

APPROVED: _____
Executive Director

Medical Director

CREATION DATE:
EFFECTIVE DATE: 04/13/05
SUPERSEDES: _____
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PAGE 1 OF 3

APPEALS PROCESS

I. **AUTHORITY**

Division 2.5, California Health and Safety Code, sections 1797.220 and 1798; Title 22, California Code of Regulations, Division 9, Chapter 4, section 100144

II. **DEFINITIONS**

- A. **Investigative Review Panel** or **IRP** is a panel appointed and convened by the EMS Agency for the purpose of resolving disputes. The IRP evaluates evidence presented by an Appealing Party and the EMS Agency. An IRP consists of at least three (3) persons knowledgeable in the health care system.
- B. **Appealing Party** means any individual or agency which has received notice of denial, suspension, or revocation of certification, accreditation, authorization, or designation from Mountain-Valley EMS Agency.
- C. **Regional Advisory Committee Administrative Subcommittee** means a majority of the Regional Advisory Committee (RAC) Administrative Subcommittee as defined in policy #121.00.

III. **PURPOSE**

To establish a process to appeal a decision of denial, suspension, or revocation of certification, accreditation, authorization, or designation by the EMS Agency and to ensure due process.

IV. **POLICY**

An Appealing Party whose certification, accreditation, authorization, or designation has been denied, suspended, or revoked by the EMS Agency may formally request an IRP. An Appealing Party may request a review of the results of the IRP process by the Administrative Subcommittee of RAC.

V. PROCEDURE

A. First Appeal

1. Should an Appealing Party's status with the Agency be denied, suspended or revoked, the Appealing Party may request that an IRP be convened. The request must be in writing and received by the Agency within fifteen (15) calendar days from the date that the Appealing Party received written notification of that action.
2. The Agency shall convene an IRP within twenty-one (21) calendar days from the receipt of the request.
3. The Appealing Party may request that one (1) member of the IRP be mutually agreed upon by the Agency and the Appealing Party. No Agency or Appealing Party's agency staff member, nor anyone who was directly involved in any incident which was included in the investigation that brought about the action, may be a member of the IRP.
4. The IRP shall hear all of the facts in the case and provide their findings and recommendations in writing to the Agency within ten (10) calendar days following the completion of the IRP. The Agency shall provide clerical support to the IRP.
5. Neither the Agency nor the Appealing Party may discuss the facts of the case with any IRP member prior to the IRP hearing.
6. Upon receipt of the written findings and recommendation of the IRP, the Agency Medical Director shall make a decision regarding the action taken. The Agency shall notify the Appealing Party of the IRP's findings and recommendation, the Agency's decision, and the reason for this decision, within fifteen (15) calendar days following the receipt of the IRP's report.

B. Second Appeal

1. The Appealing Party may request, in writing within fifteen (15) calendar days of notification of the Agency's decision following the IRP, that their case be reviewed by the Administrative Subcommittee of the Regional Advisory Committee within 30 days. Upon request of the Appealing Party, the Administrative Subcommittee of RAC shall solely determine whether due process and fairness standards were followed during the IRP to ensure that there was no infringement of the rights of the Appealing Party. . At the request of either the Agency or the Appealing Party, any person serving on the Administrative Subcommittee of RAC, who may have a conflict of interest in ruling on due process, may be removed from ruling on the case by the Chair of RAC.
2. Within ten (10) days of reviewing the process, the Administrative Subcommittee of RAC shall issue its written finding and recommendations to the Agency.
3. Upon receipt of the written finding and recommendation of the Administrative Subcommittee of RAC, the Agency Medical Director shall make a final decision regarding the action taken. The Agency shall notify the Appealing Party of the Agency Medical Director's final decision within fifteen (15) calendar days

following the receipt of the Administrative Subcommittee's finding.

4. Notwithstanding the appeals process described above, the Agency's initial action shall remain in effect pending a final decision