

4.08 Dispute, Complaint, Grievance and Conflict of Interest			
Domain	Contract Management and Oversight of Providers, ACH Client Rights and Responsibilities, ACH Performance and Quality Improvement		
Effective	July 01, 2014	Revision Dates	1-2018, 5-30-2019, 12-30-2019, 2-2022, 9-2022, 11-2022, 1-2024, 3-2024
Documents			
Reference	ACH Child and Family Services Statement of Principles on Conflict of Interest, OCOK Provider Manual, Community-Based Care Region 3W Stage II Operations Manual, Statement of Principles on Conflicts of Interest, Employee Handbook, ACH Child and Family Services Policy – Client Complaint Policy and Procedures & Conflict of Interest Policy and Procedure, COA AS 12.01, AS 12.02, AS 12.03, AS 13.03, ETH 2, ETH 4, NET 2.04, GOV 7, GOV 7.01 (a-e), GOV 7.02 (a-b), GOV 7.04		

**Purpose:**

There may be times when OCOK, DFPS, Network Providers, clients and/or other Stakeholders may not agree on a case related decision or what should happen with a child and/or family.

**Policy:**

ACH Child and Family Services maintains a formal process in which clients can express and resolve grievances.

**Procedure:**

The purpose of the dispute, complaint, grievance, and conflict of interest procedure is to provide a process for clients, employees and/or other stakeholders with an opportunity to be heard and to work together toward finding a solution to their concern. The complaint process is a tool for that purpose and also serves as a tool for performance/program improvement. This process ensures clear communication throughout the network, with clients as well as stakeholders and payers. It also supports a process for providing all parties with the information necessary to operate effectively and collaboratively. Following this process also facilitates a clear understanding of mutual expectations for all parties, and describes a mechanism for the resolution of conflicts, including conflicts of interest, among member networks as well as our community partners and stakeholders (i.e.: DFPS, Court officials, Providers, etc.)

**I. Case Related Dispute Resolution Process between OCOK and Network Providers**

Step 1: OCOK staff and the Provider staff (who are closest to the issue in dispute) and both OCOK Supervisor and the Provider Supervisor will work together to resolve case specific issues informally. This will be done through an objective, solution-driven discussion or meeting. If a mutually agreeable solution is not achieved in three (3) business days, the Supervisor will notify the other Supervisor that they plan to involve their chain of command. The disputed issue will be elevated to the OCOK Department Director and the Network Provider Administrator in writing for possible resolution.

Step 2: If the dispute is not satisfactorily resolved in Step 1, it will be elevated to the OCOK Chief Operating Officer (COO) and the Executive Director/Administrator of the Network Provider agency in writing. Supporting documentation will be sent by email to the OCOK COO and the Network Provider Executive Director/Administrator with the subject line of "Dispute Resolution." As a part of the review, the philosophy and goals of foster care redesign will be reviewed and used as a guideline for the ultimate resolution. The Network Provider must ensure continuity of services, as defined by the OCOK Contract and the Network Provider manual for the child or family involved while seeking to resolve the case-specific dispute. The issue will be resolved at this level and a final decision will be distributed back to the requesting staff by email with supporting points for the decision.

Some examples of issues that a Provider may dispute include but are not limited to the following:

- a. Denial or termination of the clinical privileges, including of individual service providers within Provider organizations;
- b. decisions not to contract with Providers;
- c. decisions to abrogate contracts with Providers;
- d. the Network's referral practices;
- e. level of care determinations (Refer to 6.19 Utilization Management Procedure); and
- f. payment (Refer to 7.09 Payment Dispute Resolution Process).

## **II. Case Related Dispute Resolution Process between OCOK and DFPS**

Step 1: OCOK, DFPS/CPS workers and supervisors, (and the Network Provider, if applicable) who are closest to the issue in dispute will work together to resolve case specific issues informally. This will be done through an objective, solution-driven discussion or meeting. If a mutually agreeable solution is not achieved in 3 business days, the individual will notify the other individual that they plan to involve their chain of command. The disputed issue will be elevated to the OCOK Director, DFPS/CPS Program Director and/or Program Administrator for possible resolution. The disputed issues will be elevated in writing.

Step 2: If the dispute is not satisfactorily resolved in Step 1, it will be elevated to a knowledgeable neutral DFPS/CPS staff member such as the (Community Based Care Administrator who understands the philosophy and goals of foster care redesign and is not a direct supervisor of the individual in the appeal). The escalating party will send an email with supporting documentation to the Community Based Care Administrator and the OCOK Chief Operating Officer (COO) with the subject line of "Dispute Resolution."

Once a dispute is escalated in Step 2, the CBC Administrator will provide a written decision to the appeal within five (5) business days. The written decision will be emailed to the OCOK COO with the subject line of "Dispute Resolution Appeal Decision." If the OCOK COO chooses, they will have three (3) business days from receipt of the notification from the CBC Administrator to appeal the decision to the DFPS/CPS Regional Director. The DFPS/CPS Regional Director will have five (5) business days to make a decision on the COO's appeal. If the COO chooses not to appeal, they will notify the CBC Administrator.

The CBC Administrator will distribute the decision to the appropriate staff and management. If the OCOK COO appeals the decision of the CBC Administrator to the DFPS/CPS Regional Director, the DFPS/CPS Regional Director will distribute their decision to the appropriate staff and management.

### **III. Complaints and Concerns**

OCOK employs a consumer affairs approach to complaints and concerns. Any consumer/client, Network Provider, DFPS employee, or community stakeholder can launch a complaint or concern directly with OCOK by sending an email to [consumeraffairs@oc-ok.org](mailto:consumeraffairs@oc-ok.org). The OCOK Director of Community Relations will receive those emails and will ensure that the complaint is addressed in a timely manner.

A complaint/concerns monthly report will be generated and sent to the OCOK Chief Operating Officer and to the DFPS SSSC Contract Manager.

OCOK Office of Consumer Affairs will work to help solve problems, let parties understand their rights, answer questions, and help with resources. The requester may submit his or her request by:

- Fax: 817-732-9332
- Email: [consumeraffairs@oc-ok.org](mailto:consumeraffairs@oc-ok.org)
- Standard Mail:
  - Office of Consumer Affairs
  - Our Community Our Kids
  - 7700 AWG Way
  - Fort Worth, Texas 76140

The request for an Office of Consumer Affairs review should include the name, telephone number, and mailing address of the requester, as well as the case number (if available) and date of birth of designated victims. Requests may also include other pertinent records if those records should be considered.

Only at the discretion of the OCOK Chief Operating Officer or designee is new information considered.

Office of Consumer Affairs (OCA) Review Process:

Upon receiving a request for Office of Consumer Affairs review, the Office of Consumer Affairs Specialist will obtain and review the documentation from the case, research, and review information with all parties. The OCA Specialist will submit the review and will recommend the finding to the OCOK Director of Community Relations for consideration.

The requestor will be notified in writing of the final disposition of their case.

OCOK will not take any action to discourage or retaliate against any individual for:

- a. questioning the conduct of the program;
- b. expressing an opinion about the program;
- c. making a complaint or expressing a grievance; or
- d. providing information, expressing a concern, or filing a complaint with the primary provider, the accrediting entity or any authority.

**Process for which children, youth and families may elevate concerns about the provision and/or quality of services provided?**

If the Office of Consumer Affairs is unable to satisfactorily resolve the complaint, the OCOK Director of Community Relations will forward the review along with supporting documentation to the OCOK Chief Operating Officer. Should the OCOK Chief Operating Officer be unable to satisfactorily resolve the complaint, the case along with supporting documentation will be forwarded to the OCOK Chief Executive Officer for final determination.

If this process is exhausted and the constituent does not find their case was resolved appropriately, children and youth under the age of 18 may contact the HHS Foster Care Ombudsman at 844-286-0769, or adults may contact the DFPS Office of Consumer Relations at 800-720-7777. This should be the final step in the appeals process and only be used when the constituent deems it necessary.

**IV. Conflict of Interest**

A Conflict of Interest is a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her duties in the best interest of ACH Child and Family Services, our mission and our clients as a Board member, advisory committee member, paid consultant, employee, or subcontractor.

Board members, advisory committee members, paid consultants, employees, community partners and subcontractors are required to fully disclose any potential conflict of interest.

For procedures involving Board members, advisory committee members and paid consultants please refer to the ACH Child and Family Services Conflict of Interest Policy and Procedures.

For OCOK employees, all employees must be aware of Policy and Procedures and are required to fully disclose any potential conflicts of interest to their immediate supervisor as well as HR to be investigated and bring resolution to the actual, potential, or perceived conflict. The employee will be advised of the resolution accordingly.

For any subcontractors (Network Providers) or community partners, should a potential, actual or perceived conflict of interest arise, the party will notify OCOK immediately. Once OCOK is made aware of the conflict, it will be reported to the OCOK Chief Operating Officer to be further investigated and bring resolution to the actual, potential, or perceived conflict. The party will be notified of the resolution by the OCOK Chief Operating Officer or designee.

**Potential Contracting Conflicts of Interest**

In Stage I, the SSCC is required to provide placement for all children entering out-of-home care. This requires the SSCC to contract with a wide variety of providers for different types and intensity of placement services. The primary interest for these services is to place children in settings that best satisfy the Stage I contract outcomes.

In Stage II, the SSCC is authorized to spend an annually pre-determined amount of funding to purchase services for families. The primary interest for these services is 1) to support the family's ability to have their child return to their home, and 2) to comply with court-ordered services. The types of services purchased vary significantly, and will include drug testing, mental health services,

support services, skills training, family support services, or a variety of other services to support families.

OCOK prohibit its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s) or other individual(s), or entities as payment for the child or as an inducement to release the child; prohibits compensation of any individual who locates or refers children, prospective birth mothers, or birth parents on a contingent or incentive basis; does not allow for any payment other than contract related reimbursement to providers for adoption or post-adoption services. Any subsidies or payments to the adoptive parents must go through DFPS. OCOK does not pay biological parents for or in exchange for the relinquishment of their rights or placement of their child/ren.

Compensation paid to OCOK personnel, and any other individuals directly or indirectly involved in providing adoption or foster care services is not unreasonably high in relation to the services rendered and other appropriate factors and/or is on a fee-for-service, hourly wage, or salary basis rather than a contingent fee basis and is only paid for services actually rendered or for reimbursement of appropriate expenses incurred.

As OCOK does accept charitable donations, OCOK must ensure that such donations do not influence child placement decisions in any way.

*Potential conflicts involved in purchasing services include*

*ACH staff member or Board member financially profiting from a purchased service:* Should an ACH staff member or Board be the owner of a service purchased by OCOK, this person could financially benefit from this procurement. While it is not wrong for an agency or business to make a profit, the appearance of favoritism or unfair contracting exists.

*Programs operated by ACH are monitored less intensively than those provided by outside vendors:* Because an SSCC can operate its own programs rather than contract for all services, a conflict could involve less intensive monitoring by OCOK of programs offered by ACH.

*Other potential conflict*

*OCOK employee wanting to become a foster or adoptive parent.* An OCOK employee or spouse of an employee could decide to become a foster or adoptive parent. Conflicts could arise due to the staff having access to confidential information regarding the status of their home or the status of the child's case. Conflicts could also arise with dual relationships with co-workers.

***Tracking and Managing Potential Contracting Conflicts of Interest***

*Purchasing services from an ACH employee or Board Member*

OCOK has not and does not intend to purchase services from any entity that is owned by an ACH employee or Board member. OCOK would not pursue a contract of this type unless the service desired was not available through any other quality vendor. Should a contract of this type ever be considered, OCOK has the following purchasing procedures:

- Contracts will be procured through the defined OCOK purchasing process.
- Situations regarding a potential conflict will include clear documentation of the conflict and elevated to ACH's CEO to determine if a contract will be pursued.
- If OCOK chooses to pursue a contract of this type, a conflict of interest plan will be created. The plan must then be approved by the ACH CEO. DFPS would be notified of the conflict by OCOK prior to any services being utilized.
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#### *Monitoring services delivered by ACH*

Current procedures are in place for OCOK to monitor ACH services consistently with all other services procured by OCOK. This process has worked well since 2014 and has been overseen by DFPS since the beginning of Stage 1.

#### *Other potential conflicts resulting from contracting for services*

OCOK procedures prohibit OCOK staff from fostering or adopting Region 3W youth unless the youth is a kinship placement. For staff involved in a kinship placement, a specific conflict of interest plan will be developed for that individual staff member and the plan approved by the OCOK COO.

ACH and OCOK policies also require all staff to follow the professional ethics of their individual professions. These ethics statements all address personal conflicts of interest and the importance of avoiding or mitigating them.

#### ***Resolving Potential Contracting Conflicts of Interest for OCOK***

The performance of the SSCC is regularly monitored by DFPS and several performance measures are tracked by independent, third-party evaluators. This process provides the necessary checks and balances for DFPS to identify and oversee potential conflicts of interest for contracting if they arise.

#### **Potential Case Management Conflicts of Interest**

*Reunification decisions:* While a child is in a placement (paid or kinship), the primary interest is for the SSCC to facilitate each child exiting foster care being placed in a safe and permanent family setting. In Stage II, the SSCC is paid for case management services while a child's case is open. In Stage III, plans are to pay the SSCC a fixed total amount for all children entering care to provide case management services for the duration of the child's case.

- Financial Incentives in Stage II. Because the SSCC is paid for case management services while a child is in care, there could be a secondary interest for the SSCC to keep children in care longer.
- Financial Incentives in Stage III. Because plans for Stage III are to pay a fixed amount to provide case management services for every child entering care, there could be a secondary interest for the SSCC to exit children from care quickly.

*Preference for biological and kinship placements:* In considering reunification options, preference should be given to reunifying a child with biological, or kinship family members. In some cases, this decision may involve more risk than recommending termination of parental rights and pursuing non-relative adoption. It is important that the SSCC give priority to reunification with biological or kinship family members as this is historically in the child's best interests. A potential conflict could arise if an SSCC makes decisions to protect itself from risk, rather than to focus on reunification with biological or kinship family. Interestingly, this conflict also exists in the legacy system. Reunification with biological families could involve a greater likelihood of negative consequences if a child is hurt after reunification. This is a risk that DFPS currently manages and OCOK will look to work closely with DFPS to continue a focus on reunification with family.

### ***Other potential conflicts resulting from Case Management***

- *OCOK employee becomes part of a DFPS investigation or open case.* If the child of an OCOK employee were to become part of an open case involving kinship placement or out-of-home placement, conflicts would arise given the employee's access to confidential information about the child, the case, or the family members. Access to this information could put an employee in the position of being able to use this information to unfairly influence decisions about the case including placement decisions, reunification decisions or decisions about the involvement of other family members.
- *Family or extended family of an OCOK employee has a CPS case opened.* If a family or extended family member of an OCOK employee were to become part of an open case involving kinship placement or out-of-home placement, conflicts would arise given the employee's access to confidential information about the child, the case, or the family members.
- *Friend or other person with whom an OCOK employee has a relationship with outside of work has a CPS case opened.* If a person known to an OCOK employee becomes involved with the DFPS system, the prior relationship could impair good decision-making about the case if the employee is involved.

### ***Tracking and Managing Potential Case Management Conflicts of Interest***

*Reunification decisions:* With the primary interest of each child exiting foster care being placed in a safe and stable permanent family setting, with a preference for biological or kinship family placement, there are three variables that can be monitored to effectively track that the SSCC acts to best support the primary interest: "Case Duration," "Re-Entry into foster care," and "Percentage of Biological/Kinship Reunifications." These variables apply to both Stage II and Stage III in tracking potential conflicts of interest.

- *Case Duration:* Case duration is the length of time a case is open. The longer a case is open, the slower a child achieves permanency. The primary interest is to make the Case Duration as short as possible, while minimizing the number of children who are re-entering care.
- *Re-Entry into Foster Care:* While minimizing Case Duration is important, it is also important that children be reunified to safe and stable homes. A "re-entry" occurs when a child returns to foster care at a later period, after the original case is closed.

- *Percentage of Biological/Kinship Reunifications*: Knowing what percentage of total reunifications occur with biological/kinship family tracks SSCC efforts to engage and support this type of reunification as compared to non-relative adoptions.

Tracking the OCOK's focus on the primary interest involves tracking each of these variables consistently. Benchmarking Case Duration and the rate of children Re-Entering Foster Care after being reunified are partial indications of OCOK maintaining focus on the primary interest. For example, in Stage II, if Case Durations are significantly longer for OCOK as compared to the Legacy System, or as compared to other SSCC's, a conflict of interest could be indicated and can be further explored. In Stage III, if Case Durations are short but Re-Entry into Foster Care rates are significantly higher than either the Legacy System or other SSCC's, a potential conflict of interest could be explored.

In the same fashion, benchmarking the percentage of Reunifications that occur with biological/kinship families in Region 3W, with the Legacy System and with other SSCC's, provides insight into OCOK's emphasis on helping children return to their own families.

It is important to note that many issues could impact these variables that do not involve a conflict of interest. For example, court decisions to reunify children to more risky settings, lack of community services to support reunification, and youth entering care with more severe behavioral or mental health needs, are all factors that could each impact these variables negatively. In addition, strong efforts to help reunify more children with their families will likely result in more reunifications but will also result in more re-entry's because more children are living with their families. Tracking the information and then conducting more detailed case analysis if concerning trends are indicated, will help OCOK and DFPS understand factors influencing the trends, and whether or not a secondary interest is receiving higher priority than the primary interest for the children in Region 3W.

#### ***Other potential conflicts resulting from Case Management***

OCOK has created procedures to address these potential conflicts. These procedures will direct the following actions:

- OCOK staff experiencing a conflict involving personal involvement, family or relative involvement, or a friend or outside relationship involvement with DFPS must disclose this situation to either their supervisor or ACH's Human Resources Department within two (2) business days of the conflict being known by the OCOK staff member.
- For staff who become personally involved or who have a relative or person with whom they have a previous relationship become involved with DFPS, a specific conflict of interest plan will be developed for that individual staff by the COO of OCOK. The plan will specifically identify how potential conflicts involving the information and decisions regarding the case will be managed. The conflict will be reported to DFPS and the conflict of interest plan will be submitted to the Region 3W DFPS CBC oversight supervisor for approval.

#### ***Resolving Potential Case Management Conflicts of Interest***

DFPS will regularly monitor OCOK performance. Monitoring by DFPS will track length of stay in foster care and re-entry rates. DFPS monitoring will include individual case analysis to determine if cases are being worked thoroughly by OCOK and if individual case permanency recommendations are supported by accompanying case evidence. DFPS will periodically report monitoring results to OCOK and will



notify OCOK if any concerns arise from the results. The Conflict Resolution process defined in the contract will be used if OCOK and DFPS disagree on the corrective action needed for a specific situation.

Conflicts of interests involving length of placement or biological family involvement will be indicated in outcome data. Should outcome data indicate that a conflict of interest could be influencing the SSCC to give preference to a secondary interest, a more detailed review of cases and case decisions would be conducted by DFPS. The purpose of this more detailed review would be to clarify if the outcome trends are a result of other factors, (examples cited previously) or if a conflict of interest, as indicated by identifying specific cases where the secondary interest was given preference, is influencing SSCC decisions.