

**PCVO Policy 19:
Appeals Process****1.0 SCOPE**

- 1.1 This policy applies to the credentialing and recredentialing processes performed by the University Hospitals ('UH') Provider and Central Verification Organization ('PCVO'), which provides delegated credentialing services pursuant to a delegated agreement with payor(s), for eligible practitioners:
- 1.1.1 Who are employed by or provide medical services on behalf of UH-affiliated practice group(s); and/or
 - 1.1.2 Who seek appointment to membership on, who are current members of, who seek to be privileged by, or who are currently privileged by the University Hospitals Cleveland Medical Center (UHCMC) Medical Staff and/or University Hospitals Rainbow Babies & Children's Hospital (UHRB&C). (Please refer to PCVO Policy 2: Sister to Sister Relationships: Functions Performed for UHCMC and/or UHRB&C Applicants by UHCMC and/or UHRB&C for PCVO; UHCMC and/or UHRB&C Medical Staff Bylaws; and UHCMC and/or UHRB&C Medical Staff Rules and Regulations for these practitioners.)

2.0 DEFINITIONS

- 2.1 Board Hearing Committee: Refers to the composition of PCVO Board of Directors members that listen to a request for an evidentiary hearing properly filed and pursued by a practitioner.
- 2.2 Participation: Refers to the practitioner's association, membership, relationship, privileges or credentialing status with the UH PCVO.

3.0 POLICY

- 3.1 When PCVO takes action to alter a practitioner's participation, relationship or credentialing status for quality reasons, PCVO provides the practitioner with due process that meets at a minimum the requirements of the Health Care Quality Improvement Act of 1986 (HCQIA).

4.0 PROCEDURE FOR PRACTITIONER APPEAL

- 4.1 The PCVO Credentialing Committee, in the performance of its peer review function, has the authority to investigate and evaluate practitioner credentials and peer review data and to make recommendations regarding approval, denial, suspension, limitation, revocation, or termination of practitioner's participation. Refer to PCVO Policy 11: PCVO Credentialing Committee.
- 4.2 The PCVO Credentialing Committee makes a written recommendation to the PCVO Board of Directors including the facts and premises underlying the adverse recommendation, and provides a copy of its recommendation to the affected

**PCVO Policy 19:
Appeals Process**

practitioner. This constitutes notice of the practitioner's right to request the procedural rights provided in this policy.

- 4.3 All appeals are in accordance with the procedure set forth in this policy.
- 4.4 The denial, termination, reduction, restriction, or any other actions, except those specified in PCVO policies, do not give rise to an appeal.
- 4.5 Except in the case of a summary suspension or automatic suspension and revocation under this policy, any corrective action against a practitioner does not become effective in the event that such practitioner makes a written request for an appeal under this policy. The participation of the practitioner continues pending the outcome of the appeal process.
- 4.6 Initiation of Appeal.
 - 4.6.1 The following recommendations or actions, if deemed adverse, entitle the practitioner affected thereby to an appeal:
 - 4.6.1.1 Denial of initial participation;
 - 4.6.1.2 Termination of participation;
 - 4.6.1.3 Denial of renewal of participation;
 - 4.6.1.4 Suspension of participation except automatic suspension (see PCVO Policy 18: Corrective Action);
 - 4.6.1.5 Revocation of participation except automatic revocation (see PCVO Policy 18: Corrective Action);
 - 4.6.2 A recommendation or action is deemed an adverse action only when it has been:
 - 4.6.2.1 Recommended by the PCVO Credentialing Committee; or
 - 4.6.2.2 A suspension continued in effect after review by the PCVO Credentialing Committee and/or the PCVO Board of Directors; or
 - 4.6.2.3 Taken by the PCVO Board of Directors contrary to a favorable recommendation by the PCVO Credentialing Committee under circumstances where no prior right to a hearing existed; or
 - 4.6.2.4 Taken by the PCVO Board of Directors on its own initiative without benefit of a prior recommendation by the PCVO Credentialing Committee.
 - 4.6.3 A practitioner, against whom adverse action has been taken pursuant to this policy, is promptly given notice of such action and reason(s) for such action by the PCVO Credentialing Committee and/or PCVO Medical Director. The notice indicates that the practitioner may request a hearing in accordance with this policy and contains a summary of the rights in the hearing.

**PCVO Policy 19:
Appeals Process**

- 4.6.4 A practitioner has thirty (30) calendar days following his/her receipt of a notice of adverse action or recommendation to file a written request for a hearing. Such request is deemed to have been made when delivered to the PCVO Medical Director in person or when sent by certified mail or delivery service to the PCVO Medical Director properly addressed and postage paid.

- 4.7 Hearing Prerequisites.
 - 4.7.1 The PCVO Medical Director promptly schedules and arranges for a hearing. At least fourteen (14) calendar days prior to the hearing, the PCVO Medical Director sends the practitioner notice of the time, place, and date of the hearing. The notice includes a list of witnesses, if any, expected to testify for the entity whose recommendation or action prompted the hearing request.
 - 4.7.2 The notice of hearing required by this policy contains a concise statement of the practitioner's alleged acts or omissions, and/or the other reasons or subject matter forming the basis for the adverse recommendation or action which is the subject of the hearing.
 - 4.7.3 PCVO Board of Directors as Hearing Committee.
 - 4.7.3.1 A hearing convened by the PCVO Credentialing Committee is conducted before the PCVO Board of Directors, acting as the Hearing Committee, provided no Board of Directors member is in direct economic competition with the practitioner. The Board chairperson presides over the hearing and, with the advice and consent of the Board of Directors, speaks on behalf of the Board of Directors during the hearing, rules on matters relevant to proceedings, and arranges for the conduct of the hearing.
 - 4.7.3.2 All members of the Board of Directors present are required to hear the evidence presented at any hearing. Any decision adopted by a majority (51% or greater) is the decision of the Board of Directors Hearing Committee. Counsel refers to the counsel to the PCVO. All expenses for the conduct of any hearing is borne by the PCVO.
 - 4.7.3.3 All members of the Board of Directors Hearing Committee are required to consider and decide the case with good faith objectivity.

- 4.8 Hearing Procedure
 - 4.8.1 The personal presence of the practitioner who requested the hearing is required. A practitioner, who fails without good cause to appear and

**PCVO Policy 19:
Appeals Process**

proceed at such hearing, is deemed to have waived his/her rights to such hearing and to any appellate review to which he/she might otherwise have been entitled.

4.8.2 The practitioner who requested the hearing is entitled to be accompanied and represented at the hearing by a practitioner whose participation in the PCVO is in good standing, by a member of his/her local professional society, by an attorney, by his/her collaborating or supervising physician as appropriate, or other person of the practitioner's choice. Counsel to the PCVO represents the PCVO at the hearing, to present the facts in support of its adverse recommendation or action, and to examine witnesses.

4.8.3 During a hearing, each of the parties has the right to:

- 4.8.3.1 Call and examine witnesses;
- 4.8.3.2 Introduce exhibits;
- 4.8.3.3 Cross-examine any witness on any matter relevant to the issues;
- 4.8.3.4 Impeach any witness;
- 4.8.3.5 Rebut any evidence; and/or
- 4.8.3.6 Request that the record of the hearing be made by use of a court reporter or an electronic recording device.

If the practitioner who requested the hearing does not testify on his/her own behalf, he/she may be called and examined as if under cross-examination.

4.8.4 The hearing is not conducted strictly according to rules of law relating to the examination of witnesses or presentation of evidence. Any relevant matter upon which responsible persons customarily rely on the conduct of serious affairs is admitted, regardless of the admissibility of such evidence in a court of law. Each party prior to or during the hearing, is entitled to submit a written summary of the facts, and such summary is a part of the hearing record. The PCVO Board of Directors Hearing Committee may require one or both parties to prepare and submit to the committee, written statements of their position on the issues, prior to, during, or at the close of the hearing. The hearing committee establishes rules of procedure, including, but not limited to, the requirement of the submission prior to the hearing of lists of proposed witnesses and exhibits. The presiding officer does not require that oral evidence be taken only on oath or affirmation administered by any person designated by him/her and entitled to notarized documents.

4.8.5 The Board of Directors Hearing Committee is entitled to consider any pertinent material contained in the practitioner's PCVO credentialing file.

4.8.6 The entity whose adverse recommendation or action necessitated the

**PCVO Policy 19:
Appeals Process**

hearing under this policy (either the Credentialing Committee or the Board), has the initial obligation to present prima facie evidence in support thereof. The burden then shifts to the practitioner, who is thereafter, responsible for supporting his/her challenge to the adverse recommendation or action by clear and convincing evidence that the grounds therefore lack any factual basis or that such basis or the conclusions drawn therefrom are either arbitrary, unreasonable, or capricious.

- 4.8.7 An accurate record of the hearing is kept to assure that an informed and valid judgment can be made by any group that may later be called upon to review the record and render a recommendation or decision in the matter. The PCVO Board of Directors Hearing Committee Chairman, unless his/her decision is reversed by a majority vote of the Board of Directors Hearing Committee, selects the method to be used for making the record, such as court reporter, electronic recording device, detailed transcription, or minutes of the proceedings. A practitioner requesting an alternate method bears the cost thereof.
- 4.8.8 Requests for postponement of hearing may be granted by the PCVO Board of Directors Hearing Committee only upon a showing of good cause or by mutual consent of the parties.
- 4.8.9 The PCVO Board of Directors Hearing Committee may recess the hearing and reconvene the same without additional notice for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation. Upon conclusion of the presentation of oral and written evidence, the hearing is closed. The Board of Directors Hearing Committee conducts thereupon, at a time convenient to itself, its deliberations outside the presence of the parties. Upon the conclusion of its deliberation, the hearing is declared as a final adjournment.
- 4.9 PCVO Board of Directors Hearing Committee Report and Further Action
 - 4.9.1 Within a reasonable time after final adjournment of the hearing, the Board of Directors Hearing Committee makes a written report of its findings and recommendations in the matter and forwards the same, together with the hearing record and all other documentation considered by it, to the PCVO Credentialing Committee. The practitioner has the right to receive the written recommendation of the Board of Directors Hearing Committee including a statement of the basis for the recommendation. A copy of the hearing record may be obtained by the practitioner upon payment of reasonable charges associated with its preparation.
 - 4.9.2 The PCVO Board of Directors transmits the result, together with the hearing record, the report of the Board of Directors Hearing Committee and all other documentation considered to the PCVO Medical Director.

PCVO Policy 19 Appeals Process
 Page 6 of 6
 NEW 10-2005
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**PCVO Policy 19:
 Appeals Process**

4.9.3 Notice and Effect of Result.

4.9.3.1 The PCVO Medical Director promptly sends a copy of the result to the practitioner.

4.9.3.2 The action of the PCVO Board of Directors is the final decision of the PCVO Board of Directors and the matter is considered closed.

5.0 ADVISING PRACTITIONERS OF APPEAL PROCESS


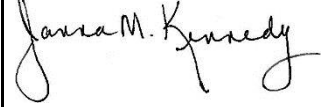
5.1 Practitioners are given a copy of applicable PCVO credentialing policies, including this PCVO Policy 19 “Practitioner Appeal Rights”, with their initial credentialing application packet. Material revisions to the policy are distributed to practitioners.

6.0 ATTACHMENTS

6.1 None

7.0 SEE ALSO

- 7.1 PCVO Policy 2: Sister to Sister Relationships: Functions Performed for UHCMC/UHRB&C Applicants by UHCMC/UHRB&C for PCVO
- 7.2 PCVO Policy 11: PCVO Credentialing Committee
- 7.3 PCVO Policy 18: Corrective Action
- 7.4 PCVO Policy 20: Notification to Authorities
- 7.5 UHCMC and/ or UHRB&C Medical Staff Bylaws
- 7.6 UHCMC and/ or UHRB&C Medical Staff Rules and Regulations

APPROVALS	
 Medical Director PCVO 6/3/2020	 Director UH Medical Staff Services and Credentialing 6/3/2020