

If CDDO Procedure 13

COUNCIL OF COMMUNITY MEMBERS DISPUTE RESOLUTION
DD Reform Regulation 30-64-32

Johnson County CDDO will develop and implement procedures to ensure compliance with the Developmental Disabilities Reform Act (DDRA) and the Kansas Department for Aging and Disability Services (KDADS) regulations and policies pertaining to the Act.

Procedures

The Council of Community Members (CCM) will provide a dispute resolution process for parties within the Community Developmental Disabilities Organization (CDDO) area to bring disputes about developmental disabilities service issues which have not been able to be resolved through the providers' internal grievance processes.

1. Any person or other appropriate entity as identified in the regulation may submit a dispute to the CCM requesting dispute resolution assistance by completing the Dispute Resolution Request Form.
2. The Council Chairperson or his/her designee will notify the applicant within seven calendar days of receipt of the request form as to whether the disagreement is accepted for this dispute resolution process or not. Among the criteria for this determination will be:
 - The issue is directly relevant to services for person(s) with intellectual/developmental disabilities in Johnson County.
 - Appropriate efforts have already been made to resolve the disagreement within the providers' internal grievance processes.
 - The issue does not clearly fall within the realm of a possible violation of law.
 - Issues regarding state statutes, regulations, or contract shall be referred to the state's administrative review process.
3. If the issue is accepted for dispute resolution, the Chairperson will assign it to a three-person dispute resolution team consisting of three CCM members (one person served, one family member, and one provider). Members are to be selected so as to avoid any possible conflict of interest with the particular issue. The applicant(s) may request that a particular member be excluded from the team with a legitimate reason.

If the issue presented is of such magnitude or difficulty as to be beyond the ability of the CCM to resolve, the Chairperson will refer applicant to the options outlined in the Johnson County CDDO Internal Administrative Review or may seek a professional mediator to lend assistance. Mediation may be pursued at any point in the process but must be completed within 40 days of the receipt of the original notice to the CCM requesting dispute resolution and after the CCM's three person committee has had an opportunity to hear the dispute.

Any party to the dispute may decline to enter into or withdraw from any process of mediation and appeal to either the governing board of the CDDO, or to KDADS (referred to in the regulation as “the commission”). The steps to the process are outlined in the CDDO Internal Administrative Review. Disputes involving the CDDO must be made to CCM or the Governing Board of the CDDO before appealing to the commission.

4. When the issue is accepted for dispute resolution, a copy of the request will be sent to all necessary parties with an explanation of the CCM dispute resolution process and a copy of the dispute resolution request form to that party for completion within five (5) calendar days.
5. The dispute resolution team will meet with the parties to the disagreement within seven (7) calendar days of receiving the necessary request forms. A second meeting will be provided if necessary. Unless the dispute resolution follows any steps in the CDDO Internal Administrative Review steps or a professional mediator becomes involved in the dispute resolution, the entire process must be completed within twenty (20) calendar days from the time when the CCM receives the original written request for dispute resolution.
6. The team will provide a written report of its results to the CCM at the next regularly scheduled meeting of the CCM for review and then forwarded to JCDS Governing Board.* The written results will include all matters on which the parties have agreed as well as those on which there has been no agreement. Copies of the written documentation will be made to all parties, if requested.

Any fees charged for professional dispute resolution can be shared equally between the parties to the dispute resolution, but with a provision that a person shall not be denied dispute resolution services solely because of an inability to pay the applicable fee. In instances where it is determined a person is not able to afford their share of the dispute resolution expenses, state contract funds will be applied to the unfunded portion of the person’s obligation. In no case shall the fee requirement be modified or waived for dispute resolution services provided at the request of another CDDO or community service provider.

7. Any party to the dispute may appeal to either the CCM or governing board of the CDDO, if the dispute involves the CDDO as a party, or the commission (KDADS). If the dispute does involve the CDDO as a party then an appeal must be made to the CCM or governing board of the CDDO before appealing to the commission

*Names of persons served and their families will be kept confidential by not including them in the written report.