



GEAUGA COUNTY
DISPUTE RESOLUTION PROCESS



DISPUTE RESOLUTION PROCESS FOR SERVICE COORDINATION

OVERVIEW (as per ORC 121.37(c)(9) and ORC 121.381 and 121.382)

In Geauga, our dispute resolution process covers any disputes which might occur agency-to-agency or child/family to Council. Fortunately so far we have not had either type of dispute because all our funding is pooled and all agencies plus parents have a say in plan development. Each dispute resolution step outlined has specific time limits attached. The whole process from start to finish should not last no longer than 30 days. If disputes occur at any stage of the Service Coordination process, regarding either treatment or funding, the Council Coordinator is contacted. It is the Coordinator's responsibility to initiate and oversee the dispute resolution process.

As a first step the parties are encouraged to resolve the issue themselves directly. If the conflict is not resolved, the Council Coordinator attempts to mediate. If this step is not successful in a Family-Initiated Case-Related Dispute, the Council's Emergency Subcommittee is accessed for its recommendation. If the Emergency Subcommittee (ES) step is not successful, the **Final Arbiter** of Individual Case Resolution is the Council's **Dispute Resolution Subcommittee (DRS)**.

An Agency-to-Agency dispute is referred to the Council's Finance Committee for a recommendation. If that step is not successful, the **Final Arbiter** in Agency-to-Agency Disputes is the Juvenile Court Judge. Children and their families will continue to receive disputed services already in place throughout the Dispute Resolution process whether it's a Family-Initiated or an Agency-to-Agency dispute.

INDIVIDUAL CASE-RELATED DISPUTES – Initiated by Parents/Caregivers

This section pertains specifically to children in their parents' custody with no JFS involvement. When a child is in JFS custody, all Court orders re: treatment supersede any Council recommendations.

When consensus cannot be reached by the involved parties (i.e. service professionals, parents, etc.) regarding the treatment recommendations by the Council's Multi-Disciplinary or the Family Stability Teams or the funding decisions of the Family First Council (FFC), the Council's Case Services Coordinator contacts the FFC Coordinator, who oversees the dispute resolution process.

A) Treatment Decisions

If the child is already in the Council system and a decision is made to change the course of treatment, i.e., hospitalize, move to less restrictive, etc., and one party (the Service Coordinator, another service professional, or parent) disputes that course of action, the following will apply:

- 1) The FFC Coordinator is contacted and arranges to have the Council Case Services Coordinator meet with the involved parties within three (3) business days to resolve the dispute. If the Council Coordinator is unreachable, the Case Services Coordinator should be contacted directly.
- 2) If consensus still cannot be reached, by the next business day, the Case Services Coordinator notifies the Council Coordinator and consults with the three Emergency Subcommittee members over the phone for a recommendation. The Emergency Subcommittee consists of the Council

President, the JFS Executive Director, and the Mental Health & Recovery Services Board Director. At least two of the three members must agree on the decision. If an ES member is involved in the dispute itself, that member must recuse him or herself.

- 3) Within 2 business days, the Case Services Coordinator notifies the family of the ES decision. If the family does not accept the ES recommendation, the case is referred to Council's Dispute Resolution Subcommittee (DRS), as the next step in the process.
- 4) The Emergency Subcommittee can authorize a change in treatment up until the Dispute Resolution Subcommittee (DRS) can meet which must be within 7 business days. The DRS consists of: the Council President, the Council Vice President, a Family Rep if one of the two Council Officers is not a Family Rep, and a Council Coordinator from a neighboring county.
- 5) The DRS meets within 7 business days with the Council Coordinator as the facilitator. Anyone on the DRS involved in the conflict must recuse him or herself from the decision-making. The DRS hears input from the involved parties and makes a final decision. This decision is conveyed to the involved parties within 48 hours by the FFC Coordinator over the phone and is followed up in writing.
- 6) This decision cannot be appealed – the **DRS** is the **Final Arbiter**.
- 7) The full Dispute Resolution Process must be completed within 30 days of the complaint being initiated.

B) Funding Decisions

1) Non-Emergency

Pertains to:

- a) Child whose case has already been reviewed by the MD Team; or
- b) Child already in the Council system who needs additional funding.

Occurs when:

- a) The MD Team's recommendation to the Council for funding was turned down at the Council meeting. Since this decision is being made by the full Council, it cannot be appealed.
- b) At the point that new or additional information becomes available, the family or the Service Coordinator can request a review by the MD Team at their next weekly meeting. This request by the involved parties is made to the Case Services Coordinator.
- c) If warranted, the MD Team can then request that the case be re-presented to the full Council.

2) Emergency

Pertains to:

- a) Child not yet accepted for Council services.
- b) Child in Council system who needs higher level of services, possibly residential.
- c) Council child for whom Council can no longer provide funding at the current level.

Emergency Procedure:

- a) Parents or Case Services Coordinator contacts Council Coordinator to request a funding extension. Usually the Case Services Coordinator has been kept abreast of case

developments by either the Service Coordinator or the family so has background re: possible emergencies.

- b) By the next business day, the Council Coordinator contacts the three Emergency Funding Subcommittee members (Council President, the JFS Executive Director, and the Mental Health & Recovery Services Board Director) for a recommendation. If 2 out of the 3 members agree, the Council Coordinator conveys the decision over the phone and in writing to the family within 48 hours of the meeting. If involved in the dispute itself a Subcommittee Member must recuse him or herself.
 - c) If the family/caregiver does not accept the recommendation, the Council Coordinator convenes the Dispute Resolution Subcommittee (the Council President and Vice President, a Family Rep, if one of the Council Officers is not a Family Rep, and a Council Coordinator from a neighboring county). This meeting must be held within 7 business days of the Council Coordinator's initial contact. The DRS reviews the ES recommendation, hears input from the involved parties, and makes a decision as the **Final Arbiter**. Anyone on the DRS involved in the conflict, must recuse him or herself from the decision-making.
 - d) The decision is conveyed to the involved parties within 48 hours by the Family First Council Coordinator over the phone and is followed up in writing.
 - e) This decision cannot be appealed – the **DRS** is the **Final Arbiter**.
 - f) The full dispute process must be completed within 30 days of the complaint being initiated.
- 3) The Council's Case Funding Guidance, approved by Council at the 7/16/12 Council meeting, sets the parameters for how Council funding will be used for placements and is thereby incorporated into Council's Dispute Resolution Process and is attached at the end of the Dispute Resolution section.

C) During the Dispute Resolution Process

- 1) Children and their families will continue to receive disputed services, i.e. those occurring prior to the dispute, throughout the Dispute Resolution Process.
- 2) A copy of the Dispute Resolution Process is again made available to the family and to the agencies involved. This Process is also provided to all families when they first are designated for Service Coordination.
- 3) All parties involved with FFC programs/services agree to the above terms and make copies of the Dispute Resolution information and procedures available to their staffs.
- 4) After the Dispute Resolution Process has been followed, the decisions made by the Council regarding both treatment and funding are considered binding upon all parties.

AGENCY TO AGENCY DISPUTES

Each Council Member agency is governed by its own unique set of Federal and State laws, rules, regulations, and policies. A Council Member, who disagrees with the Council's decision re: the services or funding a youth/family is to receive from agencies represented on Council, may initiate the Council's dispute resolution process by filing a complaint in writing to the Council President with a copy to the Family First Council Coordinator.

The Council President will call a meeting of the Council's Finance Committee (essentially Council's Executive Committee) within 7 business days in an attempt to bring about a resolution which reflects the best interest of the family. A written determination will then be submitted by the Council President to the complainant and the Council Coordinator within 14 business days of the initial referral to the Council President. An agency subject to this determination, shall immediately comply with the determination, unless the agency objects by filing action with the Geauga County Juvenile Court as specified in ORC 121.38(B)(2). This must be done no later than seven (7) days after the date the written determination was issued. The Geauga County Juvenile Court will proceed with the resolution of the dispute according to ORC 121.38.

While the Dispute Resolution Process or any Juvenile Court proceedings are pending, each agency shall provide services and funding as recommended by Council prior to the Dispute Resolution Procedure being initiated. If the agency providing services or funding is found not to be responsible for providing the service as a result of the Dispute Resolution Process, the agency shall be reimbursed for the cost of providing the services by the agency or agencies determined to be responsible. If the reason for the agency's disagreement with the recommendation is due to Federal or State rules, an interagency agreement or MOU prohibiting the provision of this service, Council can choose to apply to OFCF for an exemption.

DISPUTE RESOLUTION PROCESS FOR FAMILIES RECEIVING OHIO PART C EARLY INTERVENTION SERVICES

If the dispute involves Early Intervention (E.I.) Services, the family has the right to file a written complaint at any point of the process. However, often the quickest way to resolve an issue is to talk with the E.I. Service Coordinator and E.I. Supervisor. If there is no resolution, the next step is to contact the E.I. Contract Manager (who is also the Council Coordinator). The Council Coordinator will meet with the involved parties within 7 Business Days to discuss the complaint.

If there is still no resolution, the family is encouraged to contact the Ohio Department of Developmental Disabilities at 614-466-6879 or EI@dodd.ohio.gov. The Family can also submit a signed written complaint to:

Early Intervention
Ohio Department of DD
30 East Broad Street – 12th Floor
Columbus, OH 43215

The complaint will be investigated and the family will get a response from DODD within 60 calendar days. While the complaint is being investigated, the child continues to receive E.I. Services.

Geauga Family First Council Case Funding Guidance
(Addendum as of 7/16/12)

- 1) The Council Coordinator has the authority to arrange emergency placement funding in-between Council meetings if necessary. This emergency funding will then be reviewed by the full Council at the next Council meeting.
- 2) If parents choose a placement for their child which is different from what has been recommended by the Interdisciplinary Treatment Team (either the Multi-Disciplinary Team or the Family Stability Team in an emergency), the Council's portion of the placement costs cannot exceed the highest per diem Council is currently paying (or has paid in the past 12 months). The parents will be required to pay the difference if they choose to access Council funding.

Example:

Placement cost	\$325.00/day
Highest FFC rate at the time	- <u>\$250.00/day</u>
Parents paid the difference	\$ 75.00/day

The placement chosen by the parents must be consistent with the Interdisciplinary Team's treatment recommendation. Council will not fund any portion of a placement that does not match the treatment recommendations. Example ... if therapeutic foster care is recommended, the Council wouldn't pay for residential treatment. Council is a funding body not a treatment body so it is the role of the Interdisciplinary Teams to make treatment decisions from a clinical perspective. Council can also refuse to fund a placement not aligned with what the Treatment Team recommends.

- 3) All facilities used must have a current license thru ODMH, ODJFS, DYS, or ODDD.
- 4) Placement funding can be terminated if the treatment provided runs counter to the Treatment Team's recommendations and/or if the treatment is not working.