



NEW BEGINNINGS ENTERPRISES, INC  
COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION

Policy Number: **112.0 Dispute Resolution**

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Regarding: KAR 30-64-32

Effective Date: 7.31.02

Revised Date: 1.13.09; 9.11.09; 11.26.12

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New Beginnings Enterprises, Inc. CDDO will provide an open and equitable negotiation process for situations wherein affiliates or prospective affiliates with the CDDO, persons served, their legal guardian, or any other component of the community service system have a dispute. The New Beginnings Enterprises, Inc. CDDO Affiliate Handbook will include this policy in user friendly language to increase accessibility and understanding of this policy's purpose.

**Policy**

The New Beginnings Enterprises, Inc. Community Developmental Disability Organization in conjunction with the Council of Community Members shall organize and implement a dispute resolution process and resource for \*parties and entities within New Beginnings Enterprises, Inc. CDDO area.

- 1)\*Parties are defined as:
  - a. The person served
  - b. The person's legal guardian
  - c. Or other individuals from the person's support network
  
- 2) \*And:
  - a. The CDDO;
  - b. An affiliated community service provider; or
  - c. Any component of the community services system

These procedures shall provide a means for resolving disputes that may arise between any of the following:

- 1) The CDDO and any affiliated community 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 provider;
- 4) Any affiliated community service system; or
- 5) Any affiliated provider and any other component of the community service system.



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**Procedure**

The CDDO staff will inform each applicant, at the time of application, of the appeal process and the method to access the dispute resolution process. Annually, the targeted case manager will inform the person served and guardian of their right to appeal along with the method to access the dispute resolution process. The CDDO and all affiliates must assure there will be no retaliation against any person who complains or utilizes the dispute resolution process.

The local dispute process is as follows:

When internal affiliated entity dispute / grievance protocol is exhausted and or unsuccessful; when disagreement in outcome / decision exists and efforts to resolve the issue with applicable parties is exhausted; when a barrier is established; the CDDO will be notified utilizing CDDO Form 013. The concern will be recognized upon the delivery of the dispute resolution form that clearly identifies the issue along with the date and request for review / request for consideration. The CDDO must be notified of the dispute within forty-five (45) calendar days of the issue to initiate the local dispute process.

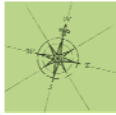
The local Quality Assurance / Dispute resolution committee will review the dispute resolution request and provide the opportunity for resolution between the disagreeing parties within twenty (20) calendar days following the receipt of the written notice.

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. 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 forty (40) calendar days following the receipt of the written notice to the CDDO of a dispute. Any party to the dispute may decline to enter into any process of mediation and 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.

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

- a. the Governing Board of the CDDO or any other body that the board may designate.



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The Board shall have twenty (20) days from the date of written receipt of an appeal to conduct any appropriate proceedings and issue a written decision concerning the issue of dispute. If the Board fails to issue a written response by the end of the twenty (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, the appeal shall first have been made to the CDDO Governing Board. If the appeal is from a decision of the Governing Board, a written notice of appeal shall be delivered to the commission 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 the commission within forty-five (45) calendar days following the CDDO's receipt of the dispute. The authority to review the dispute and make an appropriate decision shall be reserved by the commission to assist the parties resolving the dispute and prevent similar disputes in the future, including requiring changes of the policies, procedures or practices of community service participants; by requiring corrective action or by a peer review process by community service participants; or by using other resolution guidelines. The decision of the division may be appealed to the office of Administrative Appeals within the Kansas Department of Administration.

Nothing in this procedure shall be construed to limit the right of any person to bring action against any affiliated community service provider, the person's support network, or any other individual or group as may be permitted by law.