

ATHWAYS CMH

POLICY TITLE: Contract Provider Grievance (Dispute) and Appeals Process – Administrative Issues, Non-Compliance, Competence or Conduct	CATEGORY: Provider Network Management	
EFFECTIVE DATE: 08/08/13	BOARD APPROVAL DATE: 08/07/13	
REVIEWED DATE: 06/11/16	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
RESPONSIBLE PARTY: Contract Manager	CEO APPROVAL: Mary Swift, CEO	

APPLIES TO

Pathways Contract Providers

POLICY

Pathways will implement a process to address contract provider grievances and disputes and an appeal system to resolve disputes. Pathways reserves the right to limit the number of providers of any particular service.

PURPOSE

All contract providers of Pathways have the right to dispute actions taken by Pathways relating to their status within the provider network and actions related to provider’s non-compliance, professional competency or conduct. These actions may include decisions made in the Pathways Contract Provider Oversight Monitoring and Evaluation Process or instances when Pathways has chosen to discontinue a provider’s participating status within the Network based on issues of quality of care/service, performance or noncompliance. It also includes action taken as a result of any other breaches highlighted in the contract as a “material breach” and a potential cause for termination such as discrimination, non-compliance with applicable laws, non-compliance with consumers’ recipient rights and consumer grievance procedures, etc.

DEFINITIONS

1. **Dispute:** to disagree or argue about something
2. **Grievance:** a formal complaint made on the basis of something that somebody feels is unfair
3. **Individually Licensed Provider:** An individual contracted with Pathways to provide behavioral health care support or services who has met the qualifications evidenced by education, training, certification, registration, or experience.
4. **Organizational Provider:** An organization contracted with Pathways to provide behavioral health care support or services who has met the qualifications evidenced by training, certification, registration, or experience.
5. **Specialized Residential Providers:** Licensed foster care homes operating with a specialized certification from the Department of Consumer and Industry.

6. **Sub-Contractor:** a secondary contract in which the Contract Provider with Pathways in turn contracts with another individual or entity to provide part of the work or service.

REFERENCES

- BBA Section 438.214(b)(2)
- MDHHS/PIHP Contract Section P.6.3.1
- MDHHS/CMHSP Contract Section 6.4
- NorthCare Policy and Procedures
- Pathways Policy and Procedures

HISTORY

REVISION DATE: 05/29/14; 06/16/15; 06/11/16

CEO APPROVAL DATE: 06/21/13; 05/30/14; 06/13/16

BOARD APPROVAL DATE: 08/07/13

PROCEDURES

1. This dispute and appeals process does not apply to medical necessity appeals (which are covered under Utilization Management Policy) or conditions dictated in the provider contract that result in immediate termination, such as:
 - a. Provider loss of required certification/licensure;
 - b. Listing of the provider by a department or agency of the State of Michigan as being suspended from service participation in the Michigan Medicaid and/or Medicare programs; and/or
 - c. The provider being listed by a department or agency of the State of Michigan in its registry for Unfair Labor practices.

See the provider contract for a full listing of conditions for immediate termination.

2. If an organizational provider, individually licensed provider, or specialized residential provider disagrees with a determination by Pathways in the application process or during review of a provider's status, and wishes to have the matter reviewed at a higher level, the provider may do so by submitting a written request to the Chief Executive Officer or designee within thirty (30) calendar days of disposition. The request must include the following (see Appeals Request Form):
 - a. Reason for dispute.
 - b. Documentation to support the appeal.
3. The Appeals Request Form and supporting documentation must be sent to Pathways Chief Executive Officer or designee who will begin the process for a first-level review of the appeal. Providers can mail the Appeal Request Form to:
 - Pathways
Attn: Chief Executive Officer
200 W. Spring Street
Marquette, MI 49855
 - Or the appeal request form can be faxed to Pathways CEO at (906) 225-7357.
 - Or the appeal request form can be emailed to mswift@up-pathways.org
4. A first-level review will be conducted within twenty (20) calendar days of receipt of the contract provider request by a panel of at least three qualified individuals not involved in previous decisions relating to this appeal. At least one member will be a contract provider not involved in the day-to-day operations of contract management and who is a clinical peer of the contract provider that filed the dispute. Members of Pathways Credentialing Committee may be used for this level review.
5. If the first-level appeal is not satisfactory to the appealing contract provider, a second-level review may be requested by submitting written request for a second-level review to Pathways CEO within 14-days of disposition from first level-appeal.
6. Consideration by a second-level review will be conducted within fourteen (14) calendar days of request by contract provider by a panel of at least three qualified individuals not involved in previous decisions relating to this appeal. At least one member will be a contract provider not involved in the day-to-day operations of contract management and who is a clinical peer of the contract provider that filed the

dispute. Members of Pathways Executive Committee may be used for this level review.

7. After formal review of the dispute, a written summary of Pathways examination of the complaint and outcome will be given to the contract provider, within fourteen (14) calendar days of completion.
8. The decision of the dispute resolution review panel (second-level review) shall be the final Pathways position regarding the dispute.
9. Any corrective action plan issued by Pathways to the contract provider regarding action being disputed by the contract provider shall be on hold pending the final Pathways decision regarding the dispute.
10. In the event of an emergent non-compliance dispute, the dispute resolution process shall be initiated and completed within five (5) working days.
11. If a contract provider has been issued a dismissal notice from the Pathways, then the contract provider is considered participating up through the last day of participation as indicated on the notice unless the notice is received on or after the last participation day, in which case the contract provider must be given reasonable time to initiate the dispute mechanism.