

Alternative Dispute Resolution

- 17.1 Any actual entity, a provider or individual representing a provider, service or hospital that is aggrieved in connection with any Big Country Regional Advisory Council (BCRAC) rule(s) in accordance with its bylaws, trauma system plan, guidelines of protocol; action(s) or inaction(s), or any situation or circumstance causing dissention or aggravation, may formally protest to the BCRAC Executive Committee of Trauma Service Area "D" (TSA-D). A formal protest must be written, with date and signature or protestor(s), addresses and delivered to the BCRAC Chairperson or officer of the Executive Committee of TSA-D.
- 17.2 Copies of the protest will be mailed or delivered by the BCRAC Chairperson or an officer of the Executive Committee. A formal protest must contain:
- A. 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.
 - B. A specific and objective description of each act alleged to have violated or aggravated the protestor(s).
 - C. The aggrieved party's argument(s) and authorities in support of the protest.
 - D. Describe the relief/decision requested to resolve the matter.
- 17.3 The BCRAC Chairperson may select a Dispute Resolution Committee of at least five (5) members from the Executive Committee members to review and resolve the protest.
- 17.4 The Dispute Resolution Committee may solicit written responses to the protest from interested parties. If the protest/dispute is not resolved by mutual agreement, the Dispute Resolution Committee will issue a written determination of the protest within thirty (30) days of receipt of all pertinent (by definition of DSHS) data.
- A. If the Dispute Resolution Committee determines that no violation of rule(s) in accordance with its bylaws, trauma system plan, guidelines or protocol, action(s) or inaction(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.

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 - B. If the Dispute Resolution Committee determines that a violation of rule(s) in accordance with its bylaws, trauma system plan, guidelines or protocol, action(s) or inaction(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.
- 17.4 An aggravated party or parties may appeal the determination by the Dispute Resolution Committee. An appeal shall be submitted to the Department of State Health Services, Healthcare Quality Section no later than thirty (30) working days after the Dispute Resolution Committee's written determination, at the following address:
- Department of State Health Services
 - Healthcare Quality Section
 - 1100 W. 49th Street
 - Austin, TX 78756

The appeal shall be limited to a review of the Dispute Resolution Committee's determination. The appeal must be mailed or delivered by the appealing party or parties to DSHS, Healthcare 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 Chairperson of TSAD or designated representative(s). In the event the appeal is not timely in delivery to the office of Healthcare Quality Section, the appeal will not be considered and the appealing party or parties will be so notified in writing.

- 17.5. The DSHS, Healthcare Quality Section shall review the Dispute Resolution Committee's determination and the appeal in order to provide assistance and resolution to the aggravation. The Healthcare Quality Section shall issue a written decision on the protest, and this decision is final and not subject to further appeal.

Confidential complaints can be faxed to 877-412-3701