



County of Yolo

Health and Human Services Policy

TITLE: DISPUTE RESOLUTION PROTOCOL

DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY

TYPE: **POLICY**

DATE: 11/22/2016

A. **PURPOSE**

The purpose of this policy is to ensure conservatorship investigation and administration be conducted independently from any person or agency which provides mental health treatment for conservatees, and to avoid a conflict of interest between the treatment needs of the conservatee and the investigation and administration of the conservatorship, in accordance with Welfare & Institutions Code Section 5371.

To mitigate disputes, Welfare & Institutions Code Section 5371 instructs the person or agency responsible for mental health treatment of conservatees to execute a written agreement or protocol with the conservatorship investigator and administrator for the provision of services to conservatees. This agreement or protocol is to specify the responsibilities of each person or agency who is a party to the agreement or protocol and specify a procedure to resolve disputes between agencies or persons.

B. **DEFINITION**

- **Dispute:** Conflict or controversy, disagreement.

C. **POLICY STATEMENT**

If a dispute or a conflict of interest arises under the Yolo County Health and Human Services Agency, between Public Guardian staff and staff responsible for mental health treatment, regarding any of the services provided to persons conserved pursuant to the Lanterman-Petris-Short Act, this Dispute Resolution Protocol shall be followed as a means to resolve the dispute or conflict of interest.

D. **RESPONSIBILITIES**

Yolo County Health and Human Services Agency staff providing investigative, administrative and/or treatment services for persons conserved pursuant to the Lanterman-Petris-Short Act shall have the responsibilities more fully described in the LPS Conservatorships Policy and Procedure between mental health and public guardian/LPS conservatorship staff, which is incorporated by this reference.

E. **PROCEDURE**

If a dispute or a conflict of interest arises under the Yolo County Health and Human Services Agency, between Public Guardian staff and staff responsible for mental health treatment, regarding any of the services provided to persons conserved pursuant to the LPS Act, the following means shall be used to resolve the dispute or conflict of interest:

1. The Conservatorship Officer and mental health clinician/case manager involved in the dispute shall immediately notify the Assistant Public Guardian and Supervisor of the mental health clinician/case manager of the dispute and provide the following information:
 - a. The nature of the dispute as seen by each side;
 - b. Documentation in support of each side's position;
 - c. The proposed resolution advanced by each side; and,
 - d. The reasoning behind each side's proposed resolution.
2. The Assistant Public Guardian and the Supervisor of the mental health clinician/case manager, shall review the documentation provided in paragraph one (1) and meet within two (2) working days to resolve the dispute.

3. If, after the meeting, the dispute is not resolved or either party wishes to appeal the decision, parties will forward all documentation to a psychologist/psychiatrist for review and decision. This psychologist/psychiatrist will be an independent contractor, retained specifically by contract with Health and Human Services Agency/Public Guardian for the purpose of dispute resolution in a neutral, objective manner. The psychologist/psychiatrist's decision will be final.

(See W&I Section 5371)

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