

## **ENCLOSURE 4**

### **Provider Appeals Process**

1. Following a county's contract protest procedure, a provider may appeal to DHCS if it believes that the county erroneously rejected the provider's solicitation for a contract.
2. A provider may appeal to DHCS, following an unsuccessful contract protest, if the provider meets all objective qualifications and it has reason to believe the county has an inadequate network of providers to meet member need and the provider can demonstrate it is capable of providing high quality services under current rates, and:
  - A. It can demonstrate arbitrary or inappropriate county fiscal limitations; or
  - B. It can demonstrate that the contract was denied for reasons unrelated to the quality of the provider or network adequacy.
3. DHCS does not have the authority to enforce State or Federal equal employment opportunity laws through this appeal process. If a provider believes that a county's decision not to contract violated Federal or State equal employment opportunity laws, that provider should file a complaint with the appropriate government agency.
4. A provider shall have 30 calendar days from the conclusion of the county protest period to submit an appeal to the DHCS. Untimely appeals will not be considered. The provider shall serve a copy of its appeal documentation on the county. The appeal documentation, together with a proof of service, may be served by certified mail, facsimile, or personal delivery.
5. The provider shall include the following documentation to DHCS for consideration of an appeal:
  - A. County's solicitation document.
  - B. County's response to the county's solicitation document.
  - C. County's written decision not to contract.
  - D. Documentation submitted for purposes of the county protest.
  - E. Decision from county protest; and
  - F. Evidence supporting the basis of appeal.
6. The county shall have 10 working days from the date set forth on the provider's proof of service to submit its written response with supporting documentation to DHCS. In its response, the County must include the following documentation:
  - A. the qualification and selection procedures set forth in its solicitation documents.
  - B. the most current data pertaining to the number of providers within the county, the capacity of those providers, and the number of members served in the county, including any anticipated change in need and the rationale for the change; and

- C. the basis for asserting that the appealing Provider should not have been awarded a contract based upon the County's solicitation procedures. The county shall serve a copy of its response, together with a proof of service, to the provider by certified mail, facsimile, or personal delivery.