



## **PARTICIPANT GRIEVANCE AND APPEALS PROCESS**

All of us at St. Paul's PACE share responsibility for your care and your satisfaction with the services you receive. Our grievance procedure is designed to enable you or your representative to express any concerns or dissatisfaction you have so that we can address them in a timely and efficient manner. Our appeal procedure is designed to enable you or your representative to appeal any decision about our failure to approve, furnish, arrange for or continue what you believe are covered services or to pay for services that you believe we are required to pay.

The information in this Chapter describes our grievance and appeals processes. You will receive written information of the grievance and appeals processes when you enroll and annually after that. At any time you wish to file a grievance or an appeal, we are available to assist you. If you do not speak English, a bilingual staff member or translation services will be available to assist you.

You will not be discriminated against because a grievance or appeal has been filed. St. Paul's PACE will continue to provide you with all the required services during the grievance or appeals process. The confidentiality of your grievance or appeal will be maintained throughout the grievance or appeal process and information pertaining to your grievance or appeal will only be released to authorized individuals.

### **GRIEVANCE PROCESS**

**Grievance definition:** A grievance is defined as a complaint, either written or oral, expressing dissatisfaction with the services provided or the quality of participant care. A grievance may include, but is not limited to:

- The quality of services a PACE participant receives in the home, at the PACE Center or in an inpatient stay (hospital, rehabilitative

facility, skilled nursing facility, intermediate care facility or residential care facility);

- Waiting times on the phone, in the waiting or exam room;
- Behavior of any of the care providers or program staff;
- Adequacy of center facilities;
- Quality of the food provided;
- Transportation services; and
- A violation of a participant's rights

## **Filing of Grievances**

The information below describes the grievance process for you or your representative to follow should you or your representative wish to file a grievance.

1. You can verbally discuss your grievance either in person or by telephone with PACE program staff of the center you attend. The staff person will make sure that you are provided with written information on the grievance process and that your grievance is documented on the Grievance Report form. You will need to provide complete information of your grievance so the appropriate staff person can help to resolve your grievance in a timely and efficient manner. If you wish to submit your grievance in writing, please send your written grievance to:

### St. Paul's PACE Quality Assurance Department

111 Elm Street  
San Diego, CA 92101

You may also contact your Center Director at:

**Reasner Center, Downtown San Diego:** (619) 677-3800

Fax : (619) 677-3888

**Akaloa Center, Chula Vista:** (619) 271-7100

Fax: (619) 781 - 8040

**East Center, El Cajon:** (619) 551-7400

Fax: (619) 369-8824

TTY 1-800-735-2922

Your Center Director will provide you with written information on the grievance process and provide assistance in filing a grievance.

2. The staff member who receives your grievance will help you document your grievance (if your grievance is not already documented). The Quality Assurance department will coordinate the investigation and action. All information related to your grievance will be held in strict confidence.
3. You will be sent a written acknowledgement of receipt of your grievance within five (5) business days of receipt or signature date. Investigation of your grievance will begin immediately to find solutions and take appropriate action.
4. The St. Paul's PACE staff will make every attempt to resolve your grievance within thirty (30) calendar days of receipt of your grievance or signature date. If you are not satisfied with that resolution, you and/or your representative have the right to pursue further action.
5. In the event resolution is not reached within thirty (30) calendar days, you or your representative will be notified in writing of the status and estimated completion date of the grievance solution.

### **Expedited Review of Grievances**

If you feel your grievance involves a serious or imminent threat to your health, including, but not limited to potential loss of life, limb or major bodily function, severe pain or violation of your participant rights, we will expedite the review process to a decision within 72 hours of receiving your written grievance and request for expedition. In this case, you will be immediately informed by telephone of: (a) the receipt of your request for expedited review, and (b) your right to notify the Department of Social Services of your grievance through the State hearing process.

### **Resolution of Grievances**

Upon St. Paul's PACE completion of the investigation and reaching a final resolution of your grievance, you will receive written notification describing

the reason for your grievance, a summary of actions taken to resolve your grievance, and options to pursue if you are not satisfied with the resolution of your grievance.

## Grievance Review Options

If after completing the grievance process or after participating in the process for at least thirty (30) calendar days, you or your representative is still dissatisfied, you or your representative may pursue the options described below. *Note:* If you feel that waiting thirty (30) calendar days represents a serious health threat, you and/or your representative need not complete the entire grievance process nor wait thirty (30) calendar days to pursue the options described below.

If you are covered by Medi-Cal only or by Medi-Cal and Medicare, you are entitled to pursue your grievance with the DHCS, by contacting or writing to:

Ombudsman Unit  
Medi-Cal Managed Care Division  
Department of Health Care Services  
P.O. Box 997413, Mail Station 4412  
Sacramento, CA 95899-7413  
Telephone: 1-888-452-8609  
TTY: 1-800-735-2922

**State Hearing Process:** At any time during the grievance process, you may also request a State hearing from the California Department of Social Services by contacting or writing to:

California Department of Social Services  
State Hearing Division  
P.O. Box 944243, Mail Station 19-37  
Sacramento, CA 94244-2430  
Telephone: 1-800-952-5253  
Fax: (916) 229-4410  
TTY: 1-800-952-8349

If you want a State hearing, you must ask for it within 90 days from the date of receiving the letter for resolved grievance. You or your representative may speak at the State hearing or have someone else speak on your behalf, including a relative, friend or an attorney.

You may also be able to get free legal assistance for health related services by contacting the Consumer Center for Health Education and Advocacy at 1-877-734-3258. Legal Aid Society of San Diego, Inc. is also available to low income individuals for a variety of legal disputes such as landlord/tenant disputes disability support and consumer, family disputes. The telephone number is 1-877-534-2524.

## **APPEALS PROCESS**

**Appeals definition:** An appeal is a participant's action taken with respect to the PACE organization's decision not to cover, or not to pay for a service, including denials, reductions or termination of services.

When St. Paul's PACE decides not to cover or pay for a service you want, you may take action to change our decision. The action you take, whether verbally or in writing, is called an **appeal**. You have the right to appeal any decision about our failure to approve, furnish, arrange for or continue what you believe are covered services or to pay for services that you believe we are required to pay.

You will receive written information on the appeals process when you enroll and annually after that. You will also receive this information and necessary appeals forms whenever St. Paul's PACE denies, defers or modifies a request for a service or request for payment.

**Standard and Expedited Appeals Processes:** There are two types of appeals processes: standard and expedited. Both of these processes are described below.

**Standard Appeal:** If you request a standard appeal, your appeal must be filed within thirty (30) business days of when your request for service or payment of service was denied, deferred or modified. This is the date which appears on the Notice of Action for Service Request letter. (The 30-day limit may be extended for good cause.) We will respond to your appeal as quickly as your health requires, but no later than thirty (30) calendar days after we receive your appeal.

**Expedited Appeal:** If you believe that your life, health or ability to get well is in danger without the service you want, you or any treating physician

may ask for an expedited appeal. If the treating physician asks for an expedited appeal for you, or supports you in asking for one, we will automatically make a decision on your appeal as promptly as your health requires, but no later than seventy-two (72) hours after we receive your request for an appeal. We may extend this time frame up to fourteen (14) days if you ask for an extension or if we justify to the Department of Health Care Services the need for more information and how the delay benefits you.

If you ask for an **expedited appeal** without support from a treating physician, we will decide if your health condition requires us to make a decision on an expedited basis. If we decide to deny you an **expedited appeal**, we will let you know within seventy-two (72) hours. If this happens, your appeal will be considered a standard appeal.

Note: For St. Paul's PACE participants St. Paul's PACE will continue to provide the disputed service(s) if you choose to continue receiving the service(s) until the appeals process is completed. If our initial decision to NOT cover or reduce services is upheld, you may be financially responsible for the payment of disputed service(s) provided during the appeals process.

**The information below describes the appeals process for you or your representative to follow should you or your representative wish to file an appeal:**

1. If you or your representative has requested a service or payment for a service and St. Paul's PACE denies, defers or modifies the request, you may appeal the decision. A written "*Notice of Action of Service Request*" (NOA) will be provided to you and/or your representative which will explain the reason for the denial, deferral or modification of your service request or request for payment.
2. You can make your appeal either verbally, in person, by telephone, or in writing to St. Paul's PACE staff at the center you attend. The staff person will make sure that you are provided with written information on the appeals process, and that your appeal is documented on the appropriate form. You will need to provide complete information of your appeal so the appropriate staff person can help to resolve your appeal in a timely and efficient manner. You or your representative may present or submit relevant facts and/or evidence for review,

either in person or in writing to us at the address listed below. If more information is needed, you will be contacted by a member of the Quality Assurance Department who will assist you in obtaining the missing information.

3. If you wish to make your appeal by telephone, you may contact a member of the Quality Assurance Department Monday-Friday, 8:00 am to 4:30 pm, to request an appeal form and/or to receive assistance in filing an appeal.

**Reasner Center, Downtown San Diego:** (619) 677-3800

Fax : (619) 677-3888

**Akaloa Center, Chula Vista:** (619) 271-7100

Fax: (619) 781 - 8040

**East Center, El Cajon:** (619) 551-7400

Fax: (619) 369-8824

TTY 1-800-735-2922

If you wish to submit your appeal in writing, please ask a staff person for an appeal form. Please send your written appeal to:

St. Paul's PACE Quality Assurance Department,

111 Elm Street,

San Diego, CA 92101

You will be sent a written acknowledgement of receipt of your appeal within five (5) working days for a standard appeal. For an expedited appeal, we will notify you or your representative within one (1) business day by telephone or in person that the request for an expedited appeal has been received.

4. The reconsideration of the St. Paul's PACE decision will be made by a person(s) not involved in the initial decision-making process. We will insure that this person(s) is both impartial and appropriately credentialed to make a decision regarding the necessity of the services you requested.
5. Upon St. Paul's PACE completion of the review of your appeal, you or your representative will be notified in writing of the decision on your appeal. As necessary and depending on the outcome of the decision,

St. Paul's PACE will inform you and/or your representative of other appeal rights you may have if the decision is not in your favor. Please refer to the information described in the following pages.

## **The Decision on Your Appeal:**

**If we decide fully in your favor** on a **standard appeal** for a request for service, we are required to provide or arrange for services as quickly as your health condition requires, but no later than thirty (30) calendar days from when we received your request for an appeal. If we decide fully in your favor on a request for payment, we are required to make the requested payment within sixty (60) calendar days after receiving your request for an appeal.

**If we do not decide fully in your favor** on a **standard appeal** or if we fail to provide you with a decision within thirty (30) calendar days, you have the right to pursue an external appeal through either Medicare or Medi-Cal (see Additional Appeal Rights, on the following page). We are required to notify you as soon as we make a decision and also the federal Centers for Medicare and Medicaid Services and the Long-Term Care Division, DHCS. We will inform you in writing of your external appeal rights under the Medicare or Medi-Cal Program, or both. We will help you choose which to pursue if both are applicable. We also will send your appeal to the appropriate external program for review.

**If we decide fully in your favor** on an **expedited appeal**, we are required to obtain the service or provide you the service as quickly as your health condition requires, but no later than seventy-two (72) hours after we received your request for an appeal.

**If we do not decide fully in your favor** on an **expedited appeal** or fail to notify you within seventy-two (72) hours, you have the right to pursue an external appeal process under either Medicare or Medicaid (see Additional Appeal Rights on the following page). We are required to notify you as soon as we make a decision that is not fully in your favor and also to notify the Centers for Medicare and Medicaid Services and the Long-Term Care Division, DHCS. We will let you know in writing of your external appeal rights through the Medicare or Medi-Cal Program, or both. We will help you choose which to pursue if both are applicable. We also will send your appeal to the appropriate external program for review.

In the event of an untimely decision by IDT for a service request, PACE will process an automatic appeal. You will receive a Notice of Automatic Appeal

letter in lieu of the Notice of Action of Service Request letter. No further action is needed by you. The automatic appeal will be processed as standard or expedited for the service request based on the same definition used for all other appeals.

### **Additional Appeal Rights under Medi-Cal and Medicare**

If we do not decide in your favor on your appeal or fail to provide you a decision within the required timeframe, you have additional appeal rights. Your request to file an external appeal can be made either verbally or in writing. The next level of appeal involves a new and impartial review of your appeal request through either Medicare or Medi-Cal.

**Medicare** contracts with an independent review organization to provide an external review on appeals involving PACE programs. This review organization is completely independent of our PACE organization.

**Medi-Cal** conducts their next level of appeal through the State hearing process. If you are enrolled in Medi-Cal, you can appeal if St. Paul's PACE wants to reduce or stop a service you are receiving. Until you receive a final decision, you may choose to continue to receive the disputed service. However, you may have to pay for the service(s) if the decision is not in your favor.

If you are enrolled in both **Medicare and Medi-Cal**, we will help you choose which appeals process you should follow. We also will send your appeal on to appropriate external program for review.

If you are not sure which program you are enrolled in, ask us. The Medicare and Medi-Cal external appeal processes are described on the following page.

### **Medi-Cal External Appeals Process**

If you are enrolled in both **Medicare and Medi-Cal OR Medi-Cal only**, and choose to appeal our decision using Medi-Cal's external appeals process, we will send your appeal to the California Department of Social Services; however, at any time during the appeals process, you may request a State hearing

through:

California Department of Social Services State  
Hearings Division  
P.O. Box 944243, Mail Station 19-37  
Sacramento, CA 94244-2430  
Telephone: 1-800-952-5253  
Fax: (916) 229-4410  
TTY: 1-800-952-8349

If you choose to request a State hearing, you must ask for it within ninety (90) days from the date of receiving the Notice of Action (NOA) for Service or Payment Request from St. Paul's PACE.

You may speak at the State hearing or have someone else speak on your behalf such as someone you know, including a relative, friend, or attorney. You may also be able to get free legal assistance for health related services by contacting the Consumer Center for Health Education and Advocacy at 1-877-734-3258. Legal Aid Society of San Diego, Inc. is also available to low income individuals for a variety of legal disputes such as landlord/tenant disputes disability support and consumer, family disputes. The telephone number is 1-877-534-2524.

If the Administrative Law Judge's (ALJ) decision is in your favor of your appeal, St. Paul's PACE will follow the judge's instruction as to the timeframe for providing you with services you requested or payment for services for a standard or expedited appeal.

If the ALJ's decision is not in your favor of your appeal, for either a standard or an expedited appeal, there are further levels of appeal, and we will assist you in pursuing your appeal.

### **Medicare External Appeals Process**

If you are **enrolled in both Medicare and Medi-Cal OR Medicare only**, and choose to appeal our decision using Medicare's external appeals process, we will send your appeal to Medicare's independent review organization that will

either maintain our original decision or change our decision and rule in your favor. You may request a hearing through:

Maximus Federal Services  
PACE Appeal Project  
3750 Monroe Ave. Ste. 702  
Pittsford, NY 14534-1302  
Ph: (585) 348-3300  
Fax: (585) 425-5292

### **Expedited and Standard Appeals Process**

You can request an **expedited** external appeal if you believe your health would be jeopardized by not receiving a specific service. In an expedited external review, we will send your appeal to Medicare's independent review organization as quickly as your health requires. They must give a decision within 72 hours after they receive the appeal from us. They may ask for more time to review the appeal, but they must give their decision within fourteen (14) calendar days.

You can request a **standard** external appeal if we deny your request for non-urgent services or do not pay for a service. For a standard external appeal, you will receive a decision on your appeal no later than thirty (30) calendar days after you request the appeal.

#### **If Maximus' decision is in your favor for a standard appeal:**

If you have requested a service that you have not received, we will provide you with the service you asked for as quickly as your health condition requires;

**-OR-**

If you have requested payment for a service that you have already received, we will pay for the service within sixty (60) calendar days for either a standard or expedited appeal.

If Maximus' decision is **not** in your favor for either a standard or expedited

appeal, there are further levels of appeal, and we will assist you in pursuing your appeal.

For more information regarding the appeals process or to request forms, please contact our Quality Assurance Department at (619) 677-3800 or for hearing impaired, TTY 1 (800) 735-2922 during PACE business hours: 8:00am to 4:30 pm, Monday-Friday.