

**SWMBH Operating Policy 10.14**

<b>Subject:</b> Appeal Process for Compliance Decisions		<b>Accountability:</b> Compliance	<b>Effective Date:</b> 03/21/2014	Pages: 2
<b>REQUIRED BY:</b> BBA Section _____ PIHP Contract Section _____ NCQA Standard _____ Other _____			Last Reviewed Date: 10/4/18	Past Reviewed Dates: 3/21/14 5/13/16 5/17/17
<b>LINE OF BUSINESS:</b> <input checked="" type="checkbox"/> Specialty Waiver (B/C) <input checked="" type="checkbox"/> 1115 Waiver <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> MI Health Link <input type="checkbox"/> OTHER: _____	<b>APPLICATION:</b> <input checked="" type="checkbox"/> SWMBH Staff and Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH / DD providers <input checked="" type="checkbox"/> Other: <u>MI Health Link Providers</u>		Last Revised Date: 10/4/18	Past Revised Dates: 5/17/17
Approved: <u>Mila C. Todd</u> Date: <u>10-11-18</u>		Required Reviewer: Chief Compliance & Privacy Officer		

**I. Purpose**

The purpose of this policy is to articulate Southwest Michigan Behavioral Health’s (SWMBH) commitment to the adherence of those standards contained and/or referenced in the SWMBH Compliance Plan. This policy shall outline a process for appeal of a compliance decision/recommendation.

**II. Policy**

An aggrieved person or organization shall have an opportunity to appeal certain decisions made by the Corporate Compliance Office. This policy outlines decisions which may be appealed, and the procedure for appeal.

**III. Standards and Guidelines**

A. Decisions That May Be Appealed: The following decisions may be appealed to the SWMBH Compliance Oversight Committee (COC):

1. A final determination made by SWMBH’s Corporate Compliance Department that noncompliance has occurred that requires corrective action.
2. A final determination made by SWMBH’s Corporate Compliance Department that a Participant or contracted/subcontracted provider submitted corrective action plan is not acceptable.

B. Procedure for Appeal

1. Upon receipt of notice of noncompliance and request for corrective action (either repayment, submission of a corrective action plan, or both), the aggrieved shall have thirty (30) days to appeal the decision to the SWMBH Corporate Compliance Committee.
2. The appeal shall be made in writing and be directed to the SWMBH Chief Compliance Officer.
3. Written appeals not received by the SWMBH Chief Compliance Officer shall be deemed untimely and will not be considered. The notice of appeal must contain a

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description of the relevant facts and a detailed explanation of the reason(s) for the appeal.

4. Upon timely receipt, the appeal shall be considered at the next regularly scheduled SWMBH Compliance Oversight Committee meeting. An earlier meeting may be scheduled and convened if warranted.
5. Prior to the meeting at which the appeal is to be considered, the aggrieved shall submit all documentation supporting his/her appeal. The aggrieved may also request the opportunity to 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.
6. In the event that the aggrieved party is a member of the SWMBH Compliance Oversight Committee, their role as the aggrieved shall supersede their role as a deliberating and voting member of the Compliance Oversight Committee. If the aggrieved party is a representative from a Participant CMHSP, the SWMBH Chief Compliance Officer will attempt to recruit another representative from a Participant CMHSP to serve on the SWMBH Compliance Oversight Committee for the purposes of the appeal.
7. The SWMBH Chief Compliance Officer shall recuse him/herself from deliberating and voting as a member of the Compliance Oversight Committee for purposes of deciding the outcome of an Appeal of a Corporate Compliance decision.

### C. Conduct of The Meeting

1. The SWMBH Compliance Oversight Committee shall consider all the evidence brought before it when deciding an appeal. It may also request the presence of the aggrieved at the meeting to answer questions and provide additional information. SWMBH Compliance Counsel may be present or participate in the meeting in which the appeal is heard and decided.
2. Documentation: The appeal and any documentation submitted by any party or other materials relied upon 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.
3. Confidentiality: The record, which is composed of the meeting minutes and all of the evidence, shall be considered confidential information.
4. Decision: At the conclusion of the meeting, a decision shall be rendered. The decision shall be promptly communicated in writing to the aggrieved. The decision of the SWMBH Compliance Oversight Committee shall be considered final.

## IV. Definitions

None

## V. References

None

## VI. Attachments

None