

East Texas Gulf Coast Regional Trauma Advisory Council
Standard Operating Procedure
Dispute Resolution

- A. It shall be the policy of the Council that all disputes between members or between a member and the RAC Administration shall be resolved at the lowest level possible. For instance, disputes arising between two members should be solved by those two members if possible. Disputes between two Committees should be resolved within the two Committees. Disputes between a member and a member of the RAC Administration should be resolved by the parties to the dispute.
- B. The purpose of the dispute resolution policy shall be to provide quick and fair resolution to all disputes arising within the membership of RAC-R. In instances where a dispute cannot be resolved between the parties to the dispute, the dispute will be investigated by the RAC Board of Directors and the Directors will recommend a fair and proper resolution to the parties. In disputes to which the Board of Directors is a party, the Board shall make every attempt to review its stance in light of all information available to it concerning the matter and make a decision that represents the best interest of the RAC as a whole. Only when all attempts to resolve a matter locally have been exhausted may either party to a dispute carry the dispute outside the RAC for redress. Matters carried outside the RAC must be presented to the Department of State Health Services for resolution and redress.
- C. The procedure for dispute resolution within RAC-R shall be as follows:
1. 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, after having made an honest and fair attempt to settle the dispute at a lower level and having failed in such attempt may formally protest to the Board of Directors.
 2. In addition, any dispute arising between two members of the RAC resulting from a difference of opinion as to the application of rule(s) in accordance with its by-laws, trauma system plan, guidelines or protocol, or any situation or circumstance causing dissention or aggravation, after having made an honest and fair attempt to settle the dispute at a lower level and having failed in such attempt may formally bring the matter before the Board of Directors for resolution or redress.
 3. A signed and dated copy of the protest or a description of the dispute shall be mailed to the Executive Director at the address of the RAC Office. In addition an electronic copy of the protest or a description of the dispute shall be emailed to the Executive Director at his/her current email address. These addresses may be found on the RAC web site at www.rac-r.com. The formal protest or description of dispute must contain the following:
 - a. A specific and objective identification or statement of the aggravating situation, circumstance or dispute.

- b. A specific reference to the by-law section, trauma system plan, guideline or protocol which may have been violated.
 - c. A specific and objective description including the approximate date of each act for which the protestor seeks redress.
 - d. The protestor's argument(s) and authorities in support of his/her protest.
 - e. A description of the relief/decision requested by the protestor to resolve the matter to his/her satisfaction.
4. Upon receipt of the information as described above, the Executive Director will copy all information to the RAC Executive Board and to all parties named in the grievance.
5. The RAC Chair person or his/her designated representative will attempt to mediate the grievance and shall have the authority to settle and/or resolve the dispute. To aid in the resolution of the dispute the mediator shall have the authority to compel any and all RAC members which may have information concerning the matter to present such evidence as they may have in the matter.
6. The mediator will have 10 days from the time of receipt of the dispute within the RAC Office to begin the mediation. Parties from whom information is requested shall have 10 days from the date of the request to reply to said request. The mediator will complete his/her mediation within 60 days from the date the protest was received in the RAC Office.
7. Upon successful mediation of the protest, the mediator will issue a written report describing the settlement to the Executive Committee. Said report shall be signed by the mediator and by each of the parties named in the protest or dispute. The Executive Committee shall insure that the agreed resolution is carried out.
8. In the event that no resolution of the matter is accomplished through the mediation process, or if the resolution agreed upon by the parties is rejected by the Executive Committee, the protest or dispute will be resolved by a determination of the Executive Committee within 30 days of date mediation desolved.
 - a. If the Executive 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 aggravation has occurred on the part of the Board of Directors against the interests of the plaintive, it shall so inform the protesting party or parties by letter, which sets forth the reasons(s) for the determination.
 - b. Likewise, in the case of a dispute between two RAC members, if the Executive Committee does not find the plaintiff's accusations to have merit, it shall so inform all parties in a letter which sets forth the reason(s) for the determination.
 - c. If the Executive Committee determines that a violation of rule(s) in accordance with its by-laws, trauma system plan, guidelines, protocol, actions(s), 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 its determination and also sets forth appropriate remedial actions.
 - d. Likewise, in the case of a dispute between two RAC members, if the Executive Committee finds the plaintiff's accusations to have merit, it shall so inform all parties in a letter which sets forth the reason(s) for the determination and also sets forth appropriate remedial actions.

- D. An aggravated party or parties may appeal the determination by the Executive Committee. An appeal must be submitted to the Department of State Health Services, Health Care Quality Section no later than thirty (30) working days after the date of the Executive Committee's determination, at the following address:

Department of State Health Services
Health Care Quality Section
1100 West 49th Street
Austin, TX 78756

The appeal must include a copy of the Executive Committee's determination and must contain an affidavit that copies of the appeal have been mailed or delivered the appealing party or parties to the RAC Chair or the Executive Director and in the case of a dispute between members to the other parties to the dispute.

- E. The appeal shall be limited to review of the Executive Committee's determination and shall be conducted in order to provide assistance and resolution to the aggravation. The Health Care Quality Section shall issue a written decision on the matter, which decision is final and not appealable.