

PROCEDURE

Series:	Operating Procedures	COA: NET 2.03,7.08 CFOP: NA
Procedure Name:	Appeals and Complaint Process for Network Services	
Procedure Number:	OP-1143	
Reviewed Date:	3/11/16, 06/22/2020	
Revision #/Date:	03/14/12, 08/12/2014	
Effective Date:	2/20/09	
Applicable to:	All BFP Staff, Contracted and Network Providers	

SUBJECT: Appeals and Complaint Process regarding the Provision of Network Services

PURPOSE: To provide an appeals and complaint process for services being offered and approved through Brevard Family Partnership. This procedure addresses both complaints and appeals by providers, team members, and family members regarding services offered and authorized, which are not related to a Client Complaint or Grievance Procedures (OP 1125).

PROCEDURE:

References

Standard Contract for Services

BFP Policies/Procedures: GOV203, PR901, CG302, RQ506, OP1125, AP415

Appeals Process for Procurement of Services:

The following Appeals Procedures are applicable to all procurements of commodities and/or services at BFP:

Any Applicant who is allegedly aggrieved in connection with the solicitation, pending award, or denial of participation in the BFP Provider Network must file a formal written protest with BFP within 5 business days of the posting of the award or notification of decision. The formal written protest must reference the Name of the Solicitation, submission date of the application, and shall state with specificity the facts and laws upon which the protest is based, including full details of adverse effects and the relief sought.

Upon receipt of an appeal, the BFP Contract and Compliance Manager will convene an Appeals Committee consisting of a minimum of three BFP Senior staff members and a minimum of two community representatives who did not participate in the procurement process. The Appeals Committee will review appeals within 10 business days of receipt of the written protest or appeal. The BFP CEO and Chief Legal Officer or designee may attend all appeal- or protest-related meetings. The BFP Contract and Compliance Manager records the meeting and provides any information the committee requests. The purpose of an appeals review is to provide an opportunity to: (1) review the basis of the protest, (2) evaluate the facts and merits of the protest, and (3) if



possible, to reach a resolution of the protest that is acceptable to the affected parties. The decision of the Appeals Committee will be delivered to the Applicant via certified mail, return receipt requested.

The Applicant will have the opportunity to meet with the Appeals Committee for the purpose of arguing the facts included and law implicated in the formal written protest; and to request the relief sought therein. The Applicant will also have an opportunity to provide any documents that they wish the Appeals Committee to review in support of the appeal. The Appeals Committee will not entertain any argument or consider any information or request for relief which was not included in the initial written protest. The Appeals Committee will announce its decision in writing within three business days of the meeting. BFP Contract and Compliance Manager or designee will present the recommended award including the details of the protest and the BFP Appeals Committee recommendation to the CEO as a final means of administrative remedy, within 15 business days of the BFP Appeals Committee decision. If the matter remains unresolved, BFP and the Applicant shall enter into mediation with a mutually agreed upon mediator, the costs of which will be shared by BFP and the Applicant, prior to either party initiating litigation.

Complaint/Appeal process for Current Network Providers and Partners:

Brevard Family Partnership encourages Providers and System of Care partners to resolve appeals and complaints at the local service center level. Complaints related to children and families served should be forwarded to the BFP Client Relations Specialist.

Appeals related to CPI Flex Funds:

All disputes/appeals related to CPI Flex Funds are to be resolved the same day or as expeditiously as feasible. If an agreement cannot be reached between the assigned PI, PI Supervisor, BFP Intake Specialists and immediate supervisor, then the matter will be referred to the BFP Senior Executive of Programs or designee and DCF POA. A joint consultation shall be held if necessary. If the matter remains unresolved at this level, then it will be referred to the BFP Vice President of Operations or designee and the DCF Circuit Administrator or appointed designee. The persons designated to resolve these disputes shall meet and/or initiate discussion as soon as practical to resolve the dispute within three business days of receipt of the appeal.

Appeal Process Related to Services Authorized by Subcontracted Agency Care Coordinators:

When an authorization for service is denied, the Clinical Coordinator is responsible for informing the Care Manager and the Care Manager will inform the family member, as appropriate to discuss the reason for the denial as it relates to the criteria used for making authorization decisions.

If a family member or family team member, including the provider, has concerns regarding the service approval and/or denial process, they are encouraged to work directly with the Care Manager in order to request a review and reconsideration of the denial of the authorization.

If the Care Manager is unable to resolve the concern regarding the denial of services, they will inform the appropriate involved parties of the right to appeal the denial of the authorization and the steps and time frames for the appeal process.

The first step in this process is to submit the appeal regarding a denied service to the BFP Client Relations Specialist who will review the merit of the complaint and review the facts surrounding the

denial in order to foster an amenable resolution if possible. The Client Relations Specialist will forward the appeal to the Chief Legal Officer who will review the appeal and render a decision within 5 business days of receipt of the appeal. The Senior Executive of Programs will also be consulted in this process.

If at this level, the appeal is still not satisfied, the Vice President of Operations or designee or the CEO will be consulted for final review. The CEO or the Vice President of Operations or designee retains final resolution authority in the appeal process and will provide a resolution within 2-3 business days of the request for final review.

If during any time within the appeal process, the family or other team member, including the provider, feels that the denial of service will have a negative impact on the children and families served through Brevard Family Partnership, or their rights have been violated, a grievance may be sent directly to the Client Relations Specialist (See Client Grievance Procedure OP1125).

General Complaints by Contracted Providers:

Complaints that are specific to the BFP Standard Contract signed by the Providers are to be forwarded to the BFP Contract and Compliance Manager for resolution. If after following the above step, the provider is still not satisfied with the recommended resolution presented by the Contract and Compliance Manager, the Chief Legal Officer is consulted for a review and resolution of the complaint. If the complaint is in regard to Contract Monitoring, the Contract Provider may contact the Chief Legal Officer directly. In addition, and as part of the review of the complaint, the Chief Legal Officer may forward the complaint to the Compliance Committee for review and resolution recommendations. (See Compliance Committee RQ506.) The Compliance Committee membership may include at least three members of the senior leadership team including but not limited to: the Chief Executive Officer, VP of Operations, Senior Executive of Programs, and the Client Relations Specialist for the purpose of reviewing complaints by contracted providers. Complaints referred to Compliance Committee will be resolved as soon as possible but no later than 15 business days of receipt of the complaint.

Complaints regarding intake and placement issues from licensed foster families should initially be discussed with the Child Placing Agency (if the home is managed outside of BFP) and Director of Licensing. Representatives of the Child Placing Agency are encouraged to discuss any complaints regarding the placement of children in licensed Out of Home Care with the BFP Intake Specialists for resolution prior to issuing any formal complaint. Complaints or concerns from residential facilities may also be addressed by the Intake Specialists. If the issue remains unresolved at this level, then the CPA or residential facility may contact the Contract and Compliance Manager. If the issue pertains to a client concern, the CPA and/or residential facility may at any time contact the BFP Client Relations Specialist.

Appeals by Vendors/Providers for Denial of Payments:

Appeals by vendors/providers for denial of payments will be made in compliance with their contract with BFP. Contract and rate agreement payment disputes will be processed through the Contract and Compliance Manager. Foster parent payment disputes will be processed beginning with the Child Placing Agency. The Intake Department would then be contacted for resolution.



Final Authority for all BFP Appeals and Complaints:

The Chief Executive Officer will retain final authority to review, address and resolve any appeal, complaint or grievance that was not resolved through the regular appeal, complaint, and grievance process.

Grievances:

At any time an individual, organization, or network partner feels that procedures have not been followed in relation to procurement, contracting, placement of children in Out of Home Care, authorization of services, denial of services, and/or other practices (including issues relating to potential conflict of interest) which relate to contracts or rate agreements, they may file a grievance directly by contacting the Contract and Compliance Manager who will review the grievance and refer it to the Compliance Committee for review and resolution. Upon receipt of this grievance, the Committee will convene as soon as possible to address the grievance. Upon receipt of the grievance, a decision will be rendered generally within 20 business days.

BFP Standard Contract Dispute Process:

Should a Contracted Provider and BFP be unable to resolve a dispute specifically arising under the contract after 45 days, the parties must engage in mediation prior to initiating litigation. The parties shall jointly choose a mediator for that purpose. The mediator and the parties shall establish the mediation guidelines are necessary. Each party shall assume its own costs, but BFP and the provider shall share the expense of the Mediator equally as stipulated in all standard service provider contracts. (Refer to Standard Contract).

All provider appeals and complaint made directly to BFP should be resolved within 20 business days of the receipt of the initial complaint. If the nature of the complaint or grievance requires a modified timeframe, the complainant will be notified of the estimated resolution timeline.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. ScarPELLI".

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership

APPROVAL DATE: 9/2/2020