

North Sound Behavioral Health Organization, LLC

Section 1000 – Administrative: Grievance, Appeal, Fair (Administrative) Hearing & Notice – General Policy Requirements

Authorizing Source: 42 CFR 438 Subpart F, WAC 388-877-0660, 388-877-0654 through 388-877-0680, 42 CFR 431

Cancels:

See Also:

Providers must comply with this policy and may develop individualized implementation guidelines as needed

Responsible Staff: Operations Manager

Executive Director

Approved by: County Authorities Executive Committee (formerly known as the Board of Directors)

Motion #: 04-027

Date: 6/20/2004

Signature:

Date: 4/1/2016

POLICY #1001.00

SUBJECT: GRIEVANCE, APPEAL, FAIR (ADMINISTRATIVE) HEARING and NOTICE – GENERAL POLICY REQUIREMENTS

PURPOSE

To provide an overview of the North Sound Behavioral Health Organization (North Sound BHO) Grievance System which includes Grievance, Notice, Appeal, and access to the state Fair Hearing policies and process for eligible individuals applying for, eligible for and have received or are receiving, mental health (MH) and/or Substance Use Disorder (SUD) services from North Sound BHO.

North Sound BHO's grievance system policies outline the rights, responsibilities and requirements of North Sound BHO, individuals, providers, designees and other involved parties at all levels of the grievance, appeal, fair (administrative) hearing system, and notice of action. Refer to the following North Sound BHO policies for specific requirements: # 1002 Grievance Policy, # 1003 Appeals Policy, #1004 Fair (Administrative) Hearing Policy, # 1005 Notice Requirement Policy and #1547 Customer Service Policy.

GENERAL POLICY

It is the policy of North Sound BHO to resolve grievances and appeals at the lowest possible level, in a confidential manner and without retaliation. North Sound BHO's policy is to resolve or rule upon, if necessary, individuals' grievances, or appeals honoring individual voice, choice and rights while considering the most effective clinical practices, Statewide Access to Care Standards, medical necessity, laws and Federal/State/North Sound BHO contractual requirements.

North Sound BHO maintains a Grievance System that complies with the requirements of 42 CFR 438 Subpart F and WAC 388 877 0654 through 388 877 0680 insofar as those WACs are not in conflict with 42 CFR 438 Subpart F.

The grievance system includes:

1. A grievance process;
2. An appeal process; and
3. Access to fair hearings

Before requesting a fair hearing, the individual must exhaust:

1. The grievance process, subject to WAC 388-877-0660; or
2. The appeal process, subject to WAC 388-877-0670.

An individual or the individuals authorized representative applying for, eligible for, or receiving mental health and/or substance use disorder services, authorized by North Sound BHO, may access the North Sound BHO's grievance system to express concern about their rights, services, or treatment.

Individuals will be informed of available system resources including provider grievance contacts, North Sound BHO customer service, independent Ombuds services, and other supports available to them at each level of the process.

North Sound BHO provides customer service toll free to assist individuals with their options to pursue grievances, appeals, second opinions and fair hearings. North Sound BHO's customer service staff will assist callers to triage their concern to the appropriate party and outline available supports for the process.

Each North Sound BHO contracted provider is required to have a specific grievance system contact with toll free access to receive grievances and assist with the processes. These toll free Grievance System contacts numbers will be specified in each provider's grievance system policies. Individuals may use the free and confidential Ombuds services contracted through the North Sound BHO. Ombuds services are offered and provided independent of North Sound BHO and Behavioral Health Agencies (BHA) and are offered to individuals at any time to help them with resolving issues or problems at the lowest possible level during the grievance, appeal, or fair hearing process.

Provider, formal designee and North Sound BHO staff are also available to provide individuals with assistance in completing any forms and taking other procedural steps. This includes, but is not limited to, provision of Ombuds services, interpreter services/translation, and toll-free numbers with adequate TTY/TTD capability provided by Washington Relay Services. North Sound BHO grievance and appeal process will be age, culturally and linguistically competent.

Individual reporting requirements for grievances and appeals on the part of the BHA and BHO are outlined in the respective policies.

Grievance System Definitions

The terms and definitions in WAC 388-877-0200 and WAC 388 877 0655 apply to the grievance system rules.

1. **"Action"** means, in the case of a behavioral health organization (BHO):
 - a. The denial or limited authorization of a requested service, including the type or level of service;
 - b. The reduction, suspension, or termination of a previously authorized service;
 - c. The denial in whole or in part, of payment for a service;
 - d. The failure to provide services in a timely manner, as defined by the state; or
 - e. The failure of a BHO or its contracted behavioral health agency to act within the grievance system timeframes as provided in WAC 388-877-0660 through 388-877-0675.

2. "**Administrative hearing**" means a proceeding before an administrative law judge that gives an individual an opportunity to be heard in disputes about DSHS programs and services.
3. "**Appeal**" means an oral or written request by an individual, or with the individual's written permission, the individual's representative, for the behavioral health organization (BHO) to review an "action," as defined in this section. See also "expedited appeal."
4. "**Appeal process**" is one of the processes included in the grievance system that allows an individual to appeal an action made by the behavioral health organization (BHO) and communicated on a "notice of action."
5. "**Expedited appeal process**" allows an individual, in certain circumstances, to file an appeal that will be reviewed by the behavioral health organization (BHO) more quickly than a standard appeal.
6. "**Fair (Administrative) Hearing**" is conducted through the auspices of the state Office of Administrative Hearings (OAH). The term "fair hearing" is synonymous with administrative hearing. A fair hearing is a legal proceeding before an administrative law judge that gives an individual an opportunity to be heard in disputes about behavioral health programs and services.
7. "**Grievance**" means an expression of dissatisfaction about any matter other than an "action."
8. "**Grievance process**" is one of the processes included in the grievance system that allows an individual to express concern or dissatisfaction about a behavioral health service.
9. "**Grievance system**" means the processes through a behavioral health organization (BHO) in which an individual applying for, eligible for, or receiving behavioral health services may express dissatisfaction about services. The grievance system must be established by the BHO, must meet the requirements of 42 C.F.R. Sec. 438, Subpart F, and include:
 - a. A grievance process;
 - b. An appeal process; and
 - c. Access to the department's administrative hearing process.
10. "**Individual**" means a person who applies for, is eligible for, or receives behavioral health organization (BHO)-authorized behavioral health services from an agency licensed by the department as a behavioral health agency.

For the purposes of accessing the grievance system, the definition of individual also includes the following if another person is acting on the individual's behalf:

- a. In the case of a minor, the individual's parent or, if applicable, the individual's custodial parent;
 - b. The individual's legal guardian; or
 - c. The individual's representative if the individual gives written permission.
11. "**Notice of action**" is a written notice a behavioral health organization (BHO) provides to an individual to communicate an "action."

ATTACHMENTS

None