



Regional Due Process & Appeals Committee CHARGE

PARTNERSHIP VISION

Recognition as a model of excellence for a system of care that is confirmed by our customers' successes

PARTNERSHIP MISSION

To assure the delivery of quality services to consumers so as to achieve their desired outcomes

VALUES

- Shared Vision/Mission
- Consumer involvement in all areas of the affiliation.
- Diversity
- Leadership across the community and the state.
- Continuous learning and improvement
- Meaningful outcomes

WORKGROUP PURPOSE

- Ensure regional compliance with policy and procedure regarding consumers' due process rights.
- Ensure dissemination of information occurs throughout the region with any known changes in federal or state law, or any known state contractual changes related to due process rights.
- Pursue ways to make the appeals process easier to navigate for consumers/legal representatives, staff, and providers. This includes,

but is not limited to, providing information directly, and/or making recommendations to provide information to staff, consumers, and providers, with ways to assist them in navigating the due process system throughout the CMHPSM.

- Maintain, review, and report data regarding local appeals, state level appeals, and other related due process activities that occur across the CMHPSM. Reviews, reports, and makes recommendations on any trends and/or service implications on local, state, and federal levels.
- Review grievance data reported by the Regional Member Services Committee for any related trends that need to be addressed or tracked across the CMHPSM.
- Monitor, evaluate, and make recommendations based on the data review regarding the number and types of grievances, local appeals, and state levels appeals and the results of those activities across the CMHPSM.
- Ensure that dissemination of information occurs throughout the CMHPSM with any committee recommendations applicable to due process.

STRATEGIC PLAN ALIGNMENT

The Due Process & Appeals Committee charge is in alignment with Outcome Area #6 of the 2004-2206 Affiliation Strategic Plan:

“Customers (defined as consumers, providers, community entities, and staff) will have the necessary access to people and information to navigate throughout the CMHPSM.”

The purpose of this Committee is aligned with the goal areas of providing consistent and informational tools for consumers to access and navigate the regional CMH system that identifies and responds to grievances and appeals; for staff to navigate their work environment related to due process policy and procedure; and for providers to access and navigate the due process component of CMH system (with which) they contract.

Part of the intent of the appeals process is to be fair and as administratively simple as possible, to promote local resolution of appeals/appeal related concerns, and to empower consumers toward self-advocacy. In the spirit of this, the Due Process/Appeals Committee seeks opportunities for continual improvement in making the due process system more approachable, more accessible and more comprehensive to consumers, staff, and providers. Additionally, the Committee seeks to promote local resolution of the majority of appeal-related activity wherever possible and appropriate.

INDICATORS/MEASUREMENTS

Indicators for the Regional Due Process Committee for FY 05/06 are:

- 95% of hearing decisions affirm the PIHP/CMHA decision/action.
- 90% of hearings are withdrawn due to being resolved locally.

CHANGE PROCESS

Should the scope of the original purpose of the Committee need to be re-examined, the committee chair will bring the recommended change to the PI committee for input and approval to amend the purpose of the committee charge.

COMMUNICATION PLAN

The Committee chair will provide quarterly updates to the PI Committee on the progress the Committee is making on addressing the purpose stated in the charge.

The Committee members from each county will relay the information/work of the Committee to their county to obtain input, suggestions, recommendations etc. The Committee members will then bring that information back to the Committee to be included in the products the Committee is working on.

CONSUMER ROLE and or PLAN FOR CONSUMER INVOLVEMENT:

Consumer input will be obtained through specific requests for input to the Regional Consumer Advisory Council, with the potential for ad hoc representation where applicable. Input will also be pursued with any local consumer advisory groups where applicable.

RELATIONSHIP to PERFORMANCE IMPROVEMENT:

The Due Process & Appeals Committee was charged by the Regional Fair Hearings Officer (with the approval of the Affiliation Executive Committee) to regionalize the grievance and appeals process for the CMHPSM, and report on regional and local trends with due process activity. The Committee has, in addition, charged itself with areas of improvement related to staff training, regional standardization of forms, implementation of forms in the electronic record, and improving consumer's ability to navigate the grievance and appeals process. The Committee may be charged by the PI Committee on an ad hoc basis to address a specific recommendation/issue/innovation or improvement opportunity that is brought forward to the PI Committee to be resolved.

Through any of the above-mentioned methods that the committee is charged, the Due Process and Appeals Committee will report to the PI Committee its status on

the implementation of the charge that may include items in an Action Plan and or the reporting of data from indicators being tracked/monitored by the committee.

The PI Committee in turn will report the work of the PI Team to the Affiliation Executive Committee during its periodic reports.

REPORTING RELATIONSHIPS:

The Due Process and Appeals Committee reports to Regional Member Services Committee on a quarterly basis, or more often if needed or requested. Reports include recent appeals activity/trends and a review of whether that activity is also relevant to areas under the purview of Member services, such as consumer satisfaction. The Chair of the Due Process and Appeals Committee is a standing member of the Member Services Committee.

COLLABORATIVE RELATIONSHIPS:

The Due Process and Appeals Committee also collaborates on an ad hoc/as needed basis to the Regional Utilization Review Committee when appeals activity is related to UM/UR decisions. Such reports would include trends in UM/UR decisions, trends in provision of services/supports, and any recommendation(s) the Due Process & Appeals Committee would have based on those trends.

RESOURCES:

- A. Balanced Budget Act (including 42 CFR Part 438)
- B. Code of Federal Regulations (Medicaid Laws), specifically 42 CFR434.32, 42CFR431.200-431.246, 42CFR440.230.
- C. Medicaid Provider Manual – specifically Mental Health/Substance Abuse Services
- D. DCH Medical Services Administration (MSA) Bulletin: Medicaid Eligibility Manual – Beneficiary Hearings
- E. CMHSP Appeal and Grievance Resolution Processes – Technical Requirement, August 2003
- F. MDCH Master Contract, including Attachments – 3.4.1.1 Person-Centered Planning Best Practice Guideline; 3.2.1 and 3.3.1 Medical Necessity Criteria; 6.3.2.1 Appeal and Grievance Technical Requirement
- G. Administrative Procedures Act of 1969, Public Act 306 of 1969, Sec. 24.271-24.287
- H. MDCH Administrative Rules
- I. MDCH Policy Hearing Authority Decision #01-0358CMH, and subsequent MDCH clarifications

ROLE of the CHAIR:

The role of the Chair is to coordinate the meetings. This includes but is not limited to:

- Provide members the necessary materials needed for participating in meetings.
- Facilitate meetings
- Use regionally agreed upon process to assist in the facilitation i.e. problem solving methods, conflict resolution
- Field information between the Committee, each county and the PI Committee
- Be accountable in ensuring that each local county has the necessary information to implement regionally agreed upon activities.

ROLE of the MEMBERS:

The members of the committee are accountable for coming prepared to meetings to allow for active participation.

Members will provide input regarding the role represented whether it being a local county role, a committee role, a function related role or dual role. Members will also relay information to and from counties and committees to ensure full alignment with the purpose of the PI Team.

Committee members serve as the local Grievance and Appeals Administrator. This includes ensuring compliance with the local appeals process, coordinating state level appeals in their locality with the Regional FHO, and being a local resource for staff where needed. Members also ensure local compliance with due process policy and procedures.

MEMBERSHIP:

<i>NAME</i>	<i>ROLE</i>	<i>E-MAIL</i>	<i>PHONE / PAGER</i>
TBD	AEC Coach		
CJ Witherow	Committee Chair	witheroc@ewashtenaw.org	734-544-6819
Shauna Reitmeier	PI Chair (Ad Hoc)	reitmeiers@ewashtenaw.org	734-544-3000
Larry Newberg	Committee Member (Livingston)	lnewberg@CMHLIV.org	517-546-4126
Bridgitte Gates	Committee Member (Monroe)	bgates@mail.monroecmha.org	734-243-7340
Melinda Perez	Committee Member (Lenawee)	mperez@lcmha.org	517-263-8905
Jan Baltzell	Committee Member (Washtenaw)	baltzellj@ewashtenaw.org	734-544-3000

