

# DISPUTE RESOLUTION

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## POLICY

(Ref. 10 CCR 2505-10 8.605.2 A-J)

Any individual receiving services from Metro Support Services, Inc., applicants for services, their guardian, or an authorized representative (if within the scope of his/her duties) has the inalienable right to file a complaint or appeal in the event they are dissatisfied with, the following decisions or actions:

- Services or supports are to be terminated;
- Services set forth in the IP are to be changed, reduced or denied.
- The individual is no longer eligible for services or supports:
- The is not eligible for services or support.

**If you are unhappy with the following service changes, you have the right to file a complaint:**

- **MSS is ending your services**
- **MSS is changing, limiting or denying your services.**
- **MSS tells you that you are no longer eligible for services**

No individual receiving services shall be coerced, intimidated, threatened or retaliated against because the individual has exercised his or her right to file a complaint or has participated in the dispute process.

**If you are filing a complaint you will be treated fairly and respectfully by all involved persons.**

Notice of any of the proposed actions above shall be given to the applicant or individual receiving services, guardian, and/or authorized representative at least fifteen days prior to the date such action becomes effective.

This notice shall include:

1. The proposed action;
2. The reason or reasons for that action;
3. The effective date of that action;

4. The specific law, regulation, or policy supporting the action;
5. The MSS address and the name and address of the Executive Director;
6. The dispute resolution procedure, including deadlines for submitting an appeal;
7. A statement that the individual has the right to review their record if they so choose, and information on how to access this record;
8. Information on the availability of advocacy assistance, including a resource list with the names, addresses, and phone numbers of advocacy organizations; and,
9. A statement that services shall not be terminated during an appeal. This statement shall include a description of the services, which are currently, being received and an explanation of how MSS will provide services to a currently enrolled individual during the dispute resolution period.

**You will be given fifteen days notice before any change in services takes place and the procedure to file the complaint will be explained to you. You will be given information on how to file it and who you can ask for help.**

Applicants for service, individuals receiving services, guardians, and/or authorized representatives shall have the ability to immediately object to the proposed action and may file a complaint/appeal protesting such action.

No individual receiving services may be terminated from services or supports during the dispute resolution process unless there is an emergency situation. Use of dispute resolution procedures shall not prejudice the future provision of appropriate services to the individual in need of and/or receiving services.

There shall be clearly identified procedures for the resolution of disputes which shall indicate that disputes and appeals shall be responded to in a timely fashion (within fifteen days). The Dispute resolution procedure shall be stated in writing, in English. Interpretation of the procedure in native languages other than English and through such modes of communication as may be necessary shall be made available upon request.

The dispute resolution procedure shall be provided, orally and in writing, to individuals receiving services or applicants for service, guardian, and/or authorized representative at the time application for services is made, at the time the individualized plan is developed, any time changes in the plan are contemplated, and upon request by the above named persons.

**Here is a list of people and phone numbers who would be able to assist in the appeal procedure:**

**ARC of Adams County (303) 428-0370**

**ARC of Denver (303) 864-9334**

**ARC of Colorado (303) 756-7234**

**The Legal Center (303) 722-0300**

**North Metro Community Services (303) 457-1001**

**Rocky Mountain Human Services (303)636-5600**

**The Dispute Resolution Procedures of Metro Support Services, Inc. shall afford due process by providing for:**

- The opportunity for resolution of any dispute through an informal negotiation process which may be waived only by mutual consent. Mediation may be used if both parties voluntarily agree to this process.
- The opportunity of the parties to present information and evidence in support of their position to their impartial decision-maker. The impartial decision-maker will be a designee of Metro Support Services, Inc. The impartial decision maker shall not have been directly involved in a specific decision at issue.
- Timely notification of a meeting (at least 10 days prior to the meeting) to all parties unless waived by the objecting parties.
- Representation by counsel, authorized representative, or other individual if the objecting party desires.
- The opportunity to respond to or question the opposing positions.
- Recording of the proceedings by electronic device or reporter.
- A written decision within 15 days of the meeting setting forth the reasons therefore.
- Notification that if the Dispute is not resolved, the objecting party may request further review.
- Notification to the Department by the community centered board or Metro Support Services of all disputes proceeding according to section 8.605.2.H and the determination made thereon.

**It is important to note that if the dispute is not resolved, the objecting party may request that the Executive Director Health Care Policy and Finance (HCPF) or his/her designee review the decision.**

Appeal procedures outside the Community Center Board are within the jurisdiction of the Health Care Policy and Finance (HCPF) will proceed as follows:

1. A request to the Executive Director of the Department to review the outcome of the dispute resolution process shall be submitted to the Department within fifteen (15) working days from which the written decision was postmarked.

2. The request for review shall also contain a statement of the matters in dispute and all information or evidence which is deemed relevant to a thorough review of the matter. The community centered board, regional center or the program approved service agency or other party shall be afforded the opportunity likewise to respond within fifteen (15) working days:
3. The Executive Director of HCPF or designee shall have the right to additional information and may request oral argument or a hearing if deemed necessary by the Executive Director or designee to render a decision;
4. The Executive Director of the Department or designee shall provide a de novo review of the dispute and shall render a decision within ten (10) working days of the submission of all relevant information; and,
5. The decision of the Executive Director of the Department shall constitute final agency action on the dispute.

No person receiving services may be terminated from services or supports during the dispute resolution process unless the Department determines an emergency situation, as meeting the criteria set forth in section 8.605.4 exists.

**You will not be terminated from services during this appeal process.**