

**Western Highlands Network
Communication Bulletin # 32**

**Provider Appeals Policy
Revised 3/31/06**

I. Entities that may Appeal:

Parties with standing to file an appeal are:

- (a) An organization which has a contractual agreement with the Western Highlands Area Authority.
- (b) An organization which had a contractual agreement with the Western Highlands Area Authority within six (6) months of the date of the appeal.

II. Grounds for an Appeal:

Appeals may be made from either the establishment of a rule or policy, from the application of a rule or policy in a given situation, or from the interpretation of the effect of a contract in a given situation.

Decisions made pursuant to the following policies can not be appealed:

- (a) Providers may not appeal actions taken as a result of the no retroactive authorizations policy.
- (b) Providers may not appeal the termination of contractual agreements due to documented issues with consumer health and safety.
- (c) Providers may not appeal a suspension of referrals action taken for reasons of documented issues with consumer health and safety; repeated unresolved Corrective Action Plans; or failure to abide by the terms of Contractual Agreements or Memoranda of Agreement.
- (d) Providers may not appeal decisions that only a consumer or legal guardian may appeal, such as the denial, reduction or termination of services.

III. Procedure for filing an Appeal:

The aggrieved party shall follow the following steps outlined within the specified time lines.

- (a) Prior to filing an Appeal the aggrieved party must have discussed the matter with the department Supervisor at Western Highlands Network (WHN) within 20 working days of the challenged action.
- (b) If this discussion has not led to a reasonable solution then the aggrieved party shall put their concerns in writing to the Director of Provider Network Development (PND). This written notice must:
 - ✓ Be sent within 20 working days of the discussion with the department supervisor mentioned above.
 - ✓ Be sent by certified mail, return receipt requested.
 - ✓ Contain the name, address of the aggrieved person, a description of the challenged action, a statement of the reasons why the challenged action is incorrect, and a summary of the discussions with the WHN regarding this matter.
 - ✓ Include the citing of the state policy sections that WHN is in violation cited by name and/or the WHN policy cited by name and number.

- ✓ All supporting documentation, such as faxes and copies of correspondence, must be clearly legible.
- (c) The PND Director will review all materials provided by the aggrieved party, review internal documentation and discuss with other WHN staff as necessary. The PND Director will send a written notice of decision to the appealing party within 30 working days of receipt of the appeal letter by certified mail.
- (d) If the aggrieved party believes that the decision reached by the PND Director is incorrect, they may appeal to the WHN Chief Executive Officer (CEO) or Chief Finance Officer (CFO) depending on the nature of the issue(s). Any such appeal letter must be sent within 10 working days of receipt of decision by PND Director, and must contain information as listed in III (b). Any such appeal sent to the incorrect person will be forwarded to the correct staff person by WHN staff.
- (e) The WHN CEO or CFO will review all documentation provided by the aggrieved party within 15 working days of receipt of the written appeal request.
- (f) The WHN CEO or CFO, at his or her discretion, may request a meeting with the aggrieved parties after the initial 15 working day review period. The CEO or CFO may choose to grant an Appeal Meeting with the provider, conduct an informal review, or review material provided and submit a written response. If an Appeal meeting is scheduled, it will not exceed one (1) hour, and will be audio recorded.
- (g) A final decision will be sent to the aggrieved party within 30 working days after any meeting date with the aggrieved party or within 45 working days from receipt of the appeal request if no face-to-face meeting occurred.

IV. Area Authority Appeals Panel

The aggrieved party may appeal the decision of the Western Highlands CEO or CFO to the N.C. Division of MH/DD/SAS Area Authority Appeals Panel, pursuant to N.C.G.S. 122C-151.4. The procedures can be found in 10A NCAC 27G .0808 - .0812.