



APPEAL AND NOTICE REQUIREMENTS

Policy Category	ECS Grievance Systems	Policy Number	3.01
Date Issued	5/19/2015	Supersedes	NA
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INTRODUCTION

It is the policy of Solari to provide persons who have been evaluated for Serious Emotional Disturbance (SED) or Serious Mental Illness (SMI) eligibility the right to appeal the SED/SMI eligibility determination.

PROCEDURES

1. GENERAL REQUIREMENTS

- 1.1. Solari will comply with the appeal and notice requirements in accordance with the Arizona Health Care Cost Containment System (AHCCCS) ACOM 444 Notice and Appeal Requirements (SMI and Non- SMI/Non-Title XIX/XXI)
- 1.2. For appeals regarding SED and Non-SED, Solari will comply with the AHCCCS general grievance/appeal information located at <https://www.azahcccs.gov/Members/GetCovered/RightsAndResponsibilities/grievanceandappeals.html>.
- 1.3. In computing any time prescribed or allowed in this policy, the period begins the day after the act, event or decision occurs. If the period is eleven (11) days or more, the time period must be calculated using calendar days, which means that weekends and legal holidays are counted. If, however, the period is less than eleven (11) days, the time period is calculated using working days, in which case, weekends and legal holidays must not be included in the computation. In either case, if the final day of the period is a weekend or legal holiday, the period is extended until the end of the next day that is not a weekend or a legal holiday.

2. APPEALS

- 2.1. Persons who are evaluated for an SED/SMI eligibility determination may file an appeal of the decision with Solari.
- 2.2. The following individuals may submit an appeal of an SED/SMI eligibility determination:
 - 2.2.1. An adult applying for or receiving services, their legal guardian, court appointed guardian ad litem, designated representative or attorney and for persons identified as in need of Special Assistance, this includes the person designated to meet the Special Assistance needs;
 - 2.2.2. A legal guardian or parent who is the legal custodian of a person under the age of 18 years or a designated representative;
 - 2.2.3. A court appointed guardian ad litem or an attorney of a person under the age of 18 years; or
 - 2.2.4. A provider, acting on the behavioral health recipient's behalf and with the written authorization of the person.
- 2.3. An appeal can be made either orally or in writing to Solari within sixty (60) days of the date of the *Notice of Determination and Right to Appeal*.
- 2.4. Late appeals may be acted upon based on good cause as determined by Solari.
 - 2.4.1. If the late appeal is denied, the appellant shall receive a written notice which sets forth the reason for the decision and instructions for requesting a review of the decision to refuse acceptance of the appeal.
 - 2.4.2. Within ten (10) days of the notification, the client or applicant may request review of that decision by AHCCCS.
 - 2.4.3. Absent extension, AHCCCS shall act within fifteen (15) days of receipt of the request for review. The decision of AHCCCS shall be final.
 - 2.4.4. Informal conferences will be scheduled at a convenient time and place for the appellant.
 - 2.4.5. If the appellant needs transportation within forty (40) miles of an ECS location, Solari will coordinate transportation arrangements as needed for the applicant to participate in the informal conference.
 - 2.4.6. If the appellant needs transportation from outside the forty (40) mile area, arrangements will be made for the applicant to participate in the informal conference via telemedicine video conference or via telephone.
 - 2.4.7. The appellant will be informed of the option to participate in the informal conference by telephone or video conference.
 - 2.4.8. The appellant will be informed of their right to be represented by a designated representative of the appellant's choice.

3. INFORMAL CONFERENCE

- 3.1. The appellant, as well as any person they invite to participate and, at a minimum, the assigned Grievance Specialist, will participate in an informal conference.
- 3.2. Solari will attempt to make a BHMP available to attend informal conferences whenever possible. This will be a different BHMP than the BHMP who made the original SED/SMI eligibility determination decision.
- 3.3. During the informal conference the appellant has an opportunity to provide further information and/or documentation to inform the SED/SMI eligibility determination.
- 3.4. The informal conference shall be chaired by a representative of Solari who shall seek to mediate and resolve the issues in dispute.
- 3.5. The secondary BHMP will issue a Supplemental Decision regarding the appellant's SED/SMI status based upon the informal conference and any other information gathered in the appeal process. The Supplemental Decision will either uphold or overturn the original determination.
- 3.6. Upon completion of the Supplemental Decision a Form 3.01B Notice of SED/SMI Determination Supplemental Review will be generated indicating the SED/SMI eligibility decision and the process to request a State Fair Hearing. The notice is mailed out the same day.
- 3.7. If the Supplemental Decision overturns the initial determination, Solari will overturn the SED/SMI status in the AHCCCS Behavioral Health Portal and submit the Supplemental Decision documentation, which notifies AHCCCS of the change in SED/SMI status.
- 3.8. In the event the appellant fails to attend the informal conference and fails to notify Solari of their inability to attend prior to the scheduled conference, Solari will reschedule the conference in accordance with the requirements for scheduling informal conferences.
 - 3.8.1. If the person appealing fails to attend the rescheduled informal conference and fails to notify Solari of their inability to attend prior to the rescheduled conference, Solari will consider the appeal closed and send written notice of the closure to the person appealing.
 - 3.8.2. In the event the appellant requests the appeal be re-opened due to not receiving the informal conference notification and/or due to good cause, Solari may re-open the appeal.

4. STATE FAIR HEARING

- 4.1. A written request for state fair hearing must be filed with AHCCCS in writing and must contain the following information:
 - 4.1.1. Case name (name of the appellant or person receiving services, name of the appellant and the AHCCCS docket number).
 - 4.1.2. The decision being appealed;
 - 4.1.3. The date of the decision being appealed; and
 - 4.1.4. The reason for the appeal.
- 4.2. If a request for state fair hearing is received at Solari, the written request will be sent to AHCCCS. If the appellant needs transportation within forty (40) miles of an ECS location, Solari will coordinate transportation as outlined above.
- 4.3. Within three (3) working days of notification from AHCCCS that a request for state fair hearing has been filed, Solari will compile and submit the following appeal files to the AHCCCS Office of Grievance and Appeals:
 - 4.3.1. Notice of Determination and Right to Appeal
 - 4.3.2. Appeal Form
 - 4.3.3. Notice of Acknowledgement of Appeal
 - 4.3.4. Informal Conference Report
 - 4.3.5. Notice of Supplemental Decision
- 4.4. No fewer than seven (7) working days prior to the scheduled administrative hearing, Solari will compile the following documents to be used at the administrative hearing
 - 4.4.1. SED/SMI Criteria
 - 4.4.2. Assessment for Level of Care
 - 4.4.3. SED/SMI Determination
 - 4.4.4. Supplemental SED/SMI Determination
 - 4.4.5. All pertinent records and supporting documentation

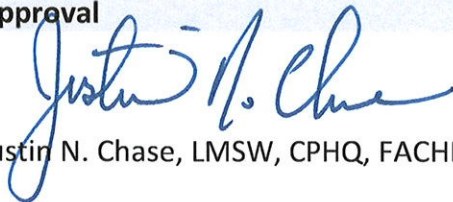
These documents will be submitted along with a prepared Notice of Filing List of Witnesses and Documents to the following parties:

 - 4.4.6. The assigned Administrative Law Judge
 - 4.4.7. The applicant and/or Designated Representative
 - 4.4.8. AHCCCS/OALS
- 4.5. Upon receipt of the Director's Decision notice, Solari will document the hearing outcome in the EHR.
- 4.6. Administrative hearings shall be conducted and decided pursuant to A.R.S. §41- 1092 et seq

5. NOTICE REQUIREMENTS FOR THE GRIEVANCE SYSTEM

- 5.1. All Notices to persons being considered for SED/SMI eligibility will be created in accordance with Policy 9.01 *Communication Guidelines*.
- 5.2. Within five (5) working days of receipt of an appeal, Solari will create Form 3.01A Notice of Acknowledgement of Appeal in the EHR and arrange for mailing. The Notice of Acknowledgement of Appeal includes the following details about the informal conference:
 - 5.2.1. Date;
 - 5.2.2. Time;
 - 5.2.3. Location;
 - 5.2.4. That the appellant may attend with a designated representative;
 - 5.2.5. That the appellant may provide additional supporting documentation; and
 - 5.2.6. That transportation may be requested if needed.
- 5.3. Within three (3) working days of an informal conference, Solari will create Notice of SED/SMI Supplemental Review in the EHR and arrange for mailing. The Notice of SED/SMI Supplemental Review includes the following information:
 - 5.3.1. A summary of the issues involved;
 - 5.3.2. The outcome of the appeal;
 - 5.3.3. The basis of the decision;
 - 5.3.4. The right of the appellant to request a state fair hearing with AHCCCS no later than 30 days from the date of the Solari's decision; and
 - 5.3.5. Instructions on how to request a state fair hearing.

Approval



Justin N. Chase, LMSW, CPHQ, FACHE | President and CEO

Date

8/21/23