

PARTNERSHIP HEALTHPLAN OF CALIFORNIA

POLICY / PROCEDURE

Policy/Procedure Number: CGA024 (previously CGA-003, Health Services [HS] MCQP1034; Member Services [MS] policy #300)			Lead Department: Administration	
Policy/Procedure Title: Medi-Cal Member Grievance System			<input checked="" type="checkbox"/> External Policy <input type="checkbox"/> Internal Policy	
Original Date: 02/11/99 (MS 300)		Next Review Date: 02/14/2025 Last Review Date: 02/14/2024		
Applies to:	<input checked="" type="checkbox"/> Medi-Cal		<input type="checkbox"/> Employees	
Reviewing Entities:	<input checked="" type="checkbox"/> IQI		<input type="checkbox"/> P & T	
	<input type="checkbox"/> OPERATIONS		<input type="checkbox"/> EXECUTIVE	
Approving Entities:	<input type="checkbox"/> BOARD		<input type="checkbox"/> COMPLIANCE	
	<input type="checkbox"/> CEO <input type="checkbox"/> COO		<input type="checkbox"/> FINANCE	
			<input type="checkbox"/> DEPARTMENT	
			<input type="checkbox"/> PAC	
			<input type="checkbox"/> DEPT. DIRECTOR/OFFICER	
Approval Signature: Robert Moore, MD, MPH, MBA			Approval Date: 02/14/2024	

I. RELATED POLICIES:

- A. MCND9002 Cultural & Linguistic Program Description
- B. MPQP1016 Potential Quality Issue Investigation and Resolution
- C. MCUP3037 Appeals of Utilization Management/Pharmacy Decisions
- D. MPQP1022 Site Review Requirements and Guidelines
- E. CGA022 Member Discrimination Grievance Procedure

II. IMPACTED DEPTS:

- A. Member Services
- B. Provider Relations
- C. Health Services

III. DEFINITIONS:

- A. Acknowledgment Letter is a written notification of receipt of a grievance or appeal that is sent to the member or the member’s authorized representative.
- B. Adverse Benefit Determination encompasses all previously existing elements of “Action” under federal regulations with the addition of language that clarifies the inclusion of determination involving medical necessity, appropriateness, setting, covered benefits, and/or financial liability. An adverse benefit determination is defined to mean any of the following actions taken by a Managed Care Plan (MCP) (i.e., Partnership HealthPlan of California (PHC)):
 - 1. The denial or limited authorization of a requested service, including determinations based on the type or level of service, medical necessity, appropriateness, setting, or effectiveness of a covered benefit.
 - 2. The reduction, suspension, or termination of a previously authorized service.
 - 3. The denial, in whole or in part, of payment for a service.
 - 4. The failure to provide services in a timely manner.
 - 5. The failure to act within the required timeframes for standard resolution of grievances and appeals.
 - 6. The denial of the member’s request to obtain services outside thenetwork.
 - 7. The denial of a member’s request to dispute financial liability.
- C. Appeal is a member’s request to PHC for reconsideration of an adverse benefit determination resulting in the delay, modification, or denial of a service, benefit or claim based on medical necessity, or a determination that the requested service was not a covered benefit.
- D. Authorized Representative is a relative, friend, attorney or other person authorized by the member to represent them in matters regarding their healthcare.



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- E. Complaint is the same as a grievance. See grievance definition.
- F. Deemed Exhaustion occurs if PHC fails to adhere to the state and federal notice and timeframe requirements for either a Notice of Action (NOA) or a Notice of Appeal Resolution (NAR), including failure to provide a fully translated notice, or failure to provide timely and/or sufficient notice in the member's alternative format preferences. When deemed exhaustion occurs, the member may bypass PHC's internal appeal process and initiate a state hearing.
- G. Disputed Services means covered services that are the subject of a pending appeal or state hearing due to an adverse benefit determination by PHC its subcontractor to terminate, suspend, or reduce previously authorized covered services.
- H. Expedited Review is the process by which a decision is rendered when a grievance involves an imminent and serious threat to the health of the member, including, but not limited to: severe pain, potential loss of life, limb or major bodily function. Expedited reviews are approved by physician reviewers. An expedited review is also acknowledged verbally, whenever possible.
- I. Grievance is an expression of dissatisfaction about any matter other than an adverse benefit determination.
 1. Exempt Grievance is a grievance that is resolved by the end of the following business day. These grievances are handled by the Member Services Representatives or Grievance staff and are received over the telephone. These grievances are not coverage disputes, disputed health care services involving medical necessity, or experimental or investigational treatment.
 2. Standard Grievance is a grievance that cannot be resolved by the end of the following business day. These grievances are handled by the designated Grievance staff.
 3. Second Level Grievance is an appeal of a grievance that has been denied.
- J. Grievance Nurse Specialist (GNS) is the clinical staff member responsible for initiating and coordinating a multi-disciplinary team approach to handling of grievances with members, providers, plan Medical Directors, departmental directors and managers and others to evaluate, monitor and assure that medically necessary services are provided in a quality, efficient and timely manner. Clinical support is provided to non-clinical staff as needed. The GNS may also provide input or participate in state hearings.
- K. Grievance Case Analyst (GCA) is the staff member who is responsible for summarizing, analyzing, investigating and issuing acknowledgments and resolutions to member grievances and appeals. The GCA also represents PHC during state hearings.
- L. Grievance system is the computer system that PHC uses to log and track member grievances, appeals, and state hearing requests, which are logged by specific grievance types.
- M. Inquiry is a request for information that does not include an expression of dissatisfaction. Inquiries may include, but are not limited to; questions pertaining to eligibility, benefits, or other PHC processes. Where PHC is unable to distinguish between a grievance and an inquiry, it shall be considered a grievance.
- N. Member is the Medi-Cal eligible individual receiving health care through PHC to whom reference will be made as "member" in all protocols.
- O. Member Grievance Review Committee (MGRC) is a forum to conduct multidisciplinary review of member grievances (grievances and all level appeals). The committee is made up of representatives from Grievance & Appeals, Member Services, Provider Relations, Care Coordination, Quality Improvement, Utilization Management, and Compliance.
- P. Member Services Representatives (MSRs) are the PHC staff members who assist members or their authorized representatives in learning about and understanding the services and benefits offered through PHC, including the grievance, appeal and state hearing procedures, and assist members in obtaining resolution to their issues.
- Q. Non-Contracting Provider or Practitioner is a health care provider who does not have a contract with PHC, but may do business with PHC for specific reasons, e.g., provision of emergency, out-of-state area or one-time member care.

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- R. Notice of Action is a formal letter informing a member of an adverse benefit determination.
- S. Practitioner is a licensed individual who provides medical care.
- T. Primary Care Provider (PCP) is a physician who has executed an agreement with PHC to provide the services of a primary care physician.
- U. Provider is an organization such as a hospital, residential treatment center or rehabilitation facility.
- V. Resolution Letter is written notice of the outcome of a grievance or an appeal. This letter will include information regarding any applicable next steps and appeal rights.
- W. State Hearing is an appeal filed with the California Department of Social Services. The case is presented to an Administrative Law Judge (ALJ).

IV. ATTACHMENTS:

- A. [Your Rights Under Medi-Cal Managed Care Letter](#)
- B. [Member Grievance Form](#)

V. PURPOSE:

To ensure the thorough, appropriate, and timely resolution to member grievances, appeals, and state hearing requests as well as to ensure PHC's responsiveness to issues raised by PHC members. The sections below outline the various components to the Grievance System as well as the process for each type of grievance. This policy is written in accordance with PHC's contract with the Department of Health Care Services (DHCS) Exhibit A, Attachment 13, 14, All Plan Letter 21-011, Title 28 §1300.68 [except Subdivision §1300.68(c) g) and (h)], §1300.68.01[except Subdivision §1300.68.01(b) and (c)], Title 22 §53858, 42 CFR 438.420(a)(b) and (c) and 42 CFR 438.406(b)(3).

VI. POLICY/PROCEDURE:

A. Member Rights

PHC takes member grievances, appeals and state hearings seriously and strives to reach a fair resolution after a thorough evaluation of each issue. PHC will address all grievances, appeals and state hearings in a timely and efficient manner and ensure that members are given reasonable opportunity to present evidence, facts, and laws in support of their grievance. This evidence can be provided in writing, in person, or by telephone. Members have the right to file a grievance or appeal regarding PHC services. Our benefits and services are described in PHC's Member Handbook, and include but are not limited to, the following:

1. Medical Services
2. Durable Medical Equipment (DME)
3. Vision Services
4. Transportation
5. Enhanced Care Management (ECM)
6. Community Supports (CS)

The objectives of the grievance resolution process are as follows:

1. To protect the rights of members.
2. To ensure that there is no discrimination by PHC against a member on the grounds that the member filed a grievance, appeal or state hearing.
3. To provide orderly and prompt responses.
4. To assist members in accessing medically necessary care on a timely basis.
5. To facilitate the investigation and resolution of medically related issues by the Medical Director and Health Services staff.

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6. Any member whose grievance is resolved or unresolved has the right to request a state hearing. Submissions of a grievance are not constructed as a waiver of the member’s right to request a state hearing.
 7. To report and evaluate aggregate data on member grievances to determine areas requiring corrective action and/or opportunities for improvement. To develop and implement necessary corrective actions with the intent of achieving increased member satisfaction.
 8. To ensure that all members have access to and can fully participate in the grievance system by providing assistance for those with limited English proficiency or with a visual or other communicative impairment. Such assistance shall include, but is not limited to; translation of grievance procedures, forms, and plan responses to grievances, as well as access to interpreters, telephone relay systems and other devices that aid disabled individuals to communicate.
 9. Ensure members are advised of their rights to submit evidence, facts and law in support of their grievance and are given 10 calendar days to submit the documentation.
- B. Cultural and Linguistic Requirements**
1. At any point during the grievance process, a member has the right to language translation, including for all PHC threshold languages and other non-English languages consistent with PHC policy MCND9002 Cultural & Linguistic Program Description. This includes standard documents and correspondence. The procedure for review of member grievances ensures that all grievances are reviewed by GCAs for any cultural and linguistic issues. Training is provided on a yearly basis.
 - a. Consistent with APL 21-004, PHC advises members of its nondiscrimination policy and availability of language assistance services by providing detailed enclosures with all grievances and appeals related member notices. The Nondiscrimination Notice is also available, upon request, in all threshold languages.
 - b. Consistent with APL 22-002, PHC will provide appropriate auxiliary aids and services to members with disabilities, including alternative formats, upon requests.
- C. How grievance processes are communicated to PHC members**
Members will be advised of their rights and access to grievance processes by the following means:
1. Written Materials – The PHC member grievance process explaining how to file a grievance is printed in the PHC Evidence of Coverage/Disclosure Form. It is included in the PHC Member Newsletter at least once each year, mailed with all grievance and appeal acknowledgment and resolution letters and on notifications of all treatment authorization request (TAR) denials.
 2. Oral Communication – Telephone calls with PHC staff and PHC providers and/or practitioners.
 3. Contracting Provider – Member grievance forms and a description of the grievance process is available at each contracting provider’s office.
 4. PHC Website – PHC maintains a website on the internet, which provides member grievance forms and information to members on how to file a grievance with PHC and the expedited medical review process.
 5. Items 1, 3 & 4 above all include the toll-free phone number, internet address, physical addresses, and the toll-free phone number for the hearing and speech impaired for PHC.
- D. Member Grievance Process**
Grievances may be filed at any time following any incident or action that is the subject of the member’s dissatisfaction. Grievances may address, but are not limited to, the following issues:
1. Difficulty obtaining an appointment
 2. Customer service at the provider or practitioner office
 3. Billing issues
 4. Appointment waiting times
 5. Facility conditions
 6. Confidentiality issues
 7. Refusals of PCP to refer the member for care

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E. Grievances Filed

Members can receive assistance in filing a grievance or appeal from a patient advocate, a provider filing on behalf of the member, an ombudsperson or any other persons chosen by the member. There are five (5) methods members or a member's authorized representative may use to file a grievance:

1. **By Telephone**
The member can contact PHC's Member Services department to file a verbal grievance. PHC uses both bilingual staff and interpreter services for members who speak other languages (in accordance with Title 22 CCR 53858). An MSR will record the grievance into PHC's grievance system.
2. **In Writing**
The member may also submit their grievance in writing to PHC. Upon request, members can request a member grievance form from PHC or from a contracted provider office. The member grievance form contains information regarding the PHC member grievance system as well as an authorized representative form.
3. **In Person**
Members may also visit PHC's offices in Fairfield and Redding and request an in-person meeting with an MSR to express their grievance in person. Members can also request assistance in filing a grievance from the MSR or Grievance staff. If the member is under the age of 18, a parent or guardian may file a grievance on their behalf. Members may also fill out an Authorized Representative Form to authorize someone of their choice to represent them.
4. **Contracted Provider**
Members may file a grievance at one of PHC's contracting providers' offices. The form titled "Member Grievance Form" is available at all contracted provider offices (in accordance with Title 22 CCR 53858).
5. **PHC website**
Members can file a grievance by visiting PHC's website at: <http://www.partnershiphp.org/Members/Medi-Cal/Pages/Complaint,-Appeal-and-Hearing.aspx> and select "Online Grievance Form" to file their grievance electronically through PHC's secure server. Member can contact Member Services for help navigating the website.

F. Delegation

1. PHC delegates the grievance process, or portions thereof, to Kaiser Health Plan and Carelon Behavioral Health with the exception of Substance Use Disorder (SUD) related grievances pertaining to the Drug Medi-Cal Organized Delivery System (DMC-ODS).
2. PHC oversees the delegation of the grievance process conducted by these entities through quarterly reviews of the grievance logs and annual audits.
3. PHC requires corrective action plans whenever PHC designated staff identifies a problem in any of these entities process and assigns a deadline for receiving evidence that the problem has been resolved.
4. PHC provides our Grievance & Appeal policies and procedures to subcontractors/delegates and downstream subcontractors/delegates at the time that they enter into a subcontractor agreement. The policy is available via PHC's Provider Manual, which is accessible via our external website, <https://www.partnershiphp.org>.

G. Resolving Member Grievances

The steps to resolve a member's grievance will occur as outlined below, which is established by the date PHC receives the grievance.

1. The following documents are sent to the member by the grievance staff within five (5) calendar days of receipt of the member's grievance:
 - a. Acknowledgment Letter- acknowledges the date the grievance was received and the name, address and phone number of the GCA who may be contacted about the grievance or the appeal and the toll-free phone number for hearing and speech impaired members.

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2. The GCA will conduct a preliminary investigation by contacting medical staff, PHC's medical staff or other appropriate individuals to gather information.
 - a. If the grievance is about quality of care, diagnosis or treatment, or other medical quality issues, the GCA will consult with the GNS.
 - b. As noted in section I and J, below, the GNS classifies each grievance as clinical or non-clinical. The GNS works with the GCA to address all clinical issues identified in this grievance process. If a grievance is identified as containing both an appeal of a benefit denial and another grievance issue, each of these will be addressed separately, as noted below.
 - c. **Quality of Care Grievances:** The GNS reviews all grievances for potential quality of care issues. If a potential quality of care issue is suspected, the GNS forwards the grievance with supporting documentation to the Chief Medical Officer (CMO) or physician designee for secondary review. If the CMO or physician designee confirms a potential quality issue (PQI), the case is referred to the Patient Safety team within the PHC Quality Improvement (QI) department for further investigation as described in MPQP1016 Potential Quality Issue Investigation and Resolution. If the physician does not believe a PQI referral is warranted, but the GNS disagrees, the GNS may nonetheless make a PQI referral to the QI department. Quality of care grievances that are found to be without merit by the GNS and the Medical Director are tracked, but not referred to the QI department for further investigation and action.
 - d. Other clinical issues identified by the GNS may include access issues, quality of service issues (included alleged discrimination) and quality of facility issues. As the GNS and GCA review incoming grievances, they may determine that the grievance is unfounded, or non-specific and not actionable, and thus not appropriate for referral to another department for investigation. If the non-quality of care grievance requires further investigation, it may be referred to a department within PHC. Common referrals to other PHC departments include:
 - 1) Provider Relations department to address some access issues (for example phone access and waiting room access) and quality of service issues (for example, staff rudeness or clinician miscommunication) with the individual provider or institution. In general, if sufficient and specific information is received in the grievance, such grievances are shared with the management of a site and a response is requested, including self-identified corrective actions if applicable. If the response is judged to be insufficient by the Grievance or Provider Relations staff, the case may be referred to the CMO or physician designee for immediate review.
 - 2) Care Coordination department to address access issues, such as finding a specialist or getting in to see their assigned PCP. According to Care Coordination policy and the judgement of the Care Coordination nurses and managers, such cases may be escalated to department directors or a PHC Medical Director if resolution of the grievance is not possible through normal interventions by Care Coordination staff and the member's health is at risk from this lack of resolution of the care coordination issue.
 - 3) Member Safety team within the QI department for quality of facility complaints (for example waiting room cleanliness). Depending on the nature of the grievance, the patient safety team may perform a spot check of the facility or ask provider relations to perform a spot check of a facility. If an issue is confirmed, it is addressed as a finding in the context of the site review policy MPQP1022 Site Review Requirements and Guidelines.
 - 4) Health Education staff within the Population Health department for accusations of discrimination, lack of translation, or cultural incompatibility. This procedure is described in policy CGA022.
 - 5) Member Services department management for problems with the initial member services response to grievance.

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- 6) Compliance department for alleged Health Insurance and Portability and Accountability Act (HIPAA) violations or alleged fraud, waste or abuse.
- 7) PHC leadership for PHC process issues identified.
- e. Exempt and standard grievances are recorded and documented in the case management system (Everest).
- f. PHC receives grievances where a member is dissatisfied about non-covered services. For grievances involving a decision where the requested service is not a covered benefit, the member is offered the right to file an appeal. The resolution will specify the policy or Evidence of Coverage (EOC) that excludes the service. The resolution letter will identify the document and page number where the provision is found. The resolution letter will direct the member to the applicable section of the EOC containing the provision or provide a copy, if requested, of the applicable policy. The resolution letter will explain in clear and concise language how the exclusion applied to the specific health care service or benefit requested by the member.

H. Expedited Grievance Process

If a member or a treating physician requests an expedited review or if the MSR or other PHC staff determines expedited review is needed, the issue will be immediately forwarded to PHC’s Medical Directors to render a determination as to whether an expedited review is appropriate. For expedited grievances regarding denial of a request for expedited resolution of an appeal, the Medical Director reviewing the expedited request must have the clinical expertise in treating the member’s condition or disease. Resolutions on expedited reviews include an oral and written notification. The process is as follows:

1. Presentation of Evidence, Facts and Law in Support of Member’s Grievance
Members are advised of their rights to submit evidence, facts and law in support of their grievance. Members are also informed by the GCA of the limited time available to present evidence due to the nature of the expedited review request.
2. Expedited Review/Grievance Request Approved
If PHC’s Medical Director determines that the grievance involves an imminent and serious threat to the health of the member, including, but not limited to: severe pain, potential loss of life, limb or major bodily function, the grievance will be handled as an expedited grievance. Grievance staff will notify members verbally that their request for an expedited review has been approved and their case will be processed within 72 hours.
3. Expedited Request Denied
If PHC’s Medical Director determines the expedited review process is not necessary, the regular grievance process is followed. Members will be notified verbally by Grievance staff that their request for an expedited review has been denied within 72 hours of their request and the grievance will be processed using standard timeframe (30 calendar days).

I. Incoming Grievances

1. When a grievance is received into the Grievance unit, the Grievance Associate (GA) or designee will assign the grievance to a GCA using the Grievance Rotation Tracker.
2. Upon assigning the case, an email is generated to all Grievance staff, including the GNS. The GNS will log into the grievance system to evaluate if the case is a clinical or non-clinical grievance. An assessment note will be placed in the grievance system under the “Clinical vs Non-Clinical” action by the GNS. Grievance staff will utilize the grievance categories worksheet to assess the grievance for other referrals to PHC departments and will proceed as directed in the worksheet.
3. All clinical cases are reviewed by the GNS or designee to evaluate the need to forward the case to the QI department for a PQI and/or order records for further evaluation. The GNS or designee will direct Grievance staff if a PQI referral is needed. The GNS or designee will also make recommendations for casework on any clinical cases.

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J. Clinical Grievance

A clinical grievance is defined as any issue concerning the member experience provided by a clinic, hospital, or provider. The types of grievances considered to be clinical in nature include:

1. Quality of Service (by clinic/hospital/provider)
2. Access
3. Quality of Medical Care
4. Denials, Refusals (denial of service/treatment) by provider, and not by PHC
5. Cultural, Linguistic, and Health Education (by clinic/hospital/provider)
6. Transportation Related Grievances

K. Non-Clinical Grievance

A non-clinical grievance is defined as any issue concerning the services provided by PHC and its non-clinical components. The types of grievances considered to be non-clinical in nature include:

1. Billing
2. Benefits/Coverage
3. Cultural, Linguistic, and Health Education (by PHC staff, PHC materials)
4. Quality of Service (by PHC staff)
5. Enrollment (cancellation of coverage, premium increase, denial of enrollment)
6. Transportation Related Grievances

L. Quality of Medical Care Grievances

1. All quality of medical care grievances are reviewed by PHC clinical staff to assess the member's concern for accuracy. For example, it is not unusual for a patient to feel their treatment was incorrect, when in fact it was correct (medical records show that the treatment plan prescribed by the provider is clinically sound).
2. The designated PHC clinical staff will base their determination on the review of information submitted by the member or their authorized representative. The review will also consist of review of medical records and claims history.
3. All quality of care grievances are reviewed by a GNS and submitted to the CMO or physician designee for review within a timeframe, which is appropriate for the nature of the member's condition. If there is a potential safety issue determined by the GNS or QI Nurse, documentation of the issue will be reviewed by the QI department.

M. Inter-Rater Reliability (IRR)

1. To ensure that grievances are appropriately designated by the GNS as clinical versus non-clinical and referrals for PQIs are accurately being referred to the QI department, IRR studies will be conducted every quarter.
2. Sample will be prepared by the Grievance Manager or designee.
 - a. PQI Referral Sample - A random selection of a minimum of 10 grievances will be pulled for review by the CMO or designee to determine whether the decision to not refer the case to QI as a PQI was appropriate.
 - b. Clinical vs Non-Clinical Sample- A selection of a minimum of 10 grievances will be pulled for review by the CMO or designee to determine whether the categorization of a grievance, clinical or non-clinical was appropriate.
3. Timeframe – IRRs will be completed on a quarterly basis and reported to the Member Grievance Review Committee.
4. Results - A 90% IRR is required. Where a 90% score is not achieved, additional training will be provided to the GNS by the QI designated staff member and subsequent IRR studies will be conducted until the passing score is achieved.

N. Grievances Involving Coverage For Terminally Ill Members

A member who has a terminal illness (incurable or irreversible condition that has a high probability of causing death within one (1) year or less) requires the following procedure for addressing a coverage denial

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1. Within five (5) business days of a denial of a benefit for treatment, services, or supplies deemed experimental as recommended by a participating plan provider, PHC will provide to the member the following information.
 - a. A statement setting forth the specific medical and scientific reasons for denying coverage.
 - b. A description of alternative treatment services or supplies covered by the plan, if any. Compliance with this subdivision Section 1368.1 of the Act, by a plan shall not be construed to mean that the plan is engaging in the unlawful practice of medicine.
 - c. Copies of the plan's grievance procedures or grievance form. The grievance form shall provide an opportunity for the member to request a conference as part of the plan's grievance system provided under Section 1368.1.
 2. If the member requests a conference, the conference will be held within five (5) business days if the treating participating physician determines, after consultation with the health plan Medical Director, based on standard medical practice, that the effectiveness of either the proposed treatment, services, or supplies, or any alternative treatment, services, or supplies covered by the plan, would be materially reduced, if not provided at the earliest possible date. The member will also be given the option to extend the timeframe to request to participate in the conference up to 30 calendar days.
- O. Contacting Providers Regarding Grievances Filed Against Them
1. Members are notified at the time of the filing that their grievance may be sent to the provider they are grieving about to receive a response regarding their grievance. Members may request that any notification to their provider or practitioner regarding the grievance be delayed until a relationship with a new provider or practitioner is effective. Such a request is noted when the grievance is filed by the PHC staff member. PHC staff will assure the member that there will be no discrimination against them by PHC or its providers or practitioners on the grounds that they have filed a grievance.
- P. Member Grievance Correspondence
1. There are two (2) types of member correspondence issued by grievance staff, the acknowledgment letter and resolution letter. When translation is required, a fully translated version of these letters will be mailed. Of note, each member correspondence includes PHC's Nondiscrimination notice and the Your Rights under Medi-Cal Managed Care notice. These notices provide the member information regarding PHC's grievance process including the member's right to file for a second level grievance or state hearing if appropriate. For discrimination grievances, the member will be provided information on disputing or appealing the decision with the U.S. Department of Health and Human Services, Office of Civil Rights.
 - a. Acknowledgment Letter
 - 1) An acknowledgment letter is issued within five (5) calendar days of receipt of a grievance. This letter will include the date of receipt, name, address and phone number of the PHC GCA who has been assigned to their case and the phone number for the California Relay Service.
 - 2) Exception to sending the acknowledgment letter
 - a) If a grievance is resolved within five (5) calendar days of receipt, the GCA will issue only the resolution letter.
 - b. Resolution Letter
 - 1) The GCA mails a resolution letter within 30 calendar days of the date the grievance was received. The letter summarizes the grievance and describes the resolution. When applicable, the grievance resolution letter will provide second level grievance options. See Section S below for second level grievance definition.
- Q. Time Frame - Grievance
1. Standard:
 - a. Member grievances are resolved within 30 calendar days of the member's request for a grievance [Title 22 CCR 53858 (f) (1)]. In the event that resolution of a standard grievance is not reached within 30 calendar days, PHC will notify the member in writing of the status of the grievance and the estimated date of resolution.

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Applies to:	<input checked="" type="checkbox"/> Medi-Cal	<input type="checkbox"/> Employees

2. Expedited:
 - a. Grievance staff will process the case within 72 hours from the date of receipt of the grievance.
 3. Grievance acknowledgment letter will be sent to the member within five (5) calendar days of receiving the grievance.
- R. Grievance File Maintenance
- Documentation for each grievance is maintained by the GCA. Documentation may include, but is not limited to the following:
1. Memo outlining the grievance and the steps taken to resolve the issue;
 - a. The date of the call
 - b. The name of the complainant
 - c. The complainant's member identification number
 - d. The nature of the grievance
 - e. The nature of the resolution
 - f. The name of the plan representative who took the call and resolved the grievance
 - g. Request for an Appeal or Grievance Form
 - h. Acknowledgment Letter and Frequently Asked Questions about the Grievance Process
 - i. Additional written correspondence between PHC, the member, providers and/or practitioners
 - j. Billing and claims information (if appropriate)
 - k. Medical Records Release Form (if appropriate)
 - l. Medical records (if appropriate)
 - m. Grievance resolution letter
 - n. Notice of unresolved grievance, if appropriate
 2. Copies of grievances and responses shall be maintained by PHC for ten (10) years. They are maintained on-site for two (2) years, and include a copy of all medical records, documents, evidence of coverage and other relevant information upon which PHC relied in reaching its decision.
- S. Second Level Grievance
1. A second level grievance is an appeal of a grievance that has been denied. It provides the opportunity for a different team to investigate the case who was not involved in the original investigation. Examples of denied second level grievances include, but are not limited to:
 - a. Denial of a request for transportation due to protocols and/or guidelines
 - b. Denial of a request of transportation related to the mode of transportation
 - c. Any member dissatisfied with their initial denied grievance resolution
 2. A second level grievance will follow standard grievance processing procedures with some exceptions.
 - a. The assigned GCA will be new to the investigation and not involved in the original grievance case.
 - b. The assigned GNS will be new to the investigation and not involved in the original case.
 - c. If applicable, the assigned Medical Director will be new to the investigation and not involved in the original case or a subordinate of the Medical Director who participated in the prior decision.
 - d. PHC will provide language services, bilingual staff or an interpreter, when appropriate.
 - e. PHC will re-investigate the substance of the grievance using any additional information provided, along with original case documents and newly requested documents.
 - f. PHC will document within the case summary, the substance of the second level grievance and actions taken, including any aspect of clinical care involved.
 - g. The second level grievance will follow the standard grievance processing timeframes of 30 calendar days and 72 hours if expedited. The acknowledgment letter will be sent to the member within five (5) calendar days.

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VII. MEMBER APPEAL PROCESS

A. Time Frame – Appeal

Appeals must be filed within 60 calendar days following any denial action that is the subject of the member’s dissatisfaction. Appeals can be filed by the member, their authorized representative, or a provider on behalf of a member either orally or in writing. If a member files an oral appeal, the MSR or Grievance staff will request the member to provide a written, signed appeal. The oral appeal establishes the filing date of the appeal. PHC will proceed with handling of the appeal if the written signed appeal is not received. There is only one level of appeal for members at the MCP level, per 42 CFR 438.402(b).

B. Resolving Member Appeals

1. Confirmation of member appeal

- a. Upon receipt of an appeal, Grievance staff conducts a preliminary investigation of the request by identifying the substance and reason for the appeal and reviewing any additional clinical and/or other information submitted with the appeal. The Grievance staff will review any previous denials, the appeal history, and the timeline of activities leading up to the current appeal, before contacting the treating provider, PHC staff and any other appropriate individuals to gather information. Grievance staff will also contact the member to confirm the appeal and provide the member an opportunity to submit a statement for the reason for the appeal. When investigating the appeal, PHC staff will not give deference to the denial decision.

2. Presentation of evidence, facts and law in support of member’s grievance

- a. Members are advised of their rights to submit evidence, facts and law in support of their grievance and are given 10 calendar days to submit the documentation. Upon request, the member has the right to request reasonable access to their appeal case file, including medical records and any other documents before and during the appeal process.

3. Continuation of benefits (also known as aid paid pending)

- a. Grievance staff will assess if the member’s benefit/service can continue pending the outcome of the appeal decision.
 - 1) The criteria for continuation of benefits is listed below per 42 CFR 438.420
 - a) Requests must occur within 10 calendar days from the date the NOA was mailed to the member.
 - b) The appeal must be filed timely.
 - c) The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment.
 - d) The service was ordered by an authorized provider.
 - e) The original period covered by the original authorization has not expired.
- b. Duration of continued or reinstated benefits
 - 1) If PHC continues or reinstates the member’s benefits while the appeal is pending, the benefits will be continued until one of the following occurs:
 - a) The member withdraws from the appeal.
 - b) 10 days after PHC mails the NAR, or, if the member requests a state hearing within the 10-day timeframe, the benefits will be continued until a state hearing decision is reached.
 - c) The state hearing office issues a hearing decision adverse to the member.
 - d) The time period or service limits of a previously authorized service has been met.
- c. PHC must pay for disputed services if the member received the disputed services while the appeal or state hearing was pending. Consistent with 22 CCR § 51002 regarding prohibitions in collecting reimbursement from Medi-Cal beneficiaries, PHC must ensure the member is not billed for disputed services even if the final resolution of the appeal or state hearing is adverse to the member, that is, upholds PHC’s adverse benefit determination.

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C. Examples of Member Appeals

1. An appeal is a member’s request for reconsideration of an initial decision resulting in the denial of service, benefit or claim. Appeals may address, but are not limited to, the following issues:
 - a. Appeals of denied TARs
 - b. Appeals of level-of-care determinations
 - c. Appeals of PHC claims payment denials
 - d. Appeals of primary care physician request for disenrollment
2. Members filing grievance regarding their Medi-Cal eligibility are referred to their local county Health and Social Services Department or the Social Security Administration office for assistance.

D. Review of Appeals

1. Medically-Related Appeals
 - a. Grievance staff will refer medically-related appeals and all documentation to the Medical Director for review who was not part of the original decision to deny, nor a subordinate of the original decision maker, unless the final decision is in favor of the member (Contract Exhibit A, Attachment 14, 2, F). The “health care professional with appropriate expertise” is not determined by specialty, but by expertise and experience which varies with the career and experience of the particular Medical Director. In general, if the appeal is about a child, then a pediatrician or family physician Medical Director would be consulted. If the appeal is about an adult, then one of the internal medicine physicians or family physicians would be consulted. If the Medical Director reviewing the appeals feels that the particular clinical issue in question is outside their expertise or experience, they may refer the case to another Medical Director for review (who was not part of the original decision to deny, nor a subordinate of the original decision maker) or to an outside physician consultant with expertise in this area (Contract Exhibit A Attachment 14, 2, C).
 - 1) Ordering Medical Records
The Medical Director will direct grievance staff to order medical records from primary care providers and/or other treating physicians if needed. Medical providers are expected to respond to requests for medical records within five (5) working days.
2. Other Appeals
 - a. Appeals regarding claims, billing issues, special cases status and other non-medically-related cases may be presented to the Member Grievance Review Committee for departmental review of the resolution as needed. The staff reviewing the appeal will be individuals who were not involved in the initial determination nor a subordinate of the original decision maker unless the final decision is in favor of the member.
3. Expedited Appeals
 - a. Requests for expedited appeals will be immediately forwarded to a Medical Director for review. If the expedited review is deemed medically necessary, the appeal resolution will be provided within 72 hours. The GCA will make reasonable efforts to notify the member orally and provide written notice within 72 hours.

E. Member Correspondence

1. There are three (3) types of member correspondence that are issued by Grievance staff. When translation is required, a fully translated version of these letters will be mailed.
 - a. Acknowledgment Letter
 - 1) An acknowledgment letter is issued within five (5) calendar days of receipt of an appeal.
 - 2) This letter will include the receipt date, name, address and phone number of the GCA who has been assigned to their case and the phone number for the California Relay Service.

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- 3) Exception to sending the acknowledgment letter
 - a) If an appeal decision is rendered within five (5) calendar days of receipt, the GCA will issue only the appeal decision letter.
- 4) Denial of Expedited Review
 - a) If a request for an expedited review has been denied by a Medical Director, grievance staff will also include in the acknowledgment notice that the request for an expedited review has been denied and the reason why the request was denied.
- b. Notice of Appeal Resolution Letter
 - 1) For pre service and post service appeals, the GCA mails an appeal resolution letter within 30 calendar days from the date the appeal was received. The letter summarizes the appeal and describes the appeal decision. Appeal decisions to uphold the denial include the rationale specific to the member's condition or reason for the request so the member or their representative understand what is needed to file the next level of appeal. The letter is written in easy-to-understand language that includes the complete explanation of the grounds for the denial, without the use of abbreviations or acronyms that are not defined or health care procedure codes that are not explained. The appeal resolution letter will reference to the benefit provision, guideline, protocol or criteria, which the appeal decision is based upon. Also the letter will notify members that they have access to all copies and documents that are relevant to the appeal, free of charge. The appeal resolution letter will also list the titles and qualifications, including specialties of individuals participating in the appeal review. All appeal resolution letters will include state hearing rights when appropriate. If any appeal resolution timeframe is not met by PHC (i.e., standard or expedited), the member is considered to have exhausted PHC's appeals process and may proceed to a state hearing.
 - 2) PHC will authorize or provide services for overturned adverse benefit determinations (as the result of an appeal determination) as expeditiously as the member's health condition requires, but no later than 72 hours after the decision.
- c. Notification

Each notification template (i.e., Notice of Appeal Resolution, "Your Rights" attachments) when informing members of a denial or appeal resolution will either be DHCS templates or be submitted to DHCS for review and approval prior to use. Member correspondence includes PHC's Language Taglines, Nondiscrimination notice, and "Your Rights Under Medi-Cal Managed Care". These notices provide the member information regarding PHC's grievance process including the member's rights to file a state hearing.

VIII. MEMBER STATE HEARING PROCESS

A. Member State Hearing Timeframe

State Hearings must be filed within 120 calendar days following the date of the NAR that is subject of the member's dissatisfaction. State hearings can be filed by the member or their authorized representative. For the purpose of this policy, the term "member" will be used to refer to the member and their authorized representative unless otherwise noted.

B. Filing a State Hearing

1. Members have the right to file for a state hearing after exhausting PHC's appeal process or in instances of deemed exhaustion as defined in III.F above.
2. Members can file for a state hearing with the California Department of Social Services. There are four ways to request a state hearing.
 - a. By Phone

Members can call the State Hearing Office at 1-800-743-8525. Hearing impaired members may use TTY by calling 1-800-952-8349.

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- b. By Mail
 - Members can send a hearing request form or their own written request directly to:
California Department of Social Services
State Hearings Division
P.O. Box 944243, Mail Station 9-17-37
Sacramento, CA 94244-2430
- c. By Fax
 - Members can fax their hearing request form or their own written request directly to the state at 916-309-3487 or 833-281-0903.
- d. In Person
 - Members can also turn in their hearing request form or their own written request at one of the local county offices.
3. PHC will assist members with preparing for the State Hearing by providing the member with their case file, including medical records, other documents and records, guidelines, clinical criteria, and any new or additional evidence relied on for the initial or appeal denial.
- C. Responding to State Hearing Requests
 1. Notification of Hearing Request
 - PHC receives a notice of the member's request for a state hearing from the SCOPE unit in the California State Department of Social Services and from the Office of the Ombudsman. Notifications include the case name, the request for hearing and filing date.
 2. Review of Hearing Request
 - Upon receipt, grievance staff conducts a preliminary investigation of the request by contacting the treating provider, PHC staff and any other appropriate individuals to gather information. Grievance staff will also contact the member to confirm the state hearing and to also provide the member an opportunity to submit a statement for the reason for the hearing. If the member has not opened an appeal with PHC, staff will offer to open an appeal as well.
 3. Parties to State Hearings
 - The parties to the state hearings include PHC, the member and their representative or the representative of a deceased member's estate.
 4. Continuation of Benefit
 - a. Upon request, the member's benefit/service can continue pending the outcome of the state hearing decision.
 - b. The criteria for continuation of benefits are listed below per 42 CFR 438.420.
 - 1) Request must occur within 10 calendar days from the date the notice of action was mailed to the member.
 - 2) The state hearing must be filed timely.
 - 3) The state hearing involves the termination, suspension, or reduction of a previously authorized course of treatment.
 - 4) The service was ordered by an authorized provider.
 - 5) The original period covered by the original authorization has not expired.
 - c. Duration of continued or reinstated benefits
 - If PHC continues or reinstates the member's benefit while the state hearing is pending, the benefits will be continued until one of the following occurs:
 - 1) The member withdraws from the state hearing
 - 2) The state hearing office issues a hearing decision adverse to the member
 - 3) The time period or service limits of a previously authorized service have been met

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d. Disputes regarding continuation or reinstated benefits

In the event grievance staff finds that the member does not meet criteria for continuation or reinstated benefits, the member will be referred back to the Office of the Ombudsman to review and render a decision if aid paid pending applies.

D. Creation of Statement of Position

Grievance staff, while working with clinical PHC staff, will prepare the Statement of Position. The Statement of Position will state the following information:

1. The Issue
2. The Background
3. Pertinent Facts
4. Guidelines
5. History of TAR
6. Applicable Law
7. Conclusion

E. Submission of Statement of Position

Statements of Positions are submitted directly to the state hearing SCOPE office, the Office of the Ombudsman, and to the member, at least two (2) working days prior to the scheduled hearing. To ensure receipt prior to the hearing, PHC will email the Statement of Position via secure email to scopeofbenefits@dss.ca.gov and the Office of the Ombudsman. Grievance staff will send the Statement of Position via FedEx to the member. FedEx envelopes will require direct signature for delivery. In the event a physical address cannot be obtained or is not available, Statement of Positions will be mailed via certified mail to the member's PO Box.

F. Representation during the State Hearing

1. Grievance staff will appear at the state hearings to represent PHC and explain PHC's position. Appropriate PHC staff and/or other representatives may be asked to appear at the state hearings as determined necessary by the Medical Director.

G. Expedited State Hearings

1. Within two (2) working days of being notified by the Department of Social Services (DSS) or the Office of the Ombudsman that a member has filed a request for a state hearing which meets the criteria for expedited resolution, PHC will deliver directly to the designated/appropriate DSS Administrative Law Judge, all information and documents which either support, or which PHC considered in connection with, the action which is the subject of the expedited state hearing. This includes, but is not limited to, copies of the relevant TAR, NOA, and NAR. If the NOA or NAR are not in English, fully translated copies shall be transmitted to DSS along with copies of the original NOA and NAR. One or more plan representatives with knowledge of the member's condition and the reason(s) for the action, which is the subject of the expedited state hearing, shall be available by phone during the scheduled state hearing.

H. State Hearing Decisions

1. Per 42 CFR 431.244(f)(1), the State must issue a final decision on the state hearing within 90 calendar days of the date of request for hearing, this timeframe is detailed in the "Medi-Cal Your Rights" document enclosed with NOA/NARs. The notice of the Administrative Law Judge's decision will provide members with information on how to request a rehearing of their issue if they disagree with the decision. A member may obtain judicial review of the decision by filing a petition in Superior Court under Code of Civil Procedure §1094.5 within one year after the date of the decision.

a. Upheld Decisions

Decisions favorable to PHC will be noted in the grievance system case file and closed. A copy of the decision is forwarded to the department that rendered the adverse decision to the member.

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b. Overturned Decisions

Adverse decisions to PHC will be noted in the grievance system case file. A copy of the decision is forwarded to the department that rendered the adverse decision to the member and will be given 72 hours to overturn the decision; expedited hearings will require the denial be overturned within 24 hours. Once confirmation is received that the decision is overturned, grievance staff will contact the member and the Office of the Ombudsman and verbally notify that the denial has been overturned. Interactions with the member and the Office of the Ombudsman are documented in the grievance system case file and the case is closed once a copy of the overturned decision is available. PHC will pay for disputed services if the member received the disputed services while the State Hearing was pending.

I. State Hearing File Maintenance

1. All documentation relating to a state hearing is scanned and uploaded into the grievance system under the member's case number. Documentation includes but is not limited to the following:
 - a. Case Summary (produced out of grievance system) outlining the state hearing and the steps taken to resolve the issue
 - b. Notification of State Hearing
 - c. All written correspondence between PHC, the member, providers and/or practitioners
 - d. Billing and claims information (if applicable)
 - e. Statement of Position
 - f. Administrative Law Judge's decision on the hearing

J. Monitoring of Timeliness of Grievances

1. All grievances, appeals and state hearing requests with their resolutions are documented in the grievance system.
2. At the end of each month, the grievance system manager or their designee will review the grievance staff cases as part of their performance review. In addition, all grievances and appeals pending and unresolved for 30 days or more are reviewed.
3. Monthly meetings, or more often if needed, are conducted with staff to ensure that member grievances and appeals are resolved within established timeframes as well as to review open member grievances and appeals and determine appropriate resolutions.

K. Reporting Grievances to HealthPlan Committees for Review

1. Under the direction and oversight of the CMO, individual and aggregate data on member grievances and appeals is reviewed by the Member Grievance Review Committee (MGRC), Internal Quality Improvement (IQI), and Quality/Utilization Advisory Committee (Q/UAC) no less than 4 times per year. Each committee reviews the data for possible actions as determined appropriate according to PHC Quality Assurance Protocol. On a quarterly basis, all grievances related to access to care, quality of care and denial of services will be reviewed and analyzed by committee to remedy any problems identified. On an annual basis, PHC's Consumer Advisory Committee (CAC) will review the written record of Grievance and Appeals.

IX. EXEMPT GRIEVANCE PROCESS

- A. Grievances received over the telephone that are not coverage disputes, disputed health care services involving medical necessity or experimental or investigational treatment, and that are resolved by the end of the following business day, are categorized as exempt grievances and are exempt from the requirement to send a written acknowledgment and response. If the exempt grievance is resolved by the end of the following business day, the grievance will remain categorized as "exempt". If the exempt grievance is not resolved by the end of the following business day, it will be processed as a standard grievance, with the rights of the standard grievance timelines. All grievances are clearly listed on a universal grievance log.

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B. All exempt grievances are reviewed by the GNS within three (3) days to determine whether the grievance has potential quality of medical care issues. The GNS will base their determination on the review of information submitted by the member or authorized representative. The review may also consist of a review of medical records already obtained by PHC for utilization management purposes, care coordination notes and claims history. If the GNS determines a clinical issue identified, they will submit the exempt grievance to the CMO or physician designee for review within a timeframe, which is appropriate for the nature of the member's condition. Either the GNS or the CMO/physician designee may determine, based on their clinical judgement, that the exempt grievance warrants individual attention by a PHC department, and refer the case for intervention (similar to interventions done for non-exempt grievances, summarized in section G.2.d, Resolving Member Grievances, above).

X. REPORTING REQUIREMENTS

- A. PHC maintains an inquiry log of all requests for information that do not include an expression of dissatisfaction. Inquiries may include, but are not limited to, questions pertaining to eligibility, benefits, or other PHC processes.
- B. PHC maintains and has available for DHCS' review, PHC's grievance logs, including copies of the grievance logs of any subcontracting entity delegated with the responsibility to maintain and resolve grievances and the PHC exempt grievance log. Grievance logs are maintained based on the requirements set forth in Title 22 CCR Section 53858 (e).
1. Date and time the grievance was filed
 2. The name of the member filing the grievance
 3. Member identification number
 4. The name of the person receiving the grievance
 5. A description of the grievance
 6. A description of the action taken to resolve the grievance
 7. The proposed resolution by the plan
 8. The name of the person responsible for resolution
 9. The date of notification to the member
- C. The information contained in this log shall be reviewed by PHC's Board and PHC's CMO or physician designee on an annual basis. PHC also submits quarterly grievance reports based on Title 28 CCR Section 1300.68(f).

XI. MEDICAL RECORDS/DOCUMENT REQUESTS:

- A. Members and providers may call to request materials and/or letters to be sent to them by mail or by fax.
- B. Members can request materials/documents/records free of charge by calling PHC's Member Services department or by filling out the Grievance Records Request form.

XII. REFERENCES:

- A. PHC Contract 08-85215 A19
- B. 22 CCR §53858
- C. 22 CCR § 51002
- D. 28 CCR §1300.68 [except subdivision §1300.68(c),(g) and (h)]
- E. 28 CCR §1300.68.01[except subdivision §1300.68.01(b)and (c)]
- F. 42 CFR 438.420(a)(b) and (c)
- G. 42 CFR 438.406(b)(3)
- H. California Department of Health Care Services (DHCS) All Plan Letter (APL 21-004 Standards for Determining Threshold Languages, Nondiscrimination Requirements, and Language Assistance Services (revised May 3, 2022, supersedes APL 17-011)

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- I. DHCS [APL 21-011](#) Grievance and Appeal Requirements, Notice and “Your Rights” Templates (Aug. 31, 2021, supersedes APL17-006)
- J. DHCS APL 22-002 Alternative Format Selection for Members with Visual Impairments (March 12, 2022)
- K. NCQA 2023 Standards and Guidelines: Member Experience 7A-7B
- L. NCQA 2023 Standards and Guidelines: Utilization Management 8A-9A-9B-9C-9D

XIII. DISTRIBUTION:

- A. PHC Department Directors
- B. PHC Provider Manual

XIV. POSITION RESPONSIBLE FOR IMPLEMENTING PROCEDURE: Grievance & Appeals Compliance Manager

XV. REVISION DATES:

Medi-Cal

MS- 06/4/99; 04/25/00; 05/17/00; 06/19/00; 07/09/02; 10/25/02; 02/19/03; 02/23/04; 05/11/04; 01/17/06; 01/16/08; 03/18/09; 07/21/10; 03/20/13; 11/18/15; 06/21/17; 03/13/19; 3/11/20; 5/12/21; 08/10/22; 10/11/23; 02/14/24

PREVIOUSLY APPLIED TO: N/A