

PATHWAYS CMH

POLICY TITLE: Contract Provider Grievance (Dispute) and Appeals Process – Administrative Issues, Non-Compliance, Competence or Conduct	CATEGORY: Contract Provider Management	
EFFECTIVE DATE: 08/08/13	BOARD APPROVAL DATE: 03/08/17	
REVIEWED DATE: 10/17/18	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 offer a dispute resolution process. 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 individuals' recipient rights and individual grievance procedures, etc.

DEFINITIONS:

1. ***Dispute:*** to disagree or argue about something
2. ***Grievance/Complaint:*** 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 (Facilities):*** Providers with whom Pathways contracts and that directly employ and/or contract with individual practitioners to provide behavioral health services. Examples of organization providers include, but are not limited to: Specialty Services (OT, PT, SLP), Case Management Services.
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; 02/14/17; 01/17/18; 10/17/18

CEO APPROVAL DATE: 06/21/13; 05/30/14; 06/13/16; 02/14/17; 10/17/18

BOARD APPROVAL DATE: 08/07/13; 03/08/17

PROCEDURES:

1. This dispute resolution process does not apply to medical necessity appeals (which are covered under separate 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 initiate the dispute resolution process, 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 dispute.
3. The Dispute Resolution 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 review. Providers can mail the Dispute Resolution Request Form to:
 - Pathways
Attn: Chief Executive Officer
200 W. Spring Street
Marquette, MI 49855
 - Or the Dispute Resolution Request Form can be faxed to Pathways CEO at (906) 225-7357.
 - Or the Dispute Resolution 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 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 review is not satisfactory and there is additional information to be considered from the disputing 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 review.
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 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 regarding action being disputed 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.

CONTRACT PROVIDER APPEAL REQUEST FORM

Send form via fax, email or mail to: Mary Swift, Chief Executive Officer, Pathways
Fax: (906) 225-7204; E-mail mswift@up-pathways.org
Mail to: Pathways, Attn: Mary Swift, CEO, 200 W. Spring Street, Marquette, MI 49855

Request for: **Level-one Review** **Level-two Review**

Contract Provider Name:	Date Requesting Appeal:
Date Notified by Pathways of Contract Provider participation decision:	
Reason for Dispute	
Additional Information	

Please attach any relevant supporting documentation.

Provider Signature: _____ Date: _____

For Office Use Only:

Date Request Received:	Date of Review:
Date of Response to Contract Provider:	
Findings/Outcome:	