

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 64.—Developmental Disabilities—Community Developmental Disability Organizations (CDDO's)

30-64-32. Dispute resolution.

(a) Each contracting CDDO, in conjunction with the council of community members as specified in K.A.R. 30-64-31, shall develop and implement a dispute resolution procedure that shall provide persons being served by the CDDO, or by any community service provider affiliated with that CDDO, with a means for resolving disputes that may arise between the following:

- (1)(A) The person;
- (B) the person's legal guardian, if one has been appointed; or
- (C) other individuals from the person's support network; and
- (2)(A) The CDDO;
- (B) an affiliated community service provider; or
- (C) any other component of the community services system.

(b) 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 system;
- (4) any affiliated community service providers; or
- (5) any affiliated provider and any other component of the community service system.

(c) The procedures shall provide for the following:

- (1) A local dispute-resolution process providing the opportunity for resolution between the disputing parties, to be completed no later than 20 calendar days following receipt of written notice to the CDDO of a dispute;

(2) 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 to the CDDO of a dispute referred to in paragraph (c) (1) above. 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 provided for in paragraph (c) (3) 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; and

(3) the right of any party to the dispute to appeal to either of the following:

(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 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 the commission as specified in paragraph (c) (3) (B); or

(B) the commission, unless the dispute involves the CDDO as a party, in which case the appeal shall first have been made to the governing board, as specified in paragraph (c) (3) (A). If the appeal is from a decision of the governing board of the CDDO, a written notice of appeal shall be delivered to the commission within 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 60 calendar days following the CDDO's receipt of written notice of the dispute as specified in paragraph (c) (1) above. The authority to review the dispute and make an appropriate decision shall be reserved by the commission 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 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 pursuant to article 7.

(d) Nothing in this regulation shall be construed to limit the right of any person to bring any action against a CDDO, any affiliated community service provider, or any other individual or entity as may be permitted by law.

(Authorized by and implementing K.S.A. 39-1804, 39-1805 and 39-1810; effective July 1, 1996; amended Oct. 1, 1998; amended Feb. 1, 2002.)

***** Authenticated Kansas Administrative Regulation *****