Region 9 AAA	Local Policy #	V-07
Policy Name:	**Appeals Policy – Providers**	
Original Policy Date:	March 2023	
Review Date:	May 2026	
Revise Date:		

Policy:

The AAA Director or designee has the responsibility to educate all Network Providers regarding their right to file a formal appeal. Providers may dispute agency actions outlined in the procedure by filing a written appeal with NEMCSA – Region 9 Area Agency on Aging (AAA).

The Michigan Department of Health and Human Services – Office of Inspector General (MDHHS-OIG) performs post payment evaluations of Region 9 AAA's Network Providers for any potential fraud, waste, and abuse and to recover overpayments made by the Region 9 AAA to their Network Providers when the post payment evaluation was initiated and performed by MDHHS-OIG. Region 9 AAA's Network Providers must agree to follow the appeal process as outlined in Chapters 4 and 6 of the Administrative Procedures Act of 1969; MCL 24.271 to 24.287 and MCL 24.301 to 24.306 for post payment evaluations conducted by the Michigan Department of Health and Human Services - Office of Inspector General (MDHHS-OIG).

Purpose:

To establish a formal, standardized appeal procedure that operates in accordance with state and federal standards. All Network Providers will be informed of their right to file an appeal as part of the contracting process.

Procedure:

1. All Network Providers will be provided with information regarding the appeal process.

2. Providers may appeal the following Region 9 AAA actions in writing:
    a. Denial of a Purchase of Service (POS) Agreement application.
    b. Results of monitoring efforts.
    c. Notice of Overpayment and Recoupment procedures.
    d. Notice of probation, suspension, or termination of an existing POS Agreement.

3. For fraud investigations and reviews conducted by MDHHS-OIG, providers are required to:
    a. Adhere to the requirements set forth in the Medicaid Provider Manual.
    b. Acknowledge and agree that MDHHS OIG has the authority to conduct post payment evaluations of claims paid by Region 9 AAA.
    c. Follow the appeal process as outlined in Chapters 4 and 6 of the Administrative Procedures Act of 1969; MCL 24.271 to 24.287 and MCL 24.301 to 24.306 for post

payment evaluations conducted by MDHHS OIG.

d. References:
   http://legislature.mi.gov/doc.aspx?mcl-Act-306-of-1969
   http://legislature.mi.gov/doc.aspx?mcl-24-301

Internal Appeal Process

1. The following steps will be taken and must be conducted within an aggregated time frame of sixty (60) calendar days.

2. A written notice to the applicant/ Network Provider will be sent within 10 business days of action and will include:
   a. Notice of Region 9 AAA action to place on probation, suspend, terminate, or deny a contract;
   b. Notification of the right to appeal;
   c. Notification that information or criteria on which the Region 9 AAA action was based is available for review by affected parties;
   d. Notification that the affected party may appear in person or by a designated representative at the appeal hearing on Region 9 AAA's action.

3. Any applicant agency or Network Provider having the right to appeal shall:
   a. Provide a written notice of appeal and request for an appeal's hearing to Region 9 AAA's Business and Financial Resources Director or Compliance Officer within ten (10) business days of receiving the written notice of action taken and right to appeal.
   b. Notice must state the specific action being appealed and the grounds upon which the appeal is being made. Any supporting information for the dispute must also be submitted.
   c. Notice must be signed by the agency's Chief Executive Officer or CEO, administrator, business or contracts manager, or equivalent individual as indicated in the contract.

4. Region 9 AAAs' Business and Financial Resources Director or Compliance Officer shall respond, in writing, to the provider's appeal request within ten (10) business days. This decision shall be accompanied by Region 9 AAAs' Appeals Procedure for POS providers.

5. If the provider wishes to further appeal the decision, they must complete the following steps:
   a. Appeal requests made by public or private organizations shall certify that the appeal is officially endorsed and initiated by the organization's governing body and be signed by the board chairperson (or ruling body president). The written requests shall include the following:
      i. Region 9 AAAs' action which is being appealed. Please note: The applicant/provider must clearly state the specific action that is being appealed.
      ii. Grounds upon which the appeal is being made. Please note: The applicant/provider must cite and list justifiable grounds for appealing the decision.
      iii. Any procedural step not followed will result in denial of request for appeal. Written notice of denial of appeal shall be given to applicant within ten business days of receipt of the appeal.
   b. Upon receiving the request, the Region 9 AAA Director reserves the right to appoint a

special committee to hear the appeal. If no committee is appointed, the appeal will be heard by the Region 9 AAA Director.

c. The Region 9 AAA Director shall inform the CEO of the appeal, acknowledging that procedural steps have been met, and recommending a review hearing.
d. A hearing shall be scheduled for no later than fifteen (15) business days after the request was received. A notice of the hearing shall be mailed to the concerned parties at least five (5) business days prior to the hearing date.
e. The notice shall include:
    i. Date, time, and place of hearing;
    ii. Statement of issue being heard;
    iii. Request for submission of written documentation which is relevant to the appeal;
    iv. Rules of conduct; and
    v. Rights of the applicant/provider
f. The Region 9 AAA Director may dismiss an appeal under any of the following circumstances:
    i. Appeal was not signed and initiated by duly authorized official;
    ii. The request was not submitted within the time allowed;
    iii. The appellant fails to follow the appeals procedure steps;
    iv. The request is withdrawn by the appellant through written communication before a final decision is made;
    v. The applicant/provider fails to appear or be represented at the scheduled hearing.
g. Hearings will be conducted to review items in dispute and seek clarification or resolution to the issue. The appellant shall be given an opportunity to present oral and written arguments on pertinent issues, to bring witnesses, and present evidence. A record of such a meeting, including relevant facts will be maintained in the Region 9 AAA's office.
h. The decision shall be communicated in writing to the appellant within five (5) business days following the review hearing.
i. The appellant is then notified that the decision may be appealed by written request within ten (10) business days to the CEO.

The final decision of the CEO will be communicated in writing to the appellant within five (5) business days.