

FOOTHILLS GATEWAY, INC.

Dispute Resolution

POLICY:

It is the policy of Foothills Gateway, Inc. that all persons receiving services, or applicants for services, or parents of a minor, guardians and/or authorized representatives are entitled to report any dispute without fear of adverse actions as a result of filing said dispute.

These policies and procedures govern disputes in the following area (Pursuant to Section 25.5-10-212, CRS).

Disputes between Individuals and Program Approved Services Agencies under contract with Foothills Gateway, Inc. and Individuals and Foothills Gateway, Inc.-Community Centered Board.

PROCEDURE:

Disputes between Individuals and Program Approved Service Agencies under contract with Foothills Gateway, Inc., and Individuals and Foothills Gateway, Inc. Community Centered Board will be handled in accordance 25.5-10-212, C.R.S.

The use of this procedure shall not prejudice future provision of appropriate services and supports. All individuals receiving services, applicants for services, parents of a minor, guardians and/or authorized representative as appropriate, will be informed orally and in writing, of the Agency's dispute resolution procedure:

- At the time of application;
- At the time the Individualized Plan is developed;
- Anytime changes in the Individualized Plan are contemplated; and,
- Upon request of above named parties

This procedure is available on Foothills Gateway's website or it is available hard copy. This procedure may be implemented for any of the following circumstances:

- Applicant is not eligible for services or supports;
- Person is no longer eligible for services and supports;
- Services or supports are to be terminated; or,
- Services set forth in the Individualized Plan are to be changed, reduced, or denied.

The dispute resolution procedure will be provided in writing, in English. Interpretation in native languages other than English and through other modes of communication shall be made available upon request. Assistance will be provided as necessary to make all information understood to the greatest extent possible by the individual and representative. An individual shall not be coerced, intimidated, threatened or retaliated against because that individual has exercised his or her right to file a dispute or has participated in the dispute resolution process with the agency initiating the action. Upon such dispute, the following provisions shall be initiated:

Notice of the action shall be provided to the individual receiving services/applicant and to the individual's parents of a minor, guardian and/or authorized representative at least fifteen (15) days prior to the date such actions enumerated becomes effective. The above named individuals may dispute such action(s) by filing a complaint with the agency initiating the action.

The opportunity to resolve the issue through an informal negotiation process will be provided. Mediation could be considered as one means to informal negotiation if both parties voluntarily agree to this process. The informal negotiation process can only be waived through mutual consent. The opportunity for resolution of a dispute through informal negotiation shall include the scheduling of a meeting of all parties or their representative with fifteen (15) days of the receipt of the complaint.

After opportunities for informal negotiation of the dispute have been attempted or mutually waived, either party may request that the dispute resolution process set forth in section 8.605.2H shall be initiated.

Parent(s) or guardian of a minor, age birth to three years, may utilize the dispute resolution process specified under the requirements of the Procedural Safe Guards for early intervention services pursuant to the Individuals with Disabilities Education Act.

The dispute resolution procedures of Foothills Gateway, Inc. or the Program Approved Service Agency shall, at a minimum, afford due process by providing the opportunity of the parties to present information and evidence in support of their positions to an impartial decision maker. The impartial decision maker may be the director of the agency taking the action or their designee. The impartial decision maker shall not have been directly involved in the specific decision at issue. Notification, of at least ten (10) days prior to the meeting, will be given to all parties, unless waived by the objecting party or parties.

The objecting party may have representation by counsel, authorized representation or another individual if the objecting party so desires. He/she may also have the opportunity to respond to or question the opposing position.

Recordings of the proceedings by electronic device or a reporter may be made by any involved party.

A written decision by the impartial decision maker will be provided to both parties within fifteen (15) days of the meeting and will include the reasons/rationale for the decision.

If the dispute is not resolved, either party may object to the decision and request a review of the Department (Health Care Policy and Financing - Executive Director of the Colorado Department of Intellectual/Developmental Disabilities or designee) within 15 days of the postmark of the written decision.

When a dispute review is requested of the Department, the Department has 15 days to respond and request additional documentation supporting the previous decision. The Department may request additional information from either party.

The dispute review is a de novo review of the dispute and a decision will be rendered to the parties within 10 working days of submission of all relevant information. The decision rendered by the Department is considered to be the final agency action on the dispute in relation to this specific process.

10/15; 7/17; 10/18