

**NEW HAVEN COMMUNITY MEDICAL GROUP
YALE-NEW HAVEN HOSPITAL
DEPARTMENT OF PHYSICIAN SERVICES
MEMBERSHIP APPEALS AND MEMBER TERMINATION & SUSPENSION
POLICY**

Purpose:

The purpose of this policy is three-fold: (1) to identify instances in which a member's contract with the NHCMG will be immediately terminated without notice, (2) to describe the procedure and appeal rights associated with suspension/termination of a member's contract or participation in specific health plans based upon non-compliance or poor performance with respect to administrative and medical management policies, and (3) to identify the termination and appeals procedures associated with the provider credentialing and re-credentialing processes.

Scope:

All providers who apply for membership in the NHCMG, or who are currently contracted, are subject to the procedures outlined herein and are eligible to appeal the decisions of the Credentialing Committee and Board of Directors, as applicable, with respect to any action taken in enforcement of the terms of this policy according to the respective procedures identified.

Policy:

Members' agreements with the New Haven Hospital Medical Staff and NHCMG allow for termination without cause by either party upon ninety (90) days notice as well as immediate termination for cause for reasons stated below. All members are subject to the terms of their Participating Practitioner Agreement and this policy throughout the duration of their contract.

If a sanction or termination is based upon a member's competence or professional conduct that adversely affects or could adversely affect the health of a patient, the sanction or termination will be reported to the National Practitioner Databank (NPDB) via the website. Termination or suspension based upon business criteria is not considered reportable.

Current members or applicants for membership who believe that the Credentialing Committee or Board of Directors has not had complete or accurate information to act upon their NHCMG membership or status in any plan or have not conducted a fair interpretation of this policy are invited to appeal the membership, credentialing and plan participation decisions of such bodies by submitting their concerns **in writing** to the NHCMG in accordance with the procedures outlined below.

NOTE: This policy shall supersede the existing "*NHCMG Membership Appeals Policy*."

Procedure:

A. ONGOING REQUIREMENTS/ISSUES

1A. In accordance with Section 3.16.1 of the "Participating Practitioner Agreement," a member's contract with the YNHCMG will be terminated *immediately* upon discovery of any of the following events relative to the basic requirements for network participation:

- loss of Yale New Haven Hospital Medical Staff "Active", "Courtesy" "Refer and Follow" or "Affiliated" Medical Staff status
- revocation or suspension of licensure to practice in Connecticut
- loss of malpractice insurance coverage
- revocation or suspension of DEA or State Narcotics license (if applicable)

- affirmed revocation of Medicare or Medicaid participation status
- conviction of any felony
- disability (defined as inability of the provider to fulfill all obligations as outlined in the Participating Practitioner Agreement for a continuous period of six months)

Members will be notified via phone and certified mail of the decision to terminate his/her contract due to the loss of any of the credentials identified above.

- 1B. A member's contract with the NHCMG or participation in one or more specific health plans may also be terminated or suspended based upon issues of performance or competence and repeated non-compliance with administrative and/or medical management policies and procedures. Members are also subject to the termination requirements as set forth in each specific health plan's contract with the NHCMG. As such, to the extent that a suspension or termination is requested by a specific health plan, (this) policy of the NHCMG, as outlined below, will govern the review process whenever possible. In such cases, the NHCMG will notify the member immediately upon commencement of an investigation.

In instances where the NHCMG Agreement with any health plan permits the health plan to conduct such reviews independently or in cooperation with the NHCMG, the policies and procedures of the applicable health plan or the policies agreed to in the NHCMG Agreement with the applicable health plan shall govern this process.

Issues raised regarding a member's performance or competence, including, but not limited to the following: problematic utilization patterns, repeated non-compliance with health plan administrative and medical management policies and procedures, excessive member or provider complaints, etc., will be identified by NHCMG contracted entities and reported to the NHCMG Medical Director and Chair of the Credentialing Committee. The NHCMG Medical Director will review information received and assist in instructing the Credentialing Committee with respect to the review of such incidents.

The Committee will consider information submitted regarding any member's performance with respect to the aforementioned areas. The action recommended by the Credentialing Committees will be presented to the Board of Directors for action. Recommended actions may include the following: (1) in cases of a serious nature, contract termination/suspension or termination/suspension of participation in a specific health plan(s), (2) further investigation, or (3) monitoring and counseling of the offender by the NHCMG Medical Director or his/her designate for a specified period of time.

In cases in which it is determined that there may be imminent danger to the health of any individual, the NHCMG Medical Director may immediately reduce or suspend the member's Participating Provider Agreement/membership effective immediately upon notice to the member pending consideration and recommended action by the Credentialing Committee. The recommendation of the Credentialing Committee will then be presented to the NHCMG Board of Directors for final approval or disapproval.

The member will be notified in writing of the Board of Directors decision.

Health plans that delegate credentialing to the NHCMG will be notified of the member's suspension as required by the respective delegated credentialing agreement.

2. Members receiving an adverse decision due to the events outlined in Sections "1A" and "1B" above, will be notified in writing. Letters will identify the basis for the decision and the member's right to appeal a decision of the Board which is described as follows: Members wishing to appeal the decisions made by the Committee and Board must do so **in writing** to the NHCMG within

- thirty (30) calendar days of notification except as limited by paragraph 3 below. The member is informed that he/she may request the opportunity to meet personally with the Credentialing Committee or Board of Directors, as applicable in order to state his/her appeal. The request for a meeting must be made in writing at the time the appeal is submitted, and the member may choose to be represented by an attorney or another person of his or her choice.
3. Appeal regarding a member's termination due to lack of "Active", "Courtesy", "Refer and Follow" or "Affiliated" Medical Staff status, revocation of a member's license, DEA or state narcotics license (if applicable), malpractice insurance or Medicare/Medicaid participation status, or a member's conviction of any felony shall be limited to the specific issue of whether the NHCMG's records are in error with respect to such status, revocation, or conviction. Unless a member can demonstrate that the NHCMG's records of any such status, revocation, or conviction leading to the adverse decision are incorrect, there is no basis for appeal in this situation. Information demonstrating such error must be presented in writing at the time the appeal is submitted, and the Credentialing Committee may determine in its sole discretion, whether a personal meeting with the member will provide any further clarification of the issues under appeal.
 4. In the event of an Appeal, the Credentialing Committee will be supplemented with additional NH CMG member(s) within the same specialty as the member who is under review. The supplemented Credentialing Committee will review all appeals and make a recommendation to the NHCMG Board of Directors.
 5. The decision of the Board of Directors including the rationale for the decision shall be communicated to the member via certified mail within sixty (60) calendar days of receipt of his/her written appeal.
 6. Members are given the appropriate notification (or confirmation/retraction in the case of "1A" violations) of their impending contract or health plan specific termination consistent with the terms of the Participating Practitioner Agreement and the associated breach. Plan representatives will be subsequently informed of the member's termination or suspension. The termination of a member's contract with the NHCMG is communicated to **all NHCMG** sponsored plans.
 7. Providers whose full contract or participation in any specific health plan(s) is terminated with or without an Appeals procedure may be eligible to re-apply after one (1) year.

B. NEW APPLICANTS

1. New applicants for membership in the NHCMG are reviewed in accordance with the *New Member Credentialing Policy & Procedure*.
2. Individuals who are denied membership based upon their failure to demonstrate fulfillment of the criteria set forth in that policy are informed in writing that they may appeal the decision **in writing** to the NHCMG within thirty (30) calendar days of notification.
3. The Credentialing Committee will review all appeals and make a recommendation to the NHCMG Board of Directors.
4. The decision of the NHCMG Board of Directors including the rationale for the decision is communicated to the applicant via certified mail within sixty (60) calendar days of receipt of his/her written appeal.
5. Applicants who are denied membership, with or without an appeals process, are eligible to re-apply when he/she can demonstrate fulfillment of the NHCMG criteria.

C. RE-CREDENTIALING OF EXISTING PHYSICIANS

(also applicable to “Provisional” Members)

1. All members of the NHCMG are re-credentialed every three years in accordance with the *Re-Credentialing Policy & Procedure*. Provisional members are re-credentialed after one year of membership.
2. Following review by the NHCMG Credentialing Committee, members who fail to fulfill the requirements set forth in the *Re-Credentialing Policy & Procedure* will be identified to the YNHCMG Board of Directors. The Board will approve or disapprove the recommendations of the Credentialing Committee for members who fail to fulfill the requirements of the NHCMG.
3. Members who the Board agrees did not successfully meet credentialing criteria will be notified via mail. Members who have been identified as having not fulfilled the Clinical, Teaching, Administrative, Clinical Integration and Network Connectivity criteria as outlined in the Re-credentialing Policy and Procedures are informed that they have been granted six (6) months to demonstrate commitment and improvement.

Members who are found to be deficient in the areas of Clinical, Teaching/Administrative, Clinical Integration and Network Connectivity criteria as outlined in the Re-credentialing Policy and Procedures are informed that they may supply additional information in writing to the NHCMG if they believe that the Committee did not have complete or accurate data upon which to base their decision. Requests for further consideration must be made within thirty (30) calendar days of receipt of the notification letter.

4. Following the six month time period, the NHCMG Credentialing Committee will review members’ Clinical, Teaching/Administrative, Clinical Integration and Network Connectivity activity once again. Their ability to meet or failure to meet these requirements will be addressed consistent with the terms of the “*YNHCMG Re-Credentialing Policy & Procedure*.”

Members who were deficient in Clinical, Teaching/Administrative, Clinical Integration and Network Connectivity activities and have demonstrated improvement necessary to meet pro-rated annual requirements will be recommended to the NHCMG Board of Directors for full approval.

Members who, at this point, fail to fulfill the Clinical, Teaching/Administrative, Clinical Integration and Network Connectivity requirements will be recommended for termination of YNHCMG membership and the individual’s NHCMG Participating Practitioner Agreement.

5. The NHCMG Board of Directors will approve or disapprove the recommendations of the Credentialing Committee in reference to the members with six (6) month notices as described above in paragraph 4.
6. Members are notified of the Board’s decision via certified mail. Members are informed that they may appeal the decision of the Credentialing Committee and Board of Directors **in writing** to the YNHCMG. Appeals must be submitted within thirty (30) calendar days of notification except as limited by paragraph 7 below. Members are also informed that they may request the opportunity to meet personally with the Credentialing Committee or Board of Directors, as applicable, in order to state their appeal. The request for a meeting must be made in writing at the time the appeal is submitted, and the member may choose to be represented by an attorney or another person of his or her choice.
7. Any appeal related to a member’s failure to meet the Level I screening requirements shall be limited to the specific issue of whether the NHCMG’s records are in error with respect to whether any required status, license, insurance or certification has been met. Information demonstrating such error must be presented in writing at the time the appeal is submitted, and the Credentialing

Committee may determine in its sole discretion, whether a personal meeting with the member will provide any further clarification of the issues under appeal.

8. The Credentialing Committee will review all appeals and make a recommendation to the NHCMG Board of Directors.
9. The decision of the NHCMG Board of Directors including the rationale for the decision is communicated to the member via certified mail within sixty (60) calendar days of receipt of his/her written appeal.
10. Applicable members are given notice of the impending termination of NHCMG membership and contracts. Notice of such terminations shall be conducted in accordance with the terms of the member's Participating Practitioner Agreement concerning failure to satisfy credentialing standards, or, in the alternative, in accordance with such Agreement's termination provisions for breach thereof.

Representatives of all NHCMG sponsored plans in which the member participates will be subsequently informed of the member's NHCMG termination and the NHCMG's request that the individual be likewise terminated from the plan.

11. A member who is terminated, with or without an appeals procedure, is eligible to re-apply when he/she can demonstrate fulfillment of the NHCMG criteria.

zinck/policyf
updated 3/21/00
reviewed 7/29/02
reviewed 8/23/04
updated 8/16/06
updated 4/14/08
approved 4/29/08
revised 12/29/09
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