

Effective Date: 8/19/2014; 2/5/2009; 6/29/2007; 12/8/2005, Motion #05-122; 6/29/2004, BOD Approved, Motion #04-027
Revised Date: 5/31/2016
Review Date: 5/31/2016

North Sound Behavioral Health Organization, LLC

Section 1000 – Administrative: Fair Hearing

Authorizing Sources: See references Policy 1001

Cancels:

See Also:

Providers must comply with this policy and may develop individualized implementation guidelines as needed

Responsible Staff: Operations Manager

Executive Director

Approved by: County Authorities Executive Committee (formerly known as the Board of Directors)

Motion #: 05-122

Signature:

Date: 12/8/2005

Date: 4/1/2016

POLICY #1004.00

SUBJECT: FAIR (ADMINISTRATIVE) HEARINGS

PURPOSE

To outline the State Fair (Administrative) Hearing process and requirements.

DEFINITIONS

See North Sound Behavioral Health Organization (North Sound BHO) Policy 1001 for definitions.

FAIR (ADMINISTRATIVE) HEARING POLICY

An individual must first exhaust the grievance process or the appeal process before requesting a fair hearing. In the event a grievance or an appeal is resolved and is not in favor of the individual, the individual is entitled to request a fair hearing.

There will be no retaliation against an individual who requests a fair hearing. Individuals may contact North Sound BHO or the regional Ombuds services if they have concerns about retaliation.

A. Rights to Request a Fair Hearing

Only the individual, the individual's authorized representative, or the legal representative of a deceased individual's estate may file a request for a Fair hearing. Individuals may call the OAH to inquire about qualifying for a State fair hearing. Situations when an individual may request a fair hearing include the following:

1. An individual exhausts the North Sound BHO grievance process and is not satisfied with the decision.
2. North Sound BHO does not adhere to the timeline for a grievance as stipulated in Policy 1002.
3. An individual exhausts the North Sound BHO appeal process and disagrees with the appeal decision.
4. North Sound BHO does not adhere to the timeline for an appeal as stipulated in Policy 1003
5. North Sound BHO does not send written appeal resolution for expedited appeal within three (3) business days, if expedition is accepted by North Sound BHO, unless extended.

B. Time Frames for Fair Hearing Requests

1. If continued services are not requested, a fair hearing must be requested within 90 calendar days from the date on the written notice from North Sound BHO at the end of the grievance process or resolution of the appeal.
2. If continued services are requested pending the outcome of the Fair Hearing an individual may request a hearing regarding a termination, suspension, or reduction of a previously authorized service. The request must be made within 10 calendar days from the date on the written notice from North Sound BHO at the end of the grievance process or resolution of the appeal.
3. Expedited Fair Hearing request must be made within 10 calendar days from the date on the written notice from North Sound BHO at the end of the grievance process or resolution of the appeal.

C. Continuation of Services During Fair Hearing Process

North Sound BHO will continue to provide behavioral health services during the Fair Hearing process if criteria are met for continued services, per Washington Administrative Code, until one of the following occurs:

1. The individual withdraws the hearing request.
2. The administrative law judge issues a hearing decision adverse to the individual.
3. The period covered by the original authorization of behavioral health services has expired.

D. Assistance with Fair Hearings

North Sound BHO will provide assistance to consumers in pursuing fair hearings. North Sound BHO will provide information about how to request a fair hearing and access to Ombuds services. Ombuds services are available to advocate and support individuals throughout the fair hearing process at no cost.

E. Fair Hearing Outcome

DSHS is responsible for the implementation of the Fair Hearing decision.

1. DSHS will notify the North Sound BHO of the hearing determination.
2. The North Sound BHO must be bound by the hearing determination, whether or not the hearing determination upholds the North Sound BHO's decision.
3. If the North Sound BHO or the State Fair Hearings officer reversed the decision to deny, limit, or delay services that were not furnished while the appeal was pending, North Sound BHO must authorize or provide the disputed services promptly and as expeditiously as the individuals behavioral health condition requires.
4. If the Fair Hearing decision is not in favor of the individual, North Sound BHO may recover the cost of the behavioral health services furnished to the individual while the hearing was pending to the extent that they were provided solely because of service continuation requirements.

- F.** If the state fair hearing officer reverses a decision to deny authorization of services and the enrollee received the disputed services while the fair hearing was pending, North Sound BHO or the state must pay for those services in accordance with state policy and regulations.

ATTACHMENTS

None