

Administration of Complaints, Grievances and Appeals						
Policy #	Policy Recommendations	Current State	Barriers	Required Change/ Recommended Action	Due Date	Status
3.1	An <u>independent statewide infrastructure</u> should be established by MDHHS to facilitate resolution of complaints (grievances, appeals and rights issues) that are not resolved to a complainant’s satisfaction after a single attempt through a plan or local service agency (if the plan has delegated this function). Use of the new statewide process should be facilitated by a request from a complainant. The <u>new process should use independent clinical consultation</u> (termed “external medical review”) when warranted by the nature of a complaint, and it should employ optional, non-binding mediation as an alternative dispute resolution method. <u>The new state entity shall provide (if desired by a complainant) qualified representation at no cost to beneficiaries.</u> These representatives will serve as impartial advocates through the process, including any State Medicaid Fair Hearings for individuals.	MDHHS maintains appeals, grievance and rights process consistent with Federal guidelines and state law. The use of Administrative Law Judges for Medicaid Fair hearings is intended to afford a level of independence and objective review.	Funding Compliance with Federal managed care rules	MDHHS is not able to move forward with this recommendation without significant investments of state funds: establishing a separate infrastructure for the resolution of complaints including external medical review, alternative dispute resolution, and no-cost legal representation would require substantial investments of state general funds.	NA	Not Planned
3.2	<u>Administrative Law Judges</u> who hear cases in the Michigan Administrative Hearing System (MAHS) should be required to seek and consider external clinical review findings (independent of MDHHS, the complainant, and the involved service provider and payer) prior to rendering a decision or order. Other than the state Fair Hearing process (conducted through MAHS), all other individual complaints not resolved to a complainant’s satisfaction by a single attempt through a plan or local service agency should be directed to the new state complaint resolution entity if so requested by the individual.					
3.3	MDHHS, in concert with stakeholders, should <u>develop an operational plan for the implementing the previous two recommendations...</u>					
3.4	MDHHS, in concert with stakeholders, should take a <u>proactive role in ensuring PIHP and MHP compliance with new federal regulations</u> related to adverse benefit determinations and grievances within these plans...	MDHHS supports planning to address regulations regarding adverse benefit selection.		MDHHS will develop contract requirements and technical guidance to assure system compliance with federal regulations regarding adverse benefit determinations (include specific tasks, assigned responsibility and target timeline). Update: The implementation of this recommendation will be completed pending CMS review of contract amendments and related documents.	NA	Complete