

## **NTRAC**

### **ALTERNATE DISPUTE RESOLUTION STANDARD OPERATING PROCEDURE**

**North Texas Regional Advisory Council (NTRAC) shall have written into its Bylaws, no longer than 12 months from the start date of this contract attachment, an Alternative Dispute Resolution (ADR) process to resolve complex issues among entities/individuals/RAC members that have differences of opinions so issues are resolved at a local level vs. being resolved initially at the State level. NTRAC shall make implementation of the ADR process a participation requirement of the RAC.**

**Alternative Dispute Resolution  
April 06, 2006**

#### **Alternative Dispute Resolution (ADR)**

- A. Any actual entity, be that provider or individual representing a provider, service or hospital that is aggrieved in connection with any Regional Advisory Council rule(s) in accordance with its by-laws, trauma system plan, guidelines or protocol; action(s) or inaction(s), or any situation or circumstance causing dissention or aggravation, may formally protest to the NTRAC of Trauma Service Area "C". A formal protest must be written, with date and signature of protestor (s), addressed and delivered to the NTRAC Chair Person and another officer of the executive board, of Trauma Service Area "C".**
  
- B. Copies of the protest will be mailed or delivered by NTRAC Chair Person upon receipt of a written protest for the purpose of establishing full disclosure of situation or circumstance, and for making preparations for a formal hearing to address such protest for resolution if deemed necessary. A formal protest must contain.**
  - (1) A specific and objective identification or statement of the aggravating situation or circumstance that the protested action is alleged to have been or is in violation**
  
  - (2) A specific and objective description of each act alleged to have violated or aggravated the protestor(s).**
  
  - (3) The aggrieved party's argument (s) and authorities in support of the protest.**

- (4) Describe the relief/decision requested to resolve the matter.
- C. The NTRAC Chair Person or another officer of the executive board of Trauma Services Area “C” shall have the authority to settle and resolve the dispute to the Executive Board or Committee with ample and appropriate selection of all parties necessary to resolve the dispute.
- D. The Executive Board or Committee may solicit written responses to the protest from interested parties. If the protest/dispute is not resolved by mutual agreement, the Committee will issue a written determination of the protest within thirty (30) days of receipt of all pertinent (by definition of DSHS) data.
- (1) If the Committee determines that no violation of rule (s) in accordance with its bylaws, trauma system plan, guidelines or protocol; action (s) or in-action (s), or any situation or circumstance causing dissention or aggravation has occurred, it shall so inform the protesting party or parties by letter, which sets forth the reasons for the determination.
- (2) If the Committee determines that a violation of rule (s) in accordance with its by-laws, trauma system plan, guidelines or protocol; action (s) or in-action (s), or any situation or circumstance causing dissention or aggravation has occurred, it shall so inform the protesting party or parties by letter, which sets forth the reasons for the determination and appropriate remedial actions.
- E. An aggravated party or parties may appeal the determination by the Committee. An appeal much be submitted to the Department of State Health Services, Health Care Quality Section no later than “30” working day after the Committee’s determination, at the following address:

Department of State Health Services  
Health Care Quality Section  
1100 W. 49<sup>th</sup> Street  
Austin, Texas 78756

The appeal shall be limited to review of the Committee’s determination. The appeal must be mailed or delivered by the appealing party or parties to DSHS, Health Care Quality

**Section, and must contain an affidavit that copies of the appeal have been mailed or delivered by the appealing party or parties to the Chair Person or designated representative (s). In the event the appeal is not timely in delivery to the office of Health Care Quality, the appeal will not be considered and the appealing party or parties will be so notified in writing.**

- F. The DSHS, Health Care Quality Section shall review the Committee's determination and the appeal in order to provide assistance and resolution to the aggravation. The Health Care Quality Section shall issue a written decision on the protest, which decision is final and not appealable.**