

## **Appendix 1**

### **Notice of Hearing and Appeal Process Policy for Alteration of Participating Status**

#### **Policy:**

When CCPA alters the conditions of a practitioner's participation based on issues with inappropriate behavior, quality, compliance or service, the practitioner has the right to appeal such decisions.

#### **Purpose:**

To ensure fair and consistent implementation of appeal process policy and procedure for CCPA members.

#### **Procedure:**

1. CCPA reserves the right to alter the participation status of any participating provider:
  - Upon ninety (90) days written notice, without cause;
  - At the time of recredentialing; or
  - Immediately
2. A provider who has had his/her participation status altered either at the time of recredentialing or as a means of corrective action shall have a right of appeal, in accordance with procedures. The practitioner will also receive a copy of this policy explaining the appeals process. The provider shall notify the executive director of his/her intent to appeal as provided in this policy.
3. Upon request, CCPA may furnish the appellant copies of documentations and other factual information relied upon by CCPA in making the termination decision. This request will be completed at the discretion of the CCPA board of directors.
4. The appeals committee shall be the board of directors, the credentialing committee or special committee appointed by the board.
5. The appeals committee may uphold, reject or modify the termination or corrective action decision. The decision of the appeals committee will be based solely on the evidence submitted to the committee and/or provided at the hearing.
6. The decision of the appeals committee shall be final; however, this procedure does not preempt or preclude any remedies either party may have under statutory or common law.

## **Appeals Process**

1. Upon notice of termination or corrective action decision, if appeal is desired, provider must send written request for appeal (including any request for information) to the executive director within thirty (30) days of the notice. Within thirty (30) days of the date upon which CCPA has furnished all requested information, the appellant must submit any narrative and supporting documentation for the committee's consideration.
2. The appellant may also request a hearing within thirty (30) days of the notice. The executive director will schedule a hearing date mutually satisfactory to the appeals committee and the appellant. Except in extraordinary circumstances, the hearing will be held within sixty (60) days of receiving the request for appeal.
3. The appeals committee will appoint a presiding officer, who shall chair the meeting and rule on all questions of procedure. The presiding officer need not be a member of the committee, but in such a case the presiding officer will not vote on the matter and shall act solely as an impartial procedural arbiter. The presiding officer need not follow judicial rules of evidence and shall permit consideration of any information on which a reasonable person might rely in the conduct of serious affairs.
4. The chair of the credentialing committee (or his/her designee) shall present the case for termination of appellant's participation and shall have the right to call and question witnesses and to question any witnesses presented on behalf of the appellant.
5. The appellant shall have the right to submit a written statement to the appeals committee and to appear with or without representation by an attorney or another person of their choice before the appeals committee at the hearing. The appellant shall have the right to produce witnesses or other evidence to dispute the corrective action decision and to question any witnesses appearing on behalf of CCPA.
6. The presiding officer will notify the appellant of the decision within fifteen (15) business days of the conclusion of the appeals hearing. The notification will include specific reasons for the decision.