

***Correctional
Managed Health Care
Committee***

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SUBJECT: ALTERNATIVE DISPUTE RESOLUTION

AUTHORITY: Govt. Code, Section 501.153 and Government Code, Chapter 2009.

POLICY: It is the policy of the Correctional Managed Health Care Committee to support and encourage the use of alternative dispute resolution procedures as outlined in Chapter 2009 of the Texas Government Code for the resolution of internal and external disputes under the Committee’s jurisdiction.

APPLICABILITY: The application of alternative dispute resolution processes shall be limited to activities under the Committee’s jurisdiction as outlined in the procedures below. Under no circumstances should these procedures be construed to replace or supersede the use of existing TDCJ offender grievance procedures or individual employee grievance processes at TDCJ, UTMB or TTUHSC.

PROCEDURES:

- I. The Committee’s contract documents shall include provisions that describe the process for resolving disputes related to the terms and conditions of the contract(s). Such procedures shall first encourage the use of direct communication between the parties and informal means for resolving disputes and consider the use of alternative dispute mechanisms.
- II. The Committee encourages the use of specific alternative dispute mechanisms outlined and described in the model guidelines issued by the State Office of Administrative Hearings (SOAH) found at http://www.soah.state.tx.us/AboutUs/ADR/model_guidelines.htm. SOAH endorsed resolution mechanisms include:
 - A. **Policy dialogue:** A consensus process in which the parties attempt to develop a proposal that meets the interests of the group. Although the group defines for itself what consensus means, it most commonly refers to the willingness of the parties to live with the agreement of the group.

- B. Consensus building:** A facilitated process much like mediation, but involving a larger group with a number of issues. Consensus building typically takes place over a longer period of time than a mediation. Often participants sitting “at the table” and participating in the negotiations represent constituencies who are not present, but who must approve a final agreement.
 - C. Information exchange.** A process through which governmental entities meet with various parties to give or obtain information or to clarify issues. This is usually done through meetings with individuals or groups.
 - D. Interest-based negotiation.** In any conflict, a party’s interests are the concerns, private needs, or public policies that cause it to take a certain position in the conflict. In interest-based negotiation, the parties focus on the interests that lie behind their respective positions and attempt to reach a resolution that meets the interests of all parties.
 - E. Mediation.** A confidential, informal dispute resolution process in which an impartial person, the mediator, facilitates communication between or among the parties to promote reconciliation, settlement, or understanding among them.
 - F. Conciliation:** A facilitated process much like mediation, but with less structure. For example, it may be done over the telephone. The process is designed to mend the relationship between the parties and bring about a reconciliation between them.
 - G. Hybrid processes:** A combination of two or more of the above processes.
- III. The CMHCC Executive Director shall serve, or shall designate a member of the CMHCC staff to serve, as the alternative dispute resolution coordinator who shall be trained to:
- A. coordinate the implementation of alternative dispute resolution for matters under the jurisdiction of the CMHCC;
 - B. serve as resource for any training needed to implement the procedures for alternative dispute resolution; and,

- C. collect data concerning the effectiveness of those procedures and report the results of such efforts to the Committee.

Adopted: September 25, 2007

James D. Griffin, M.D.

Chair, CMHCC