

**Hetlinger Community Developmental Disabilities Organization**  
**DISPUTE RESOLUTION**  
**Regulation Number 30-64-32**

**PURPOSE:**

The purpose of this procedure is to define the process of Dispute Resolution.

**POLICY:**

Hetlinger CDDO shall develop and implement the following procedures in conjunction with the Council of Community Members to resolve service system disputes. The procedure shall provide persons being served by the CDDO or by any CSP affiliated with the CDDO with a means for resolving disputes that may arise between any of the following:

- The person
- The person's legal guardian (if applicable)
- Other individuals from the persons support network; and
- The CDDO
- An affiliated CSP
- Any other component of the community service system
- The CDDO and an affiliated CSP
- The CDDO and any entity who wishes to become an affiliated provider
- The CDDO and any other component of the community service system
- Any affiliated provider
- CSPs and any other component of the community service system

**PROCEDURE:**

1. Any party having a dispute will provide written notification to the CDDO.
2. The CDDO will assist in scheduling a meeting between the Dispute Resolution Coordinators and the individual having the dispute within 5 working days from the receipt of the written notification.
3. The Dispute Resolution Coordinators will then meet with the other party named in the dispute within 5 working days of written notification.
4. The Dispute Resolution Coordinators will meet with both parties and present a possible resolution within 5 working days of meeting with both parties.
5. Parties involved in dispute have the right to request mediation, which shall be completed no later than 40 calendar days following receipt of written notice to the CDDO of the dispute referred to in number 1 above.

6. Any fees charged by mediator will be shared equally between the parties. Persons shall not be denied access to mediation due to an inability to pay. If there is a fee and an individual/family/guardian would like to request financial assistance in paying the mediation cost, an application may be obtained from the Director of CDDO Administration.
7. Parties in the dispute have the right to decline or withdraw from mediation and choose to proceed directly to the appeal procedures if they believe further efforts at mediation will not result in resolution.
8. If the person chooses to decline or withdraw from mediation they must submit in writing their desire to appeal to either the CDDO governing board or the Division of Health Care Policy. This notification may be sent to the following addresses:

Hetlinger Board of Directors  
P.O. Box 2204  
Emporia, KS 66801

CSS Appeals Representative  
SRS/Health Care Policy  
DSOB 9<sup>th</sup> Floor East  
Topeka, KS 66612

9. If the dispute involves the CDDO:
  - a. The governing board will be notified that they must meet with the parties involved and hear the dispute
  - b. A written decision must be issued within 20 days from the receipt of the notice of appeal
  - c. If the board fails to issue a written decision the dispute shall be deemed to have been decided in favor of the appellant
  - d. The decision of the board shall be considered binding. However, either party may further appeal to Community Supports and Services.
  - e. If the party is appealing a decision of the governing board that involves the CDDO they have 10 calendar days to provide written notification to Community Supports and Services following receipt of the board's decision. This notification may be sent to the following address:

CSS Appeals Representative  
SRS/Health Care Policy  
DSOB 9<sup>th</sup> Floor East  
Topeka, KS 66612
  - f. Decisions made by the division may be appealed with the Office of Administrative Hearings within the Kansas Department of Administration pursuant to Article 7. The address is as follows:

Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, Kansas 66612-1327
10. If the dispute does not involve the CDDO:
  - a. If the party is appealing a decision made by the Dispute Resolution

Coordinators or decide to decline mediation they must provide written notification to Community Supports and Services within 60 calendar days of the CDDO's receipt of the dispute.

- b. If the party is appealing a decision made by Community Supports and Services, they may send written notification to the Office of Administrative Hearings within the Kansas Department of Administration at the above address.
11. Community Supports and Services retains the following authority in reviewing the dispute and in making an appropriate decision:
    - a. Changes in policy, procedures or practices of Community Service Participants
    - b. Corrective action or a peer review process by Community Service Participants
    - c. Other resolution guidelines
  12. The above procedure will not limit the right of any party to bring action against the CDDO, any affiliated CSP, or any other individual or entity as may be permitted by law.

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