

**MHO Contracts Workgroup
2008 Contract Issues Tracker**

Interpretation questions requiring clarification:

#1 – Conflicting language re Grievance and actionable items (Jay Harris, ABHA)

Exhibit L states:

Grievance means an oral or written communication, submitted by an OHP Member or an OHP Member Representative, which addresses issues with any aspect of the Contractor's or Provider's operations, activities, or behavior that pertains to 1) the availability, delivery, or Quality of Care, including Utilization review decisions, that are believed to be adverse by the OHP Member; or 2) the denial, reduction, or limitation of Covered Services under this Agreement.

This seems clear that a grievance includes any “actionable” item.

Exhibit N states:

A Grievance procedure applies only to those situations in which the OHP Member or OHP Member's Representative expresses concern or dissatisfaction about any matter other than an “Action”.

As per 42 CFR, 438.408. This seems clear that a grievance cannot be an “actionable” item.

#29 – Member ability to file grievances with AMH concerning non-compliance with advance directives seems to conflict with Grievance System requirements (Charmaine Kinney, Verity)

Exhibit B Section III 1.f(3) states:

The ability to file grievances with AMH concerning non-compliance with advance directive requirements.

Does this mean they should go directly to the state before the MHO or it just states the ability to. I think it is confusing when consumers are told they must go through the process in a certain way EXCEPT... . The exceptions always make the process more confusing for all. Can you clarify?

#30 – Inconsistency in length of time required to retain grievance logs (Charmaine Kinney, Verity)

Exhibit B III 3.d states:

... shall retain grievance and appeal logs for 7 years.

Exhibit N.7 states:

... shall retain documentation of grievance and appeals for the term of the OHP demonstration project plus two years.

#31 – Ability of the member to participate in the appeal process (Seth Bernstein, ABHA)

Contract states (specific citation not referenced):

Contractor shall provide the OHP Member or OHP Member Representative an opportunity to present evidence for an Appeal in person as well as in writing. Contractor must inform the OHP Member of the limited time available in the case of an expedited process.

I believe we satisfy the intent of this requirement and make it easiest for members to participate in an appeal by having an ABHA staff member talk directly to the member in his/her home county to “gather evidence” rather than require that the member come all the way to Corvallis to meet with our Appeals Committee to present evidence. We can also provide members with an opportunity to give evidence by video if that makes it easy for them. My point is, I don’t believe that “in person” needs to mean “at the site where the Appeals Committee meets”. Do you agree?