

Complaint Resolution - Interagency Disputes

Introduction

An interagency dispute involves disagreements among individual providers participating in the Infant-Toddler Program (ITP) regarding issues such as responsibility for service provision or compliance with established interagency agreements. It does not include resolutions of Infant-Toddler Program System Complaints or Individual Child Complaints.

The following procedures are to be followed to resolve disputes among providers participating in the Infant-Toddler Program.

Disputes at the State Level

All of the necessary steps in the dispute resolution process must occur within sixty (60) calendar days of the initiation of the process. An extension may be granted by the Director of the Division of Public Health if exceptional circumstances occur and are documented.

1. In the case of a dispute which involves only agencies at the state level, the Director of the Division of Public Health shall review all relevant aspects of the complaint with the directors of the other involved agencies before making a final determination. The Director of the Division of Public Health gives the complainant the opportunity to submit additional information, either orally or in writing, about the dispute.
2. The Director of the Division of Public Health makes an independent determination as to the validity of the complaint.
3. The Director of the Division of Public Health issues a written decision that addresses the issues under dispute, finding of fact and conclusions, and the reasons for the final decision. The decision includes procedures for effective implementation of the Division of Public Health's final decision, if needed.
4. If an involved party wishes to appeal this decision, the North Carolina Interagency Coordinating Council shall review all aspects of the complaint and make a recommendation:
 - to the Secretary of the involved department (if the dispute involves agencies within a single department) or,
 - to the Governor's office when the issue involves agencies from more than one department.

Special Considerations

In disputes involving payment for or provision of required services under the Infant-Toddler Program, during the pendency of such a dispute, the Division of Public Health:

- assigns financial responsibility to an agency;
- reassigns agency financial responsibility at the conclusion of the dispute resolution process if the Division of Public Health determines that the original assignment of financial responsibility was inappropriately made, and
- makes arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

Disputes at the Local Level

All of the steps in the dispute resolution process must occur within sixty (60) calendar days of the initiation of the process. The director of the Children's Developmental Services Agency may, after approval of the Early Intervention Branch Head, grant an extension if exceptional circumstances occur and are documented.

1. In the case of local interagency disputes (or local intra-agency disputes which are not resolved by that agency), discussions are held at the local level between all of the involved parties and the Children's Developmental Services Agency. The director of the Children's Developmental Services Agency gives the complainant the opportunity to submit additional information, either orally or in writing, about the dispute.
2. Before making a final decision, the Director of the Children's Developmental Services Agency reviews all relevant aspects of the complaint with all involved parties.
3. The Director of the Children's Developmental Services Agency makes an independent determination as to the validity of the complaint, and submits it for review and approval of the Early Intervention Branch Head.
4. The Director of the Children's Developmental Services Agency issues a written decision that addresses the issues under dispute, findings of fact and conclusions, and the reasons for the agency's final decision. The decision includes procedures for effective implementation of the Children's Developmental Services Agency's final decision, if needed.
5. If an involved party wishes to appeal this decision, the relevant issues shall be presented to the Early Intervention Branch Head. After reviewing all aspects of the complaint, the Early Intervention Branch Head, through the Women's and Children's Health Section, shall make a recommendation to the Director of the Division of Public Health, as the state lead agency.
6. The Director of the Division of Public Health shall review all aspects of the complaint, including recommendations of the Early Intervention Branch Head, with all involved parties and make a final determination. The decision of the Director of the Division of Public Health may be appealed to the Secretary of the Department of Health and Human Services or to the Governor's office when the dispute involves agencies from more than one department.

The Early Intervention Branch Head must be notified of all disputes and resolutions by the director of the Children's Developmental Services Agency within 5 working days of the initiation of the complaint. The director of the Children's Developmental Services Agency must maintain relevant documentation regarding all disputes and resolution.

Special Considerations

In disputes involving payment for or provision of required services under the Infant-Toddler Program, during the pendency of such a dispute, the director of the Children's Developmental Services Agency:

- assigns financial responsibility to an agency;
- reassigns agency financial responsibility at the conclusion of the dispute resolution process if the local lead agency determines that the original assignment of financial responsibility was inappropriately made, and
- makes arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

Services are provided to eligible children and their families in a timely manner, pending the resolution of disputes among service providers.