

| | | | |
|-----------|--|--------------------------------------|--------------|
| No. CR-10 | Subject: Practitioner Appeal Rights | Effective Date: November 10, 2010 | Review Date: |
|-----------|--|--------------------------------------|--------------|

POLICY:

This policy is to ensure participating providers are afforded an opportunity to appeal a recommendation by the Credentials Committee to deny, restrict, or terminate a Practitioner's participation. The Practitioner shall have a right to appeal such a decision and to request a hearing before an appeal committee appointed by the Credentials Committee.

PURPOSE:

To ensure practitioners are given the opportunity to appeal a recommendation by the ISHN Credentials Committee to the board of directors to deny, restrict or terminate a practitioner's participation with ISHN.

NOTICE OF DECISION AND RIGHT TO APPEAL:

1. After the Credentials Committee decides to recommend to the board of directors that it deny, restrict or terminate a practitioner, ISHN will provide written notification to the practitioner indicating the action taken with the reason(s) for the action and a summary of the appeal rights and processes.
2. ISHN will notify the practitioner in writing within ten (10) working days following the Credentials Committee decision. The notice letter will be created and approved by the CEO before mailing to the practitioner. Notice letters will:
 - a. be mailed certified mail, signed receipt requested;
 - b. include notification that the Credentials Committee recommended that the practitioner's participation with ISHN be declined, restricted or terminated;
 - c. include reasons for the action;
 - d. include a summary of the appeal rights and process;
 - e. advise the practitioner that he/she will be allowed to request a hearing;
 - f. allow 30 days from the receipt of the letter to respond and ask for a hearing (note the signature on the certified card returned to ISHN);
 - g. indicate that failure to request an appeal within such time period will constitute a waiver of the right to appeal; and
 - h. advise the practitioner that he or she may be represented by an attorney or by another person who participates with ISHN and who practices the same specialty.

CRITERIA TO DECLINE, RESTRICT OR TERMINATE PARTICIPATION:

1. Any of the following may be a basis for the Credentials Committee to recommend to the board of directors that a practitioner's participation with ISHN be declined, restricted or terminated.
 - a. Incomplete application, unable to complete verifications due to lack of information
 - b. Failure to provide proof of insurance as required by this policy
 - c. Disqualification, suspension or other sanction with respect to license to practice
 - d. Threatened disqualification or suspension of licensure in any state
 - e. No longer in good standing on the medical staff of any hospital (e.g., received a sanction or warning from a hospital or healthcare facility)
 - f. Professional misconduct by the practitioner
 - g. Practitioner's violation of principles of professional ethics
 - h. An excessive number of liability claims filed, resolved cases or notices of intent to file against Practitioner's malpractice insurance coverage
 - i. Has been indicted or charged with a felony or crime of moral turpitude
 - j. Application for participation in ISHN or any application for re-credentialing contains a deliberate misstatement or misrepresentation or omission
 - k. Received a denial or termination of participation from a health plan.
2. The appeal process is instituted in situations where the conditions of the quality of care or safety are at risk.

REPORTING TO APPROPRIATE AUTHORITIES

1. ISHN will investigate adverse actions, denials and terminations to appropriate authorities for Quality reasons
2. Examples of authorities are:
 - a. State Licensing Agency
 - b. Federal State Medical Board
 - c. National Practitioner Data Bank
 - d. Applicable Hospital Affiliations
 - e. Medicare or Medicaid

NOTE: this element does not apply if a provider terminates voluntarily or if the provider is denied or terminated for not meeting contractual obligations for network participation.

APPEAL PROCEDURES:

ISHN will provide to the Chief Medical Officer of ISHN and to the Appeal Committee all records, reports and materials relating to the Credentials Committee decision regarding practitioner, including survey tools, and files for review and decision making.

- The Chief Medical Officer will review the information and respond with a decision in writing within 30 days from the date the appeal is received.
- If practitioner is not satisfied with the decision made by the Chief Medical Officer, the practitioner has the right to request a hearing. The practitioner must notify the Appeal Committee in writing within 30 days of receipt of the Chief Medical Officer's decision and include all documentation that practitioner intends to submit for the Appeal Committee to consider.
- The practitioner may be represented by an attorney or by a person of the practitioner's choosing who participates in ISHN and practices the same specialty as practitioner.
- The Appeal Committee will review the material submitted by ISHN and by the practitioner, conduct a hearing and render a decision within 30 days following the hearing date. The practitioner will be notified of the decision, including specific reasons, in writing.
- The Credentials Committee decision will be final upon approval by the Board and the practitioner will no longer have the right to contest such decision to decline, restrict or terminate practitioner's participation in ISHN.

COMPOSITION OF THE APPEAL COMMITTEE:

The Appeal Committee shall be selected by the Chair of the Credentials Committee and shall consist of 3 or 5 persons, one of whom practices in the same specialty as the practitioner.

HEARING PROCEDURES:

1. The Appeal Committee members shall appoint a presiding officer of the Appeal Committee from their number.
 - a. At least fifteen (15) days before the hearing, ISHN and practitioner shall each provide to the other and to the Appeal Committee a list of any witnesses who will be expected to testify at the hearing.
 - b. Failure to notice ISHN within the 15 day time frame regarding individuals who will accompany the appellant could preclude their attendance at the hearing.
 - c. ISHN's counsel may attend the hearing.
2. Upon receipt of a practitioner's request for appeal, the ISHN Enrollment/Credentialing Manager will schedule the Appeal Committee and notify the practitioner of the date, time, and place of the hearing, which will be no less than thirty