

Policy Number: 3100
Policy Title: Consumer Dispute Resolution
Date Adopted: October 28, 2020

Purpose

To provide guidance for compliance with:

- The Code of Virginia §37.2-504.A.15 (Behavioral Health and Developmental Services) requiring Community Services Boards (CSB) to institute a dispute resolution mechanism that is approved by the Department of Behavioral Health and Developmental Services (DBHDS). This mechanism enables consumers and family members of consumers to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the CSB.
- DBHDS Performance Contract requirements to comply with the current Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Intellectual Disabilities and Substance Abuse Services developing consumer dispute resolution mechanisms.
- DBHDS Performance Contract requirements that CSBs develop their own procedures for complying with informal dispute resolution process in the Human Rights Regulations and for satisfying the requirements in the Code of Virginia for a local dispute resolution mechanism, and
- DBHDS Guidance on Dispute Resolution Requirements issued on June 30, 2005 stating the Department and VACSB continue to agree that an informal dispute resolution process developed to comply with the Human Rights Regulation requirements could also be used to comply with the statutory requirement for a dispute resolution mechanism. While the same procedural steps and actions could be used to fulfill both requirements, the two dispute resolution processes are different, being employed for different purposes: the first being the informal resolution of the human rights complaints and the second being the resolution of other complaints or disputes. When the informal dispute resolution process is used to resolve complaints or disputes not related to Human Rights Regulations, there needs to be an additional step, equivalent to the human rights appeal to the local human rights committee, for the complainant to pursue final resolution if he or she is not satisfied with the result of the informal process. This final step should be a review and decision by the CSB Executive Director or, if the Executive Director is a party to the dispute, the CSB Board itself.

Policy

It is the policy of the Fairfax-Falls Church Community Services Board that:

1. Consumers, their authorized representatives, family members and caregivers have a right to resolve concerns, issues, disputes or disagreements and to make complaints about any aspect of CSB services or operations.
2. Consumers, their authorized representatives and family members or caregivers may

designate an advocate of their choice to accompany, assist, or represent them to resolve their concern, issue, dispute or complaint.

3. The CSB will develop a standard process to handle disputes through informal and formal processes, which will be made available to consumers, family members or caregivers, orally and in writing at intake and then on an annual basis.
4. This dispute resolution mechanism will be developed with consumer, family, advocate, staff and DBHDS input and translated into a process and regulations that consumers, their families, caregivers and staff will understand and be able to use easily to reach solutions to consumer care and service disputes.
5. At any time, consumers, family members and caregivers have the right to pursue any other right or remedy to which they may be entitled under federal, state, or local law and regulations.
6. This dispute resolution process will exist independently of the Human Rights, Health Insurance Portability and Accountability Act (HIPAA), fee, fraud, fair housing and Americans with Disabilities Act (ADA) complaint processes.
7. When a complainant has a Human Rights, HIPAA, fee, fraud, fair housing, or ADA complaint they shall be referred to the CSB's Quality Assurance Office for assistance in understanding and using the established and proper federal, state, county or CSB complaint process.
8. All types of disputes, concerns, issues and complaints, shall be resolved at the earliest possible opportunity and at the lowest level to reach the sustainable and satisfactory solution with the consumer, family member or caregiver.
9. CSB staff will offer assistance to the consumer, if asked or whenever the staff becomes aware that the consumer, family member or caregiver has a concern or complaint and will offer such assistance to help the individual understand the formal and informal complaint processes and the options for resolution and the elements of confidentiality involved.
10. The CSB will expedite the establishment of, or contract for, an ombudsman/consumer affairs office to assist consumers in handling the informal and formal complaint process.
11. CSB senior staff is responsible for educating staff, consumers, and family members about the informal and formal complaint process, but with the full and integral assistance of consumers in the design and training.
12. The CSB shall engage consumer consultants and other advocates to partner with the Quality Assurance staff to develop the dispute resolution training for staff, consumers, family members and other caregivers, as well as advocates and concerned individuals.
13. CSB staff will maintain records and provide annual aggregate reports of dispute resolutions, which will be made available to the CSB and to the public on an annual basis.
14. The CSB will not take, threaten to take, permit or condone any action to retaliate against, intimidate, or prevent anyone from filing a complaint or anyone from helping an individual to resolve concerns, issues, or disagreements about CSB services or operations.
15. The CSB shall comply with federal, state and local laws and regulations to assure a timely

fair and effective resolution of complaints for all consumers who receive services from the CSB.

Approved *Sheila Jonas*
CSB Board Secretary

October 28, 2020
Date

References

- [Code of Virginia §37.2-504.A.15](#)
- DBHDS (formerly Department of Mental Health, Mental Retardation and Substance Abuse Services (DHHMRSAS)) FY 2006 State Performance Contract: III.A.5.C
- [DBHDS Guidance on Dispute Resolution Requirement](#) Reviewed June 18, 2020.

Policy Adopted: October 25, 2006
Revision Adopted: December 16, 2015
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