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## Quality Management Program Overview

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The Independence Quality Management (QM) Program is organized around a vision of supporting optimal health outcomes and satisfaction with care for our Members, as well as meeting all applicable regulatory and accreditation requirements. A philosophy of promoting the Academy of Medicine domains of quality (i.e., Safe, Timely, Effective, Efficient, Equitable, and Patient-Centered (STEEEP) care) for our Members informs all QM activities, assessments, and performance improvement projects.

The goals of the Independence QM Program include:

- Assess and improve the **safety** of medical and behavioral health care and services provided to Members.
- Evaluate the sufficiency of the plan networks for Members to access qualified Providers for **timely** and appropriate care.
- Ensure evidence-based, **effective** care is provided to members for their medical and behavioral health conditions.
- Promote **efficient** care and reduce health care waste through facilitating communication, continuity, and coordination of care among Providers and supporting a focus on prevention and appropriate level of service.
- Promote health **equity** among diverse populations by identifying and addressing social needs, including access to care that fits cultural and linguistic preferences.
- Assess and address the satisfaction of Members with their health care plan and services to support **patient-centered** system improvements.

Our relationships with our network Providers are essential in achieving our quality goals. Since our Providers deliver care to our Members, our role is to assist their efforts and to provide the tools and information they need to maintain the highest standards of care. Likewise, participating network practitioners have a role in supporting the QM Program. They contribute to the planning, design, implementation, and review of the QM Program, policies, and goals through the Clinical Quality Committee and other quality committees, which include network Providers as voting Members. All participating Providers are required to allow the Plan to use performance data for developing and implementing clinical and service quality improvement activities, public reporting to consumers, preferred status designation in the network, and cost sharing arrangements. All Providers are expected to cooperate with the QM Program, including requests for information and actions to support Member safety activities, complaint and occurrence inquiries, coordination of care, adherence to standards of care, non-discrimination, and other efforts to promote the health and well-being of our Members.

For more information about our QM Program, including our goals and activities, please visit [www.ibx.com](http://www.ibx.com) or call Customer Service at **1-800-ASK-BLUE**. Members should call the Customer Service telephone number listed on their ID card.

## Quality Management activities

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The QM Program supports an ongoing comprehensive program of continuous quality improvement throughout the organization. We monitor, evaluate, and act to improve the quality and safety of clinical care and the quality of service provided to Members by participating practitioners and Providers, as well as Plan delegates, across all our product lines. We identify opportunities and establish initiatives to improve meaningful clinical outcomes and service quality by monitoring and analyzing:

- claims, pharmacy, and other data to identify high-volume, high-risk, and problem-prone services and acute and chronic conditions;
- data from internal performance monitoring activities and satisfaction survey results;
- data from complaints and Member appeals and direct input from Members, practitioners/Providers, and Independence staff;
- Consumer Assessment of Healthcare Providers and Systems (CAHPS®) and Qualified Health Plan Enrollee Experience Survey (QHP EES) Member survey data relating to primary and specialty care;
- Healthcare Effectiveness Data and Information Set (HEDIS®) data for management of certain conditions and medications.

## Member safety activities

Nothing is more important than the safety of our Members when receiving clinical care. The QM Program investigates all quality of care concerns. There are a variety of ways QM staff is alerted to potentially suboptimal care or medical errors that could impact the safety of our Members: Member and Provider complaints and grievances, patient safety claim codes and never event reports, care management and coordination team reviews, records audits, appeals, and other sources. The QM team assesses all reported occurrences for quality issues.

In addition, the Member safety program is committed to promoting an environment that fosters safe clinical practice and minimizes medical and medication errors by:

- monitoring and assessing reported safety concerns related to health care delivery to our Members;
- close monitoring of quality, claim, and safety data sources to identify and respond to trends;
- alerting Providers to potential safety concerns and gaps in care for individual Members in their care;
- monitoring the coordination of care of our Members, including between medical and specialty care and medical and behavioral health care;
- identifying processes and practices that have potential to contribute to the reduction of medical and medication errors within our network;
- developing and disseminating information to Providers to promote safe clinical and prescribing practices and optimal outcomes;
- educating Members about patient safety and their role in reducing medical and medication error;
- evaluating the impact of Member safety interventions on our Members' health outcomes;

- recognizing and highlighting facilities that meet quality standards and demonstrate superior outcomes through our Blue Distinction Center® and Blue Distinction Center Plus® Specialty Care Designations;
- close collaboration with health care Providers, hospitals, consumers, and other stakeholders through the Partnership for Patient Care and other collaborations.

### Member complaint process

The QM department investigates all quality-of-care and service concerns/complaints and occurrences, ensuring appropriate clinical review and follow-up, as well as forwarding documentation of any quality related actions to the Credentialing team for inclusion in the Provider's Plan record. Members or their representatives with the Member's consent may file a concern/complaint by calling Customer Service at the number listed on their ID card or sending their complaint in writing to us by mail or email. Quality complaints are expressions of dissatisfaction with or criticism of the quality of care or service received from an in-network Provider or the quality of a practitioner's office site. Quality complaints are typically forwarded to the QM department by Member Services or Appeals and may also be directed from other internal departments. Member safety occurrences are defined as adverse events that occur during inpatient or outpatient treatment that may present a Member safety concern.

On receipt of a complaint, QM Complaint Coordinators assess and document the nature of the complaint, categorize it, and initiate an investigation involving review by a Medical Director. Occurrences are assessed by Clinical QM Specialists, who document the nature of the occurrence, categorize it, and initiate an investigation involving review by a Medical Director. Complaint and occurrence investigations include correspondence with the Provider and/or facility involved and may include requests for medical records. ***Failure to respond to inquiries regarding complaints and occurrences will result in an escalation of the assigned severity of the complaint or occurrence.*** Providers are notified of any review of potential quality issues and the determination of any investigation in writing. If the Medical Director determines that there was an actual significant adverse effect on the Member, a corrective action plan addressing the quality issue identified will be imposed.

As part of the resolution process, QM staff maintain a tracking database to facilitate the review, investigation, resolution, and trending of Member complaints and occurrences. Resolved complaints are monitored and analyzed to facilitate the identification of individual outliers and plan-wide trends. Outliers with multiple complaints or occurrences assigned escalated severity levels are subject to further peer review and corrective action, as appropriate. Plan-wide improvement initiatives may also be implemented in response to identified adverse plan-wide trends, as necessary.

A Medicare Advantage grievance is any complaint or dispute raised by a Medicare Advantage Member or the Member's representative, other than a dispute involving an organizational determination. Medicare Advantage HMO grievances may include disputes regarding such issues as office waiting times, practitioner behavior, adequacy of facilities, involuntary disenrollment situations, or coverage decisions by Independence to process a Medicare appeal request under the standard 30-day time frame rather than as an expedited appeal. A resolution will be issued no later than 30 days after the grievance is received.

### Monitoring of continuity and coordination of care

Effective continuity and coordination of care promotes both Member safety and the efficient use of health care resources. Care transitions refer to Members moving between health care practitioners and across settings as their conditions and care needs change during the course of a chronic or acute illness. This may include transitions between practitioners (e.g., primary care

and specialists, behavioral health practitioner and primary care), and movement across settings of care. Care coordination is the facilitation, across transitions and settings of care, of patients getting the care or services they need and Providers getting the necessary information to provide appropriate care.

Our goal is for Members to receive seamless, continuous, and appropriate care. On an annual basis, we collect and analyze data about the coordination of care across settings or transitions in care in our network to identify opportunities to improve. Examples of the type of data collected to improve coordination of care and promote collaboration between Providers, including medical and behavioral health care practitioners, include:

- appropriate documentation of exchange and coordination of information between Providers;
- appropriate follow through on Referrals and results;
- appropriate diagnosis, treatment, and Referral of behavioral health disorders commonly seen in primary care;
- appropriate use of psychopharmacological medications;
- primary or secondary preventive behavioral healthcare program implementation;
- management of treatment access and follow-up for Members with co-existing medical and behavioral health disorders, including Members with severe or persistent mental illness.

QM also works with the Clinical Services and Utilization Management departments to monitor the coordination of care when Members move from one setting to another, such as when they are discharged from a hospital. The Transition of Care program provides telephonic support to eligible Members and their caregivers as they transition from inpatient care to home. Members are made aware of how they become eligible to participate, how to use program services, and how to opt-in or out of the program. Health Coaches provide education and coordinate care services so members/caregivers learn self-management skills that will ensure their needs are met during the transition and avoid unplanned readmissions or other transitions in care. The program uses an evidence-based model that focuses on four conceptual areas: medication self-management, understanding and use of the personal health record, primary care and/or specialist follow-up and member/caregiver knowledge on identification and management of signs and symptoms. Members who require additional support are transitioned into case management or disease management. Without coordination, such transitions often result in poor quality care and risks to patient safety. Analysis of discharge planning and care management data and surveys of practitioners regarding communication and coordination informs the design and implementation of these improvement initiatives.

### ***PCP and Behavioral Health Provider communication***

Patients do their best when medical and behavioral health Providers communicate about their care. Dialogue between PCPs and behavioral health Providers can enhance Providers' ability to provide appropriate and patient-centered care, as well as support patient safety, risk identification, and adherence to treatment. Relevant health information to communicate may include medication use (to avoid contraindications), past and present medical conditions, allergies, relevant laboratory results, and contact information for the referring Physician. To facilitate collaboration and coordination in care between PCPs and behavioral health Providers, resources for behavioral health conditions commonly seen in primary care are also available on our website at [www.ibx.com/resources/for-providers/patient-management/worksheets-forms-guides](http://www.ibx.com/resources/for-providers/patient-management/worksheets-forms-guides). These resources are reviewed and updated annually and include topics such as:

- Alcohol screening tool
- Depression tool

- Smoking cessation tool

Also available are:

- *The Magellan Behavioral Health Disorders Toolkit*: This toolkit is designed to give medical practitioners the resources needed to identify potential behavioral health concerns and assist in making behavioral health Referrals. This online resource contains descriptions of common behavioral health concerns (including substance use, antipsychotic medication management, etc.), user-friendly screening tools, patient handouts, Provider tip sheets, informational materials and more.
- *The Clinician Collaboration Form*: This one-page template form highlights vital information about a Member's behavioral and medical health care and concerns. The form can be sent electronically or by mail to the receiving Provider. Providers must obtain consent prior to exchanging personal information or discussing the health care of a Member.

Physicians must secure and document authorization to release Members' personal health information. Please document each communication with other Providers.

## Blue Distinction®

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Blue Distinction was created by the Blue Cross and Blue Shield Association (BCBSA), an association of independent Blue Cross® and Blue Shield® Plans, to give consumers more information to make informed health care decisions and to work with Providers to improve health care quality outcomes and affordability.

### Blue Distinction® Specialty Care

Our centers of excellence program, Blue Distinction Specialty Care, focuses on hospitals and other health care facilities that excel in delivering safe, effective treatment for specialty procedures. Specialties include: Bariatric (weight-loss) Surgery, Cardiac Care, Cellular Immunotherapy, Gene Therapy, Knee and Hip Replacement, Maternity Care, Spine Surgery, Substance Use Treatment and Recovery, and Transplants. The Blue Distinction Center for Fertility Care designation recognize practitioners rather than facilities.

Specialty Care recognizes Providers at two levels:

- **Blue Distinction Center.** Demonstrates quality care, treatment expertise, and better overall Member outcomes.
- **Blue Distinction Center+.** Demonstrates more affordable care, in addition to meeting Blue Distinction Center quality criteria.

Blue Distinction Centers for Specialty Care are recognized and are searchable based on the distinction in the online Find a Doctor tool:

- **Commercial Members:** [www.ibx.com/Providerfinder](http://www.ibx.com/Providerfinder)
- **Medicare Advantage Members:** [www.ibxmedicare.com/Providerfinder](http://www.ibxmedicare.com/Providerfinder)

Specialty Care Providers can also be found on the BCBSA's National Doctor and Hospital Finder at [www.bcbs.com/find-a-doctor](http://www.bcbs.com/find-a-doctor). Some benefit designs offer Members reduced cost sharing for choosing a Blue Distinction Center or Blue Distinction Center+ for their care.

The QM Program facilitates applications for Blue Distinction recognition. For more information about Blue Distinction Center Specialty Care, including criteria, visit the BCBSA website at [www.bcbs.com/about-us/capabilities-initiatives/blue-distinction/blue-distinction-total-care](http://www.bcbs.com/about-us/capabilities-initiatives/blue-distinction/blue-distinction-total-care).



## Total Care

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Total Care identifies Physicians, group practices, and hospitals participating in local value-based programs designed to improve health outcomes and lower cost trends through better coordination of care. Total Care-designated Providers receive value-based payments associated with both quality and cost outcomes rather than traditional fee-for-service payments. Independence's Total Care-designated program is the Quality Incentive Payment System (QIPS) program, a Primary Care Provider incentive program. Providers currently participating in the QIPS program are identified as Total Care Providers.

In addition, the Total Care program includes a plus (+) designation, Total Care+, to recognize those Total Care Providers who demonstrate higher quality care at a lower cost than the other Total Care program participants.

Some benefit designs offer Members reduced cost sharing for choosing Total Care and Total Care+ Providers for their care. Members can locate Total Care, and Total Care+ Providers using Independence's Find a Doctor tool at [www.ibx.com/Providerfinder](http://www.ibx.com/Providerfinder).

Additionally, Total Care, and Total Care+ Providers can also be found on the BCBSA's National Doctor and Hospital Finder at [www.bcbs.com/find-a-doctor](http://www.bcbs.com/find-a-doctor).

## Credentialing/recredentialing

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Please refer to the following policy information on credentialing/recredentialing.

### Policy

We require Participating Providers to be credentialed and recredentialed at periodic intervals. The credentialing policy applies to contracted PCPs, specialty Physicians, Physician Assistants (PA), Certified Registered Nurse Practitioners (CRNP), and other allied health practitioners as defined by applicable State or federal law/regulation.

CRNPs and PAs, practicing independently within a PCP-participating practice or participating specialty Physician group, can be recognized as a Participating Provider. To elect this option, a CRNP or PA must complete the credentialing and contracting process. Once completed, CRNPs or PAs may bill directly, according to their contracted fee schedule, for their services as the performing Provider using their newly assigned Provider number.

Providers *must* have completed all residency/fellowship training for the specialty in which they are applying in order to be considered for credentialing or contracting with Independence. Independence will only accept applications from fellows if they have completed residency training in the specialty for which they are applying.

Credentialing and recredentialing decisions are not based on an applicant's race, ethnic/national identity, gender, age, sexual orientation, or the types of procedures or patients in which the practitioner specializes. All information collected during the credentialing/recredentialing process is kept confidential in accordance with applicable State and/or federal law/regulation and our corporate confidentiality policy.

We reserve the right to determine network need based on existing access and availability standards and participation criteria. In the event that an applicant does not meet either access and availability standards or participation criteria, the application will not be considered. No appeal rights are available as a result of the pre-application determination.



## **Locum tenens**

Under certain circumstances, Independence allows for locum tenens arrangements. Locum tenens status is that of an independent contractor rather than an employee. In addition, locum tenens provisions apply only to Physicians. Services of non-Physician practitioners (e.g., Certified Registered Nurse Anesthetists, Nurse Practitioners, and PAs) may not be billed under the locum tenens guidelines from the Centers for Medicare & Medicaid Services (CMS). These provisions apply only to Physicians.

Locum tenens is a temporary arrangement when the Provider is absent from his/her practice for a short period of time due to vacation, illness, family Emergency or other situation. If a Physician is absent longer than 60 days without returning to work, the locum tenens must be credentialed and contracted as if he or she were joining your practice as a new Physician.

The 60 days is a “consecutive” 60-day period. For example, a locum tenens Physician providing coverage three days a week beginning on September 1 can still only provide services for the same absentee Physician through October 30. This also applies even if several different locum tenens Physicians are used to provide coverage during the 60-day period, because the limitation is tied to the billing of the Q6 modifier, not to the number of days that any particular locum tenens Physician provides coverage.

Therefore, a new 60-day period for billing the services of a locum tenens Physician does not commence as a result of a break in service of the locum tenens Physician. Instead, a new 60-day period commences only by a break in the absence of the Physician for whom a locum tenens Physician is necessary. After the Physician returns to work and provides services for at least one day, then a locum tenens Physician can provide services as a substitute for that Physician again at some point in the future, if necessary, for up to 60 consecutive days.

## **Closed networks**

The following professional Provider networks have limitations to participation:

- Pathology
- Podiatry
- Chiropractic

For more information on these closed networks, visit

[www.ibx.com/Providers/interactive\\_tools/credentialing/professional.html](http://www.ibx.com/Providers/interactive_tools/credentialing/professional.html).

## **CAQH credentialing process\***

Independence requires the use of the Council for Affordable Quality Healthcare (CAQH) electronic credentialing application for new Providers. Paper applications are not accepted.

All Participating Professional Providers must use CAQH ProView®, a completely electronic solution that allows Providers to easily submit information through a more intuitive, profile-based design. The CAQH electronic credentialing application is free to Providers and available on the CAQH website at <https://proview.caqh.org/pr>.

To learn more about CAQH, visit [www.caqh.org](http://www.caqh.org).

*\*This information does not apply to Providers contracted with Magellan Healthcare, Inc.*

## **Submitting credentialing applications**

All professional providers interested in becoming a participating provider must apply for credentialing by completing the *Practitioner Participation Form*.

In order to become credentialed in Pennsylvania, providers are also required to complete the CAQH ProView®.

If your practice contracts with multiple health plans, the CAQH ProView online application minimizes the administrative work needed to fill out multiple, redundant, and time-consuming forms.

If you have already been credentialed by Independence, there is no need to resubmit a *Practitioner Participation Form* or a CAQH ProView credentialing application.

### Standards

We select qualified applicants in accordance with our credentialing standards, as well as all applicable state, federal, and accreditation requirements such as:

- State/federal law/regulation;
- U.S. Department of Health & Human Services (HHS) standards;
- CMS standards;
- National Committee for Quality Assurance (NCQA) for applicable accrediting requirements.

### Practices

Practitioners have the right to review information submitted in support of their credentialing application with the exception of references or recommendations or other information that is peer-protected. The Credentialing Operations department will notify the practitioner in writing if erroneous information is discovered during the verification process from any primary source. Practitioners have the right to correct any material omission or erroneous information within 30 calendar days of the request for clarification.

Practitioners should submit supporting information or corrections in reference to their *initial credentialing* application in writing to the Credentialing Operations department:

**Email:** [credinquiries@ibx.com](mailto:credinquiries@ibx.com)

Practitioners should submit information or corrections in reference to their recredentialing application in writing to the Credentialing Operations department:

**Email:** [credinquiries@ibx.com](mailto:credinquiries@ibx.com)

**Fax:** 215-238-2549

Material omissions and/or failure to respond to all questions on the application may result in denial of new or continued participation in our networks. The organization documents receipt of corrected information in the practitioner's credentialing file.

Practitioners have the right to be informed of their credentialing or recredentialing application status, upon request. To request the status of their application, practitioners may contact the Credentialing Operations department by email at [credinquiries@ibx.com](mailto:credinquiries@ibx.com). The credentialing staff will respond to the practitioner within two business days of receiving the practitioner's request. The credentialing staff may discuss and provide information to the practitioners or designated primary contact for the practitioner as it applies to their credentialing or recredentialing application with the exception of references or recommendations or other information that is peer-protected.

Applicants must have a current unrestricted license, not subject to probation, proctoring requirements, or other disciplinary action, to practice his or her specialty in each state in which the practitioner is licensed. Participating practitioners who no longer meet these licensing

requirements will be administratively terminated from further participation in the network, based upon contractual requirements that practitioners must meet. Applicants are notified in writing of determinations regarding approval or denial of participation.

Practitioners are recredentialed every 36 months to ensure that time-limited documentation is updated, that changes in health and legal status are identified, and that practitioners comply with our guidelines and processes and to assess Member satisfaction with the Provider. Failure to complete timely recredentialed may result in administrative termination from the network. We may reinstate a practitioner if all recredentialed requirements are met and the break in credentialing does not exceed 30 calendar days.

## Denial appeal and/or review rights

Listed below is important information about the types of denials.

|                               |   |
|-------------------------------|---|
| <b>Application denials</b>    | No appeal or review rights are available when an applicant fails to submit a timely, completed application.   |
| <b>Administrative denials</b> | <p>Administrative appeal/review rights are set forth in the “Appeal/review process for administrative denials” section.</p> <p>Applicants have a right to appeal to the Credentialing Committee denials of participation that are based on initial credentialing verifications. There are no appeal rights for initial credentialing applicants if it is determined that the applicant’s license is restricted, subject to probation, proctoring requirements, or other disciplinary action, or otherwise does not meet the participation requirements as previously noted. The applicant may reapply once the restriction is removed.</p>  |
| <b>Participation denials</b>  | <p>A Participating Practitioner who is denied continued participation based on failure to meet recredentialed criteria has appeal rights as set forth in the “Appeal/review process for administrative denials” section.</p> <p>A Participating Practitioner who is denied continued participation based on professional conduct or competence has appeal rights as set forth in the Due Process Policy.</p> <p>Participation denials or summary suspensions are considered Professional Review Actions in accordance with the Due Process Policy. A Participating Practitioner who is denied continued participation based on a license that is restricted, subject to probation, proctoring requirements, or other disciplinary action has a right to appeal to correct factual inaccuracies regarding the practitioner’s licensure status. However, there are no appeal rights if a Participating Practitioner’s license is restricted, subject to probation, proctoring requirements, or other disciplinary action. The Participating Practitioner may reapply once the restriction is removed.</p> |

## Appeal/review process for administrative denials

A credentialing applicant or a Participating Practitioner is notified by certified mail that he or she has been administratively denied. The letter includes a clear rationale for the decision and instructions on how to submit a written request for an appeal or review, as applicable with additional information, as appropriate, within 30 calendar days of the date of the denial notification letter. Appeal or review requests received after 30 calendar days will not be accepted.

The Credentialing Committee reviews the submitted information and makes a determination of the applicant’s participation status at the next scheduled Committee meeting following receipt of

the appeal request. The practitioner is notified within five business days of the final determination via certified mail.

Practitioners who are denied continued participation may reapply after a period of six months. However, under all circumstances, reapplication time frames are solely at our discretion.

Failure to complete timely recredentialing is considered a voluntary withdrawal from our network and is not subject to an appeal. The practitioner may submit the required information to be reinstated or may submit a credentialing application if the break in service exceeds 30 calendar days.

## Credentialing criteria

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Please refer to the following credentialing criteria.

- A completed, signed, and dated application includes, but is not limited to:
  - work history for immediate previous five years from the date the application was signed, including month and year, with a written explanation of gaps greater than six months;
  - education and training completed (e.g., medical school, residency training, and fellowships)
    - for closed school program verification there is a secure, digital credentialing service designed specifically for physicians through the *Federation of State Medical Boards (FSMB)*. Physicians can request a Lifetime Credential, a secure digitally signed verification of their records from a closed residency program. The Lifetime Credential is considered an official primary source equivalent document by state medical boards. Physicians can contact FSMB at [closedprograms@fsmb.org](mailto:closedprograms@fsmb.org) or at 1-888-ASK-FCVS;
  - statement of chemical dependency or substance abuse;
  - loss or limitation of license or felony convictions;
  - loss or limitation of hospital privileges or disciplinary action;
  - reasons for any inability to perform the essential functions of the position, with or without accommodation;
  - an attestation to the correctness and completeness of the application;
  - a signed and dated *Authorization for Release of Information* (credentialing warranty).
- Physicians and other health care practitioners must have a current, unrestricted license, not subject to probation, proctoring requirements, or other disciplinary action, to practice his or her specialty in each state in which the practitioner is licensed to practice his or her profession and specialty. A copy of current license(s) and applicable certifications must be submitted with the application when required by State or federal law/regulation. Therapeutic optometrists must also have a Therapeutic Pharmaceutical Agent (TPA) license. Chiropractors who perform physical therapy must also have the required adjunctive license as applicable in order to perform those services.

- Board certification:
  - Primary care and specialty care Physicians including podiatrists must be board certified in their area of practice. Exceptions may be allowed for non-board certified applicants who complete an ACGME\AOA accredited residency or fellowship board certification training program in the same specialty and when Member access issues are identified. A practitioner, whose board provides a clinical pathway for board certification must either obtain the certification directly from the board or obtain written confirmation from the board indicating that the practitioner has met all of the eligibility requirements for the certification of interest. The plans will not assume the role of the board in reviewing a practitioner's qualifications for the purposes of determining eligibility for a clinical pathway for board certification.
  - Physicians must be board certified as recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA) the area of practice.
  - Podiatrists must be certified by the American Board of Podiatric Surgery or the American Board of Podiatric Medicine.
  - Lactation Consultants must be certified by the International Board of Certified Lactation Consultants (IBCLC).
- In June 2012, practitioners who were credentialed as General Practice specialists were grandfathered into the specialty "General Practice". Practitioners are no longer able to be credentialed or recertified in the "General Practice" specialty (except those that were previously grandfathered) as this is not a specialty recognized as a board by the ABMS or the AOA.
- Drug Enforcement Agency and Controlled Dangerous Substances certification must be included, when applicable.
- Liability insurance coverage specified by the requirements of the state(s) in which the applicant practices is required.
- Hospital affiliation as required by state law/regulation.
- Practitioner must provide a report detailing malpractice history during the past five years, beginning with the date of the signature on the application. This includes professional liability claims that resulted in settlements, arbitrations, or judgments paid by, or on behalf, of the practitioner.
- Applicants must be currently eligible to participate in Medicare/Medicaid or any federal program.

## Provider termination with cause

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We may terminate the Professional Provider Agreement (Agreement) immediately upon notice to the Provider in accordance with the Agreement for causes including, but not limited to:

- Provider's violation of any applicable law, rule, or regulation;
- Provider's failure to meet and maintain our credentialing requirements including, but not limited to, maintaining the professional liability insurance coverage, licensure, and credentialing status;
- Provider action that, in our reasonable judgment, constitutes gross misconduct;
- Provider action that we determine places the health, safety, or welfare of any Member in jeopardy.

We will not sanction, terminate, or fail to renew a Provider's participation for any of the following reasons:

- discussing the process that we, or any entity contracting with us, use or propose to use to deny payment for a health care service;
- advocating for Medically Necessary and appropriate care with or on behalf of Members, including information regarding the nature of treatment; risks of treatment; alternative treatments; or the availability of alternative therapies, consultations, or tests;
- discussing our decision to deny payment for a health care service;
- filing a grievance on behalf of, and with the written consent of, a Member or helping a Member file a grievance;
- taking another action specifically permitted by Pennsylvania Act 68.

## Participating Provider office standards

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### Access and availability standards

The QM Program establishes an annual access and availability plan to ensure that its managed care networks are sufficient in number, type, and geographic location of practitioners who practice primary and specialty care as defined by regulatory and accreditation standards. The cultural needs of Independence Members are taken into consideration, and mechanisms are implemented to provide adequate access to primary and specialty care practitioners. Availability of practitioners is assessed annually by the Provider Network Contracting department.

The QM Program also establishes and measures the accessibility of services, such as regular and routine appointments, urgent care appointments, after-hours care, emergent care, and access to customer service.

The CAHPS survey, quality of care/service concerns, and telephone service indicators serve as mechanisms to monitor performance. We collect and analyze this data to identify opportunities for improvement. Interventions are implemented to improve performance.

Magellan Healthcare, Inc., an independent company that is our delegated behavioral health Provider, assesses and monitors access and availability of behavioral health practitioners. Performance against measures such as routine, urgent, and emergent care are assessed on an annual basis in accordance with accreditation standards and regulatory requirements.

Access standards for PCPs and specialists are as follows:

### ***Appointment availability***

#### **PCPs and CRNPs**

- emergent/immediate – call 911, or go to the nearest emergency room
- urgent – 24 hours
- routine – 2 weeks
- routine physical – 4 weeks

#### **Specialists/Chiropractors/Podiatrists/CRNPs/PAs**

- emergent/immediate – call 911, or go to the nearest emergency room
- urgent – 24 hours
- routine – 2 weeks



- OB/GYN routine – within 2 months

### ***Minimum office hours per practice per week***

#### **PCPs and CRNPs**

- solo – 20 hours
- dual – 30 hours
- group – 35 hours

#### **Specialists/Chiropractors/Podiatrists/CRNPs/PAs**

- specialty – 12 hours
- chiropractor – 20 hours
- podiatry offices – 20 hours

PCP, OB/GYN, high-volume, and high-impact specialists are encouraged to have at least one evening or weekend session/practice per week included in the hours listed.

### ***Maximum patients scheduled per hour per practitioner***

- PCPs, CRNPs, podiatrists, and chiropractors – 6 patients
- Specialists, CRNPs, and PAs – 4 patients

### ***Internal waiting time***

Patients should be seen within 30 minutes from the time of the scheduled appointment.

### ***Availability***

Coverage must be provided 24 hours per day, 7 days per week, for our Members.

Covering practitioner must be a Participating Provider. Providers who use answering machines for after-hours service are required to include:

- urgent/emergent instructions as the first point of instruction;
- information on contacting a covering Physician;
- telephone number for after-hours Physician access.

### ***After-hours phone response***

For an urgent/emergent problem, practitioner should respond within 30 minutes.

### ***Patient no-show***

According to CMS, Medicare Advantage plans, and their contracted Providers, may charge Members administrative fees for missed appointments under certain circumstances. However, if a Provider charges for missed appointments, he or she must charge the same amount for all patients (i.e., Medicare or Commercial).

According to the Agreement for Independence-participating Providers, although the Provider may charge for a missed appointment, he or she **may not** charge a “surcharge,” such as an added fee – above and beyond their Member liability – for Covered Services. Such a practice creates a barrier to access to care and violates CMS anti-discrimination regulations.

If a patient does not show for a scheduled appointment, it should be documented in his or her medical record.



## Member rights and responsibilities

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### Commercial HMO and PPO Member rights

A Commercial Member has the *right* to:

- receive information about the health plan, its benefits, services included or excluded from coverage policies and procedures, participating practitioners/Providers, and Members' rights and responsibilities. Written and Web-based information provided to Members will be readable and easily understood.
- be treated with courtesy, consideration, respect, and be recognized for his or her dignity and right to privacy;
- participate in decision-making with practitioners regarding his or her health care, including the right to candid discussions of appropriate or Medically Necessary treatment options for his or her condition, regardless of cost or benefits coverage.
- voice complaints or appeals about the health plan or the care it provides and receive a timely response. The Member has a right to be notified of the disposition of appeals/complaints and the right to further appeal, as appropriate.
- make recommendations regarding our Member rights and responsibilities policy by contacting Customer Service in writing;
- choose practitioners within the limits of covered benefits, availability, and participation within the Independence network;
- have confidential treatment of personally identifiable health/medical information. Members also have the right to have access to their medical record in accordance with applicable federal and State laws.
- be given reasonable access to medical services;
- receive health care services without discrimination based on race, ethnicity, age, mental or physical disability, health status, genetic information, color, religion, gender, sexual orientation, national origin, source of payment, utilization of medical or mental health services or supplies, or other unlawful basis including, without limitation, the filing by such Member of any complaint, grievance, appeal or legal action against Professional Provider, a Group Practice Provider (if applicable) or Independence;
- formulate and have advance directives implemented. Independence will provide information concerning advance directives to Members and practitioners and will support Members through our medical record-keeping policies;
- obtain a current directory of participating practitioners in the plan's network, upon request. The directory includes addresses, telephone numbers, and a listing of Providers who speak languages other than English.
- file a complaint or appeal about the health plan or care provided with the applicable regulatory agency and to receive an answer to those complaints within a reasonable period of time. To be notified of the disposition of an appeal or complaint and further appeal, as appropriate.
- appeal a decision to deny or limit coverage, first within the plan and then through an independent organization for a filing fee, as applicable. Members also have the right to know that their doctor cannot be penalized for filing a complaint or appeal on a Member's behalf.

- for Members with chronic disabilities, the right to obtain assistance and Referrals to Providers who are experienced in treating their disabilities.
- have candid discussions of appropriate or Medically Necessary treatment options for his or her condition, regardless of cost or benefits coverage, in terms that the Member understands, including an explanation of their medical condition, recommended treatment, risks of treatment, expected results, and reasonable medical alternatives. If the Member is unable to easily understand this information, he or she has the right to have an explanation provided to his or her next of kin or guardian and documented in his or her medical record. Independence does not direct practitioners to restrict information regarding treatment options.
- have available and accessible services when Medically Necessary, including availability of care 24 hours a day, 7 days a week, for urgent and Emergency conditions;
- call 911 in a potentially life-threatening situation without prior approval from Independence and the right to have Independence pay per contract for a medical screening evaluation in the emergency room to determine whether an Emergency medical condition exists;
- continue receiving services from a Provider who has been terminated from the Independence network (without cause) in the time frames as defined by applicable State requirements of the Member's benefit plan. This continuation of care does not apply if the Provider is terminated for reasons that would endanger the Member, public health or safety, breach of contract, or fraud.
- have the rights afforded to Members by law or regulation as a patient in a licensed health care facility, including the right to refuse medication and treatment after possible consequences of this decision have been explained in language the Member understands;
- be free from balance billing by Participating Providers for Medically Necessary services that were authorized or covered except as permitted for copayments, coinsurance, and deductibles by contract;
- be free from lifetime or yearly dollar limits on coverage of essential health benefits;
- be free from unreasonable rate increases and to receive an explanation of rate increases of 15% or more before the Member's premium is raised;
- receive prompt notification of terminations or changes in benefits, services, or Provider network;
- have a choice of specialists among Participating Providers following an authorized Referral, as applicable, subject to their availability to accept new patients;
- choose an individual On-Exchange health plan rather than the one the Member's employer offers and to be protected from employer retaliation.

## Commercial HMO and PPO Member responsibilities

A Commercial Member has the *responsibility* to:

- communicate, to the extent possible, information that Independence and Participating Providers need to provide care;
- follow the plans and instructions for care that he or she has agreed on with his or her practitioners. This includes consideration of the possible consequences of failure to comply with recommended treatment.

- understand his or her health problems and participate in developing mutually agreed upon treatment goals to the degree possible;
- review all benefits and Membership materials carefully and to follow the rules pertaining to the health plan;
- ask questions to assure understanding of the explanations and instructions given;
- treat others with the same respect and courtesy expected for him or herself;
- keep scheduled appointments or give adequate notice of delay or cancellation;
- pay deductibles, coinsurance, or copayments, as appropriate, according to the Member's contract;
- pay for charges incurred that are not covered under, or authorized under, the Member's benefit policy or contract;
- pay for charges that exceed what Independence determines as customary and reasonable (usual and customary, or usual, customary and reasonable, as appropriate) for services that are covered under the out-of-network component of the Member's benefit contract with respect to point of service contracts.

## Medicare Advantage HMO and PPO Member rights

A Medicare Advantage HMO or PPO Member has the *right* to:

- be treated with fairness, respect, and recognition of his or her dignity and right to privacy;
- receive health care services without discrimination based on race, ethnicity, age, mental or physical disability, health status, genetic information, color, religion, gender, sexual orientation, national origin or source of payment;
- confidential treatment of personally identifiable health/medical information. Members also have the right to have access to their medical record in accordance with applicable federal laws.
- see Independence Providers and get Covered Services within a reasonable period of time;
- know treatment choices and participate with Providers in decisions about his or her health care. Independence does not direct practitioners to restrict information regarding treatment options;
- get information the Member understands from Medicare, health care providers, and, under certain circumstances, contractors;
- get information the Member understands about Medicare to help him or her make health care decisions, including what is covered, what Medicare pays, and how much they have to pay;
- have questions about Medicare answered;
- access doctors, specialists, and hospitals within the limits of covered benefits and availability within the health plan's network;
- have a candid discussion of appropriate or Medically Necessary treatment options for his or her medical conditions, regardless of cost or benefits coverage;
- have a choice of specialists among Participating Providers following an authorized referral, as applicable, subject to their availability to accept new patients;

- receive health care services without discrimination based on race, ethnicity, age, mental or physical disability, genetic information, color, religion, gender, national origin or source of payment;
- use advance directives (such as a living will or a power of attorney);
- voice complaints (sometimes called grievances) or appeals about the health plan or the care it provides and receive a timely response. Members have a right to be notified of the disposition of appeals/complaints and the right to further appeal, as appropriate;
- get information about Independence, its services, its Providers, and Member rights and responsibilities;
- make recommendations regarding the Independence Member Rights and Responsibilities policy;
- get a decision about health care payment, coverage of services, or prescription drug coverage.

## Medicare Advantage HMO and PPO Member responsibilities

A Medicare Advantage HMO or PPO Member has the *responsibility* to:

- give Independence and Participating Providers the information they need to provide care (to the extent possible);
- follow the treatment plans and instructions for care that he or she has agreed upon with his or her practitioners. This includes consideration of the possible consequences of failure to comply with recommended treatment;
- act in a way that supports the care provided to others and helps smooth the running of Providers' offices and facilities;
- pay premiums and any cost-sharing that he or she may owe for Covered Services and meet his or her other financial responsibilities as described in the *Evidence of Coverage*;
- understand his or her health problems and participate in developing mutually agreed upon treatment goals to the degree possible;
- advise the plan of any questions, concerns, problems, or suggestions;
- notify Providers that he or she is enrolled in the health plan when seeking care (unless it is an Emergency);
- notify the health plan if he or she has additional health insurance;
- notify the health plan if he or she moves out of the service area.

## Medical record keeping standards

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A medical record documents a Member's medical treatment, past and current health status, and treatment plans for future health care and is an integral component in the delivery of quality health care. As such, we established medical records standards and routinely distribute these standards to PCPs and specialists.

We regularly assess compliance with these standards and monitor the processes and procedures that Physician offices use to facilitate the delivery of continuous and coordinated medical care. We have established a performance goal of 90 percent compliance with our medical record standards.

The standards are as follows:

### Medical record content

Medical records should include the following content:

- history and physicals;
- significant illnesses and medical conditions indicated on the problem list;
- documentation of medications – current and updated;
- prominent documentation of medication allergies and adverse reactions. If the patient has no known allergies or history of adverse reactions, this is appropriately noted in the record.
- food and other allergies, such as shellfish or latex, which may affect medical management;
- past medical and surgical histories (for patients seen three or more times) easily identified, including serious accidents, operations, and illnesses. For children and adolescents (18 years and younger), past medical history relates to prenatal care, birth, operations, and childhood illnesses.
- for patients 12 years and older, appropriate notations concerning use of cigarettes, alcohol, and substance abuse (for patients seen three or more times);
- the history and physical documents appropriate subjective and objective information for presenting complaints;
- working diagnoses consistent with findings;
- treatment or action plans consistent with diagnoses;
- unresolved problems from previous office visits addressed in subsequent visits;
- documentation of clinical evaluation and findings for each visit;
- appropriate notations regarding the use of consultants;
- no evidence that the patient is placed at inappropriate risk by a diagnostic or therapeutic procedure;
- preventive screening/risk screening;
- an immunization record for children that is up to date or an appropriate history in the medical record for adults;
- evidence that preventive screening and services are offered.

### Medical record organization

Medical records should be organized as follows:

- Each page in the record contains the patient's name or ID number.
- The record contains the patient's personal/biographical data, including his or her address, employer, home and work telephone numbers, and marital status.
- All entries in the medical record contain the author's identification. Author identification may be a handwritten signature, a unique electronic identifier, or initials.
- All entries are dated.
- The record is legible to someone other than the author.

## Information filed in medical records

Ensure that the following information is filed in medical records:

- all services provided directly by a practitioner who provides primary care services;
- all ancillary services and diagnostic tests ordered by a practitioner;
- all diagnostic and therapeutic services for which a member was referred by a practitioner, such as:
  - home health nursing reports
  - specialty physician reports
  - hospital discharge reports
  - physical therapy reports;
- laboratory and other studies ordered, as appropriate;
- encounter forms or notes that have a notation, when indicated, regarding follow-up care, calls, or visits. The specific time of return is noted in weeks, months, or on a schedule deemed necessary.
- if a consultation is requested, a note from the consultant is in the record;
- specialty Physician, other consultation, laboratory, and imaging reports filed in the chart and initialed by the practitioner who ordered them to signify review. Review and signature by professionals other than the ordering practitioner do not meet this requirement.
- if the reports are presented electronically, or by some other method, there is also representation of review by the ordering practitioner;
- consultation and abnormal laboratory and imaging study results include an explicit notation in the record of follow-up plans;
- the existence of an advance directive is prominently documented in each adult (18 and older) Member's medical record. Information as to whether the advance directive has been executed is also noted.
- records of hospital discharge summaries and emergency room/department visits are maintained in the Member's record.

## Ease of retrieving medical records

- Medical records are to be made available to us as defined in the Agreement.
- Medical records are to be organized and stored in a manner that allows easy retrieval.

## Confidentiality of information

- Protected Health Information (PHI) is protected against unauthorized or inadvertent disclosure.
- Medical records are safeguarded against loss or destruction and are maintained according to applicable State requirements. At a minimum, medical records must be maintained for at least 11 years or age of majority plus 6 years, whichever is longer.
- Medical records are stored in a secure manner that allows access by authorized personnel only.
- Staff receives periodic training in Member information confidentiality.

## Maintenance of records and audits

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### Medical and other records

Providers must maintain all medical and other records in accordance with the terms of their Agreement with Keystone Health Plan East and QCC Insurance Company (collectively, "Independence") and this *Provider Manual for Participating Professional Providers*. Subject to applicable State or federal confidentiality or privacy laws, Independence or its designated representatives, and designated representatives of local, State, and federal regulatory agencies having jurisdiction over Independence, shall have access to Provider records, on request, at Provider's place of business during normal business hours, to inspect, review, and make copies of such records.

When requested by Independence or its designated representatives, or designated representatives of local, State, or federal regulatory agencies, the Provider shall produce copies of any such records and will permit access to the original medical records for comparison purposes within the requested time frames and, if requested, shall submit to examination under oath regarding the same.

If a Provider fails or refuses to produce copies and/or permit access to the original medical records within 30 days as requested, Independence reserves the right to require Selective Medical Review before claims are processed for payment to verify that claims submissions are eligible for coverage under the benefits plan.

## Provider due process and fair hearing

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Our Due Process policy governs: (1) hearings on recommended Professional Review Actions ("Professional Review Action") as defined below involving the Plan's participating practitioners ("practitioners") and (2) hearings on Emergency Professional Review Actions ("Summary Suspensions") involving the Plan's participating practitioners, which are based on the professional conduct or competence of the practitioner. All hearings are conducted in accordance with the procedural safeguards set forth in the Due Process policy and provided in this section to ensure that the affected practitioner is accorded all rights to which he/she is entitled.

### Definitions

**Professional Review Action:** Any reduction, restriction, suspension, revocation, or denial of a Practitioner's status as a Participating Practitioner with Independence based on quality and/or professional competence of the Practitioner.

**Summary Suspension:** Adverse action taken against a Practitioner before a hearing is held. Independence may initiate a Summary Suspension where we determine that failure to suspend or restrict the Practitioner's participation may result in imminent danger to the health, welfare, or safety of an Independence Member.

**Practitioner:** Currently licensed health care Practitioner in an independent practice who contracts with Independence and who has been credentialed by us.



## Procedures

### 1. Hearings

#### 1.1 Procedural Rights

All hearings shall be conducted in accordance with the procedural safeguards set forth in this Policy to ensure that the affected Practitioner is accorded all rights to which he/she is entitled. Notwithstanding any other provision of this Policy, no Practitioner shall be entitled, as of right, to more than one hearing with respect to a Professional Review Action or Summary Suspension taken against that Practitioner.

#### 1.2 Notice to Practitioner, Request for Hearing and Waiver

The Vice President Quality Management or his/her designee shall give prompt written notice of a proposed Professional Review Action or a Summary Suspension to an affected Practitioner. The notice shall provide the reasons for the action and a summary of hearing rights and procedures set forth in Paragraphs 1.2.1, 1.2.2, 1.2.3, 1.3, 1.4, 1.5, 1.6, and 1.7 of this Policy and all subparts thereof. Notice to the Practitioner as set forth herein does not apply when (i) there is no adverse Professional Review Action taken, or (ii) a suspension or restriction of clinical privileges does not exceed fourteen (14) days during which an investigation is conducted to determine the need for a Professional Review Action.

##### 1.2.1 Practitioner's Request for Hearing – Form and Time Limit

Any request for a hearing by a Practitioner must be in writing and delivered (by hand delivery or certified mail, return receipt requested) to the person designated in the notice, within thirty (30) days of the date of the notice.

##### 1.2.2 Waiver of Hearing

The failure of a Practitioner to request a hearing to which he/she is entitled by this Policy within thirty (30) days of the date of the notice of the Professional Review Action or Summary Suspension and in the manner herein provided shall be deemed a waiver of his/her right to such hearing.

##### 1.2.3 Effect of Waiver of Hearing

When a hearing is waived, the Vice President Quality Management or his/her designee shall decide whether a proposed Professional Review Action shall become effective or a Summary Suspension shall remain in effect against the Practitioner. The decision of the Vice President Quality Management or his/her designee on a Professional Review Action or Summary Suspension shall become final, binding, and unreviewable with the same force and effect as if a hearing had been requested and duly held and a decision rendered by a Hearing Committee. The decision of the Vice President Quality Management or his/her designee shall be communicated in writing to the Practitioner.

## 1.3 Notice of Hearing

Within thirty (30) days after receipt of a request for a hearing, which complies with the provisions of Paragraph 1.2.1 of these procedures, the Vice President Quality Management or his/her designee shall schedule and arrange for such a hearing and shall notify the Practitioner in writing of the time, place, and date so scheduled.

### 1.3.1 Date of Hearing

The hearing date shall not be less than thirty (30) days nor more than sixty (60) days from the date of notice of the hearing, unless such timing is specifically waived by the affected Practitioner and alternative dates are mutually agreed upon by the affected Practitioner and the Vice President Quality Management or his/her designee.

### 1.3.2 Contents of Notice

The notice of hearing shall provide a list of the witnesses, if any, expected to testify on behalf of the Plan.

## 1.4 Notice Regarding Practitioner's Witnesses

The Practitioner or his/her representative shall provide to the Chair of the Hearing Committee (as hereinafter defined), in writing, a list of those persons, if any, he/she expects to call as witnesses at the hearing at least ten (10) days prior to the date of the hearing. Failure to identify a witness at least ten (10) days prior to the hearing will result in the exclusion of that witness's testimony absent compelling circumstances as determined by the Vice President Quality Management or his/her designee physician.

## 1.5 Composition of Hearing Committee

The hearing shall be conducted by the Regional Peer Review Hearing Committee ("Hearing Committee"). Except as set forth in Section 1.8 below, the Hearing Committee shall be composed of at least three (3) Members inclusive of the Vice President Quality Management or designee Physician, a Plan Medical Director. The majority of the Hearing Committee will be composed of network Physician peers of the affected practitioner, preferably from one of the Plan's Physician committees. The remainder of the Members of the Hearing Committee may be appointed by the Vice President Quality Management or his/her designee, who shall then designate one of the Members so appointed to be the Chair of the Hearing Committee. Network Physicians are the only voting Members of the Hearing Committee, unless there is a tie in the Hearing Committee's decision, in which case, the Chair of the Hearing Committee may vote.

### 1.5.1 Qualifications

No Member of the Hearing Committee shall be in direct economic competition with the practitioner involved. A Hearing Committee Member is not disqualified from serving on a Hearing Committee because he/she has heard of the case and/or has knowledge of the facts involved. The Members of the Hearing Committee shall give fair and impartial consideration to the case.

## 1.6 Conduct of Hearing

The hearing shall be conducted in accordance with the rules set forth herein. If in the course of the hearing, a matter arises which this Policy does not address, the Chair of the Hearing Committee is authorized to determine the applicable procedure(s).

### 1.6.1 Committee Presence

Except as set forth in Section 1.8 below, at least three Members of the Hearing Committee shall be present when the hearing takes place.

### 1.6.2 Practitioner Presence

The personal appearance of the Practitioner for whom the hearing has been scheduled shall be required. Except as set forth in Section 1.8 below, a Practitioner who fails without good cause to appear and proceed at such hearing shall be deemed to have waived his/her right to a hearing and the right shall be forfeited.

### 1.6.3 Rights of Parties

During a hearing, each party may:

(a) call, examine, and cross-examine witnesses on any matter determined by the Chair of the Hearing Committee to be relevant to the issues;

(b) introduce exhibits or otherwise present evidence determined by the Chair of the Hearing Committee to be relevant to the issues;

(c) submit written reports, including but not limited to expert reports or any findings of the Plan committee(s) that investigated the Practitioner in question. Any expert report submitted on behalf of the Plan shall be authored by an independent medical expert who does not serve on the Hearing Committee;

(d) request that a record of the hearing be made by use of a State-certified court reporter. Each party shall bear his/her or its own costs to purchase a transcript; and

(e) submit a written statement to the Hearing Committee at the close of the hearing.

If the Practitioner does not testify on his/her own behalf, he/she may be called and examined by the Hearing Committee.

### 1.6.4 Witness Fees

Each party shall bear his/her own fees, costs, and expenses including attorney's fees with respect to witnesses testifying or other evidence submitted on his/her behalf.

#### 1.6.5 Procedure and Evidence

The hearing need not be conducted according to the rules of law relating to the examination of witnesses or presentation of evidence. Any relevant matter upon which a responsible person might customarily rely in the conduct of serious affairs may be considered regardless of the admissibility of such evidence in a court of law. The Chair of the Hearing Committee shall make all determinations regarding the admissibility of evidence. The Chair of the Hearing Committee shall be required to order that oral evidence be taken on oath or affirmation. Any written statement submitted by a party at the close of a hearing shall become part of the hearing record. The Chair of the Hearing Committee may set time limitations for the presentation of evidence and may exclude or limit evidence that is repetitive or cumulative.

#### 1.6.6 Burden of Proof

The Practitioner has the burden of proving by a preponderance of the evidence that the proposed Professional Review Action or Summary Suspension lacks any reasonable basis or that the conclusions drawn therefrom are arbitrary and capricious.

#### 1.6.7 Hearing Officer

The Chair of the Hearing Committee shall preside over the hearing to determine the order of procedure during the hearing, to ensure that all participants in the hearing have a reasonable opportunity to present relevant oral and documentary evidence, and to maintain decorum.

#### 1.6.8 Representation

(a) The Practitioner shall be entitled to be accompanied by and represented at the hearing by a representative or an attorney of his/her choice.

(b) The Hearing Committee and Plan also may have their respective attorneys present in person or telephonically during the hearing. The Practitioner or one or all Members of the Hearing Committee or the Chair of the Hearing Committee or his/her designees may, if they deem it necessary, consult with their attorney during the hearing.

#### 1.6.9 Deliberations, Recesses, and Adjournment

The Hearing Committee may, without prior notice, recess the hearing and reconvene the same 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 and submission of any written statements, including receipt of any new or additional evidence or consultation requested by the Hearing Committee, the hearing shall be closed. The Hearing Committee shall, at a time convenient to itself, conduct its deliberations outside the presence of the Practitioner for whom the hearing was convened and any representatives or witnesses of the Practitioner. The Hearing Committee's deliberations may be in person or by conference call.

## 1.7 Written Report

Within five (5) business days after final adjournment of the hearing, the Hearing Committee or its designee shall make a written report and recommendation (the "Report") including a statement of the basis for the recommendation and shall forward the same together with the hearing record and all other documentation, to the Vice President Quality Management or his/her designee. The Report shall include the effective date of the recommendation with respect to the proposed Professional Review Action or Summary Suspension. The Practitioner will be notified in writing in the event the Hearing Committee requires additional time to issue the Report.

### 1.7.1 Action on Hearing Committee Report

Within five (5) business days after receipt of the Report, the Vice President Quality Management or his/her designee shall send a written decision to the Practitioner and/or to his/her representative at the hearing, if any, by certified mail, return receipt requested. Based on a totality of the information presented at the hearing, including documentary and testimonial evidence, and the written recommendation of the Hearing Committee, the Plan may uphold the initial determination or Summary Suspension, reverse the initial determination, reinstate the Practitioner, impose terms or conditions for maintaining participation with the Plan, and/or take any other action deemed appropriate.

### 1.7.2 Effect of the Hearing Committee Report

The determination of the Hearing Committee shall be final, binding, and unreviewable.

### 1.7.3 Professional Review Action Report

If a Professional Review Action is deemed final, or if a Practitioner voluntarily relinquishes participation in the Plan or if a Practitioner waives a hearing in exchange for the Plan foregoing an investigation and/or peer review committee action, such actions shall be reported to all appropriate agencies, boards, or other entities in accordance with applicable law/regulation.

## 1.8 Procedural Modifications

In the event of a circumstance that arises that is beyond the Plan's control including, but not limited to a pandemic, flood or tornado, that make performance of the procedural requirements in Section 1.5, **Composition of the Hearing Committee**, Section 1.6.1, **Committee Presence**, or Section 1.6.2, **Practitioner Presence** inadvisable, commercially impracticable, illegal, or impossible, the Plan shall provide advance notice to Practitioner and the Hearing Committee of such procedural changes that are warranted under the circumstances.