If a disputing party is not satisfied with the determination of the CDDO, or the dispute is not resolved through mediation, the disputing party may file a written appeal to the governing Board of the CDDO, or the Board's designee, if the CDDO is a party to the dispute, within 10 working days. If the CDDO is not a party to the dispute, the disputing party may file an appeal directly with Kansas Department for Aging and Disability Services/Community Services and Programs (KDADS/CSP).

Appeal to the governing Board of the CDDO, or its designee: If appealed to the Board, the Board shall have 20 days from the date of receipt of a written notice of appeal to conduct any appropriate proceeding and issue a written decision concerning the issues 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/CSP.

Appeal to KDADS/CSP: An appeal to KDADS/CSP*, unless from a decision of the governing Board of the CDDO, must be made in writing within 60 calendar days following the CDDO's receipt of written notice of the dispute. If an appeal to KDADS/CSP is from a decision of the governing Board of the CDDO, a written notice of appeal shall be delivered to KDADS/CSP within 10 calendar days of the appealing party's receipt of the Board's decision. KDADS/CSP shall reserve the authority to review the dispute and make an appropriate decision. The decision of KDADS/CSP may be appealed to the office of administrative appeals within the Kansas Department of Administration. **

- **Kansas Department for Aging and Disability Services
Community Services and Programs
503 S. Kansas Avenue
Topeka, KS 66603-3404**

- ** **Kansas Office of Administrative Hearings
1020 S. Kansas Avenue
Topeka, KS 66612**