

## PATHWAYS CMH

<b>POLICY TITLE:</b> Appeals Process for Compliance Decisions	<b>CATEGORY:</b> Compliance	
<b>EFFECTIVE DATE:</b> 06/05/14	<b>BOARD APPROVAL DATE:</b> 08/01/18	
<b>REVIEWED DATE:</b> 06/27/18	<b>REVISION(S) TO POLICY STATEMENT:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Compliance Manager	<b>CEO APPROVAL:</b> Mary Swift, CEO 06/28/18	

**APPLIES TO:**

Pathways Personnel  
Contract Providers

**POLICY:**

An individual or the CEO of an organization, under review or investigation, shall have an opportunity to appeal certain decisions/recommendations made by Pathways by requesting a reconsideration of findings. This policy outlines decisions, which may be appealed, and the procedure for appeal.

**PURPOSE:**

The purpose of this policy is to provide an avenue for reconsideration of findings. Pathways recognizes that information submitted in the course of a compliance review and/or investigation may be left up to interpretation or that all pertinent information may not be available at the time of original report or review/investigation. In an attempt to be transparent and objective in situations that are not always clear, this policy provides an avenue for those being reviewed, audited or investigated an opportunity to voice their interpretation of potentially confusing program and regulatory requirements; and to give a final and time limited opportunity to provide information that, for some reason, may not have been readily available or provided at the time of the audit or investigation.

**DEFINITIONS:**

N/A

**REFERENCES:**

- NorthCare Network Compliance Plan and Policies, as applicable
- Pathways Compliance Plan and Policies, as applicable

**HISTORY:**

REVISION DATE: 04/08/15; 11/10/16; 09/18/17; 06/27/18

REVIEW DATE: 05/30/14; 04/08/15; 02/10/16; 11/10/16; 09/18/17; 06/27/18

CEO APPROVAL DATE: 06/13/14; 04/08/15; 10/10/16; 09/18/17; 06/28/18

BOARD APPROVAL DATE: 06/04/14; 1/18/16; 08/01/18

## **PROCEDURES:**

### **A. Decisions That May Be Appealed:**

The following decisions may be appealed to the Compliance/Risk Management Monitoring Team (CRMT):

1. A final determination made by Pathways Compliance Department that noncompliance has occurred that requires corrective action.
2. A final determination made by Pathways Compliance Department that a corrective action plan submitted by a Contract Provider is not acceptable.

### **B. Procedure for Appeal:**

1. Upon receipt of notice of noncompliance and request for corrective action or that the corrective action plan is not acceptable; the individual or organization shall have fifteen (15) business days to appeal the decision to Pathways CMRT.
2. The appeal shall be made in writing and submitted to Pathways CEO, or Compliance Officer.
3. Written appeals not received by Pathways CEO (or Compliance Officer) within fifteen (15) business days of the notice shall be deemed untimely and will not be considered.
3. The notice of appeal must contain a description of the relevant facts, who has requested the appeal, and a detailed explanation of the reason for the appeal.
5. Upon timely receipt, the appeal shall be considered at the next regular scheduled CRMT meeting. An earlier meeting may be called if the CRMT deems necessary.
6. Prior to the meeting at which the appeal is to be considered, the individual or organization may submit all documentation or materials supporting their appeal. The individual or organization may also request the opportunity to appear and/or be accompanied by an advocate or consultant at the meeting to present his/her position on the matter. All requests to appear shall be granted unless there is concern for one's safety.
7. In the event the individual or organization is a member of the CRMT, their role as the person requesting an appeal shall supersede their role as a CRMT deliberating and voting member.
8. Pathways CEO/Compliance Officer may enlist an independent Compliance Officer to serve as the Compliance Officer CRMT representative for the appeal.

### C. Conduct of Meeting:

The CRMT shall consider all evidence presented when deciding an appeal. It may also request the presence of the individual or organization at the meeting to answer questions and provide additional information. Pathways legal counsel may participate in the CRMT meetings in which an appeal is heard and considered.

1. Record: The appeal, and any documentation submitted by any party or other materials relied on by the committee in making its determination, shall become a part of the meeting minutes. The committee shall document, in the meeting minutes, the discussions and testimony pertaining to the appeal. The committee shall not be required to record or transcribe oral evidence or require witnesses to testify under oath.
2. Confidentiality: The record, which is composed of the meeting minutes and all of the evidence, shall be considered confidential information.
3. Decision: At the conclusion of the meeting, a decision shall be rendered by the committee. The decision shall be communicated in writing within ten (10) business days after the meeting to the individual or organization's CEO. The decision by the CRMT shall be final.