

Grievances, Appeals & Mediation



**St. Clair County
Community Mental Health**


Providing Opportunities for Health, Wellness, & Connection

www.scccmh.org





Course Objectives

- To provide an understanding of the rights of persons served to file grievances, request appeals and mediation.
 - Understand state and federal requirements.
 - Understand when and how persons served file a grievance, request an appeal and mediation.
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State & Federal Requirements

All persons served have the right to a fair and efficient process for resolving disputes and grievances regarding their services and supports.

The following mandates provide the legal basis for the processes and procedures followed when a person served makes a grievance and/or requests an appeal:

- 42 C.F.R. § 438 (Code of Federal Regulations)
- Michigan Mental Health Code, Chapters 7 and 7A
- MDHHS/CMHSP Managed Mental Health Supports and Services Contract
- Medicaid Managed Specialty Supports & Services contracts
- Region 10 PIHP Grievance and Appeals Policy # 07-02-01
- St. Clair County Community Mental Health Grievance Process Policy # 02-001-0040
- St. Clair County Community Mental Health Appeal Process Policy #02-001-0045




Grievance, Appeals, and Mediation Standards

- ALL persons served and individuals requesting services have the right to file a grievance and/or to request an appeal of an Adverse Benefit Determination.
- Individuals may access several options to pursue the resolution of grievance, appeal and mediation:
 - File a Grievance
 - File an Appeal
 - Request Mediation
- SCCCMH will assist individuals who need support filing and submitting a grievance or appeal. SCCCMH will assist individuals served who need accommodations.




Grievance

- A grievance may be filed at any time; there is no time limit.
 - A grievance may be filed at any time by the person served, guardian, parent of minor child, or legal representative.
 - Person served may also concurrently file an appeal of Adverse Benefit Determination and a grievance regarding other service complaints.
 - A grievance may be filed orally or in writing.
 - The SCCCMH Chief Operating Officer oversees the administrative function of grievances. The Adult Services Director and Child & Family Services Director are Grievance Managers.
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Appeal

- Individuals served may pursue the option to dispute or appeal any Adverse Benefit Determination.
 - Individuals served may request an appeal orally or in writing. A CMHSP or other organizational provider may file an appeal on behalf of the individual, as long as it has written permission from the individual.
 - Upon request, individuals served will be given assistance from staff in the filling process.
 - Individuals served may request an expedited appeal.
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Mediation

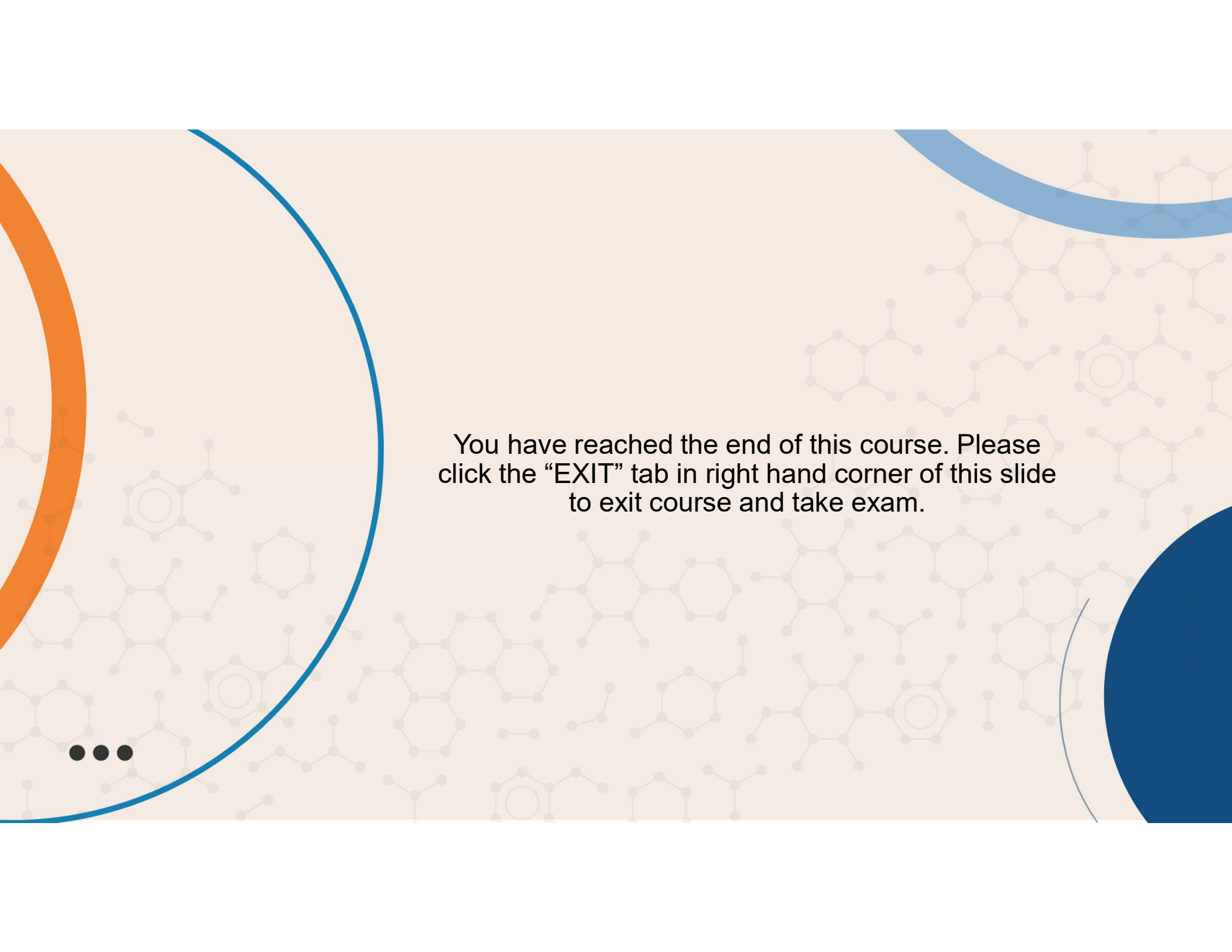
- A person served/their representative may request mediation at any time when there is a dispute related to service planning or the services/supports provided.
 - Mediation may be requested at the same time as a local dispute resolution, local appeal, Medicaid Fair Hearing process, or recipient rights complaint investigation is occurring.
 - Mediation services are provided by a neutral third party.
 - Mediation does not apply to:
 - Disputes regarding medical necessity determinations
 - An Assisted Outpatient Treatment court order, once granted by a probate judge
 - Recipient rights services. or disputes regarding recipient rights services
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Grievance Process Roles & Responsibilities

Position	Responsibilities
Region 10 PIHP and SCCCMH staff	Assists individuals served who wish to file a grievance.
Chief Operating Officer (COO)	Provides oversight of the Grievance Process, enters grievances in the Grievance Module, and submits quarterly reports to the PIHP.
Adult Services Director/Child & Family Services Director	Reviews grievances and enters a disposition for the grievance.

Appeal Process Roles & Responsibilities

Position	Responsibilities
CIU Staff or Primary Caseholders	Provide adequate notices
Chief Operating Officer (COO)	Review individuals' appeals and forward to appropriate stakeholders, including reporting to PIHP
Program Services Director	Review individuals' appeals and respond, investigate, and resolve appropriately
Primary Caseholder	Assist recipients with requests for alternative dispute resolution
Customer Services	Receive recipient requests for second opinions and facilitate response process

The background is a light beige color with a repeating pattern of faint, grey chemical structures, including benzene rings and various molecular chains. On the left side, there is a large orange arc and a blue arc. On the right side, there is a blue arc and a dark blue circle. In the bottom left corner, there are three small black dots.

You have reached the end of this course. Please click the “EXIT” tab in right hand corner of this slide to exit course and take exam.